

IN THE MATTER OF

The Private Security Personnel and
Private Investigators Act 2010

AND

IN THE MATTER OF

A complaint made under s 74 of the
Private Security Personnel and Private
Investigators Act 2010

AGAINST

REGINALD BIDDLE

HEARD by telephone on 30 September 2020

ATTENDANCES

R Biddle – Certificate holder
D Johnston – Investigator, CIPU

DECISION

[1] In July 2019 the Police laid a complaint against Reginald Biddle and his then employer as Mr Biddle was working as a crowd controller without the required certificate of approval (COA). I referred the Police complaint to the Complaints Investigation and Prosecution Unit (CIPU) for investigation.

[2] CIPU have completed their investigation and conclude that Mr Biddle breached the Act by working without a COA and by recruiting others to work in security knowing they did not hold the required COAs. CIPU recommended that the Licensing Authority consider cancelling Mr Biddle's COA on the basis that he is not suitable to be a certificate holder.

[3] An initial area of concern referred to in the CIPU report is an allegation that Mr Biddle assaulted his wife at Club Envy. If this story is correct it would mean that Mr Biddle provided incorrect information to support his application for a COA.

[4] Mr Biddle denies that any such assault occurred and says it was made up by Jack Fevers after a fall out between Mr Biddle, his sister and Mr Fevers. The only information about the alleged assault came from Mr Fevers and others who all say they heard about it from him. At the hearing Mr Biddle was open about his other wrong doing and I accept his evidence that no assault occurred. It is most likely that Mr Fevers spread the story to cause trouble.

[5] Mr Biddle accepts that he worked for Club Envy without holding a COA and gave incorrect information to the Police on at least two occasions on the status of his COA. Mr Biddle began working as a crowd controller at Club Envy in 2018 after being recruited by Mr Fevers who was responsible for organising the security at Club Envy at the time. Mr Biddle was given the day to day responsibility for organising the security at Club Envy after Mr Fevers left.

[6] When the Police visited the venue on 29 June 2019 Mr Biddle told them he had applied for a temporary COA. This was incorrect as he did not file his application for a temporary COA until 9 July 2019. Mr Biddle says that Mr Fevers told him to say he had applied for a COA if anyone asked.

[7] Mr Biddle was sent formal notification that his temporary COA had been declined on 23 August 2019 and he was advised that he needed to complete his training and file his record of achievement to get his COA. He filed his record of achievement on 6 December 2019 and his COA was issued on 16 December 2020.

[8] However, on 7 October 2019 when the Police visited Club Envy Mr Biddle was still working in security and he told the Police that his COA was in the post and he would be collecting it soon.

[9] Mr Biddle was also instrumental in recruiting two other security staff who he knew did not have COAs. He advised them that was OK as he would train them up even though at the time Mr Biddle did not have a COA and had not started the mandatory training.

[10] Mr Biddle accepts all of this was wrong and in breach of the Act. He however advises that he was only following the example set and advice given by Mr Fevers. Mr Biddle says that he did not realise what he did was wrong until he completed his initial training in September 2019. However even after that he continued to work without a COA and in October 2019 he again gave misleading information to the Police.

[11] Working as a security guard without the required COA is a breach of the Act and therefore amounts to misconduct. Lying to Police about the status of his COA application also amounts to misconduct. Misconduct is a discretionary ground for cancellation of a certificate.

[12] Section 81(1)(c) of the Act says that instead of cancellation I can make other orders including suspending a certificate, ordering the certificate holder to undertake further training, imposing conditions on the certificate holder, reprimanding the certificate holder or imposing a fine of up to \$2,000.

[13] In determining the appropriate penalty, I need to consider the gravity of the misconduct, the impact of any penalty and any other relevant factors in relation to Mr Biddle's competency, experience and character

[14] If all the information now available had been before me at the time Mr Biddle applied for his COA it is unlikely it would have been approved. However, all of Mr Biddle's misconduct occurred before he was granted a COA and Mr Biddle has asked that his COA not be cancelled as he has recently started working as a property guard for Allied Security which is one of the larger licence holders in New Zealand. He now accepts what he did was wrong and that he has learnt from his mistakes.

[15] I accept that Mr Biddle was following the very poor example set by Mr Fevers and the lax business practices at Club Envy when he worked without a COA and recruited others to work in security although they did not have COAs. Allied Security will provide better supervision, support and training than he received while working for Club Envy. Mr Biddle is unlikely to breach the Act again if he continues to work for a company like Allied Security.

[16] I therefore conclude that rather than cancelling Mr Biddle's COA an appropriate penalty is to place some conditions on his COA together with a fine and a reprimand.

Summary & Orders

[17] Mr Biddle is guilty of misconduct by working without a COA, recruiting two others to work without COAs and lying to the police about his COA status. I therefore order:

- a) Mr Biddle is formally reprimanded
- b) Mr Biddle is fined \$300.00
- c) The following conditions are placed on Mr Biddle's certificate of approval:
 - Mr Biddle is not to work in a security role for Club Envy or any other club, pub or similar venue that does not hold a security licence for a period of two years.
 - For a period of two years from the date of this order Mr Biddle can only work in security for an established licence holder.
 - For a period of one year from the date of this order Mr Biddle must work under the supervision of an experienced certificate of approval or individual licence holder.
 - Mr Biddle must undertake refresher or advanced security training before his current COA expires if he wants it to be renewed.

DATED at Wellington this 5th day of October 2020


P A McConnell
Private Security Personnel Licensing Authority

