

IN THE MATTER OF

Complaints made under s 73 of the
Private Security Personnel and Private
Investigators Act 2010 against
CLINTON HERBERT

DECISION

[1] In April 2020 I referred two complaints that Clinton Herbert had been working as a security consultant and security technician while his licence was suspended to the Complaints, Investigation and Prosecution Unit (CIPU) for investigation.

[2] CIPU have completed their investigation. They conclude that it is possible that Mr Herbert worked in roles that required him to have a licence or COA while his license was suspended. However, there is no clear evidence to support this other than Mr Herbert's admission that he assisted with some work for health and safety in quarries.

[3] If this work had been for Worksafe Mr Herbert was not required to have a valid licence as people engaged by government departments are exempt from needing to be licenced. I also note that the issue of whether people undertaking or assisting with health and safety investigations are required to hold a security licence has only recently been resolved.

[4] Based on the findings in the report I conclude that there is insufficient evidence to establish Mr Herbert has breached the Act by working in roles that required him to have a security licence while his licence was suspended. The complaints are accordingly dismissed.

[5] During their investigation CIPU were advised that Mr Clinton has been involved in some questionable business practices. These included getting money paid up front and not delivering, as well as misrepresenting the terms of lease arrangements for security equipment. I agree that this type of behaviour could amount to misconduct.

[6] However, all such incidents occurred several years ago and before Mr Herbert's licence was suspended after a similar complaint was established. The suspension given to Mr Herbert was the maximum period allowed under the Act. It is therefore unlikely that any additional penalty could be imposed even if further acts of misconduct were proved.

[7] I therefore do not consider it is appropriate to proceed with a disciplinary hearing against Mr Clinton in respect to events that took place several years ago. The complaints are accordingly closed.

[7] However, if Mr Herbert wishes to renew his licence when it expires in January 2023, he will need to provide the following for his application to be successful:

- Confirmation that concerns raised in the investigation report are historic. This could include providing references from current or recent clients; and
- Evidence that he has paid the money still owing to Queen Elizabeth College which he agreed to pay at the last disciplinary hearing.

DATED at Wellington this 7th day of November 2022



P A McConnell

Private Security Personnel Licensing Authority