

IN THE MATTER OF Complaint by the Police against
EWAN HUGH ROBERTSON under
s 74 of the Private Security
Personnel and Private Investigators
Act 2010

DECISION

- [1] Ewan Hugh Robertson holds a Certificate of Approval (COA) that is currently valid until 25 June 2026 in the classes of property guard, crowd controller and personal security guard.
- [2] Damian Black, Mr Robertson's previous employer at Allied Security has laid a complaint against him on the basis that he is guilty of unsatisfactory conduct, misconduct or gross negligence. Pursuant to section 83 of the Act, a finding that a certificate holder has been guilty of misconduct or gross negligence in the course of carrying out the work to which the certificate relates, is a discretionary ground for the cancellation of their certificate. Mr Black says that whilst employed as a guard, Mr Robertson has removed a pair of shoes from an employee's locker and taken them. When confronted, he has admitted this and returned the shoes.
- [3] Given the seriousness of this incident, an audio-visual hearing was held to hear from Mr Black and Mr Robertson. Mr Black remains concerned that even though Mr Robertson admitted fault in this instance, there may be other incidents they are as yet unaware of. He has lost trust in Mr Robertson and believes he should no longer be eligible to hold a COA.
- [4] Mr Robertson is remorseful of this event and is unaware of his motivation. He is clear that he has never done anything similar previously and will not do so again in the future. His submission is that this was out of character. He says he would have undertaken a course addressed towards the offending however was unaware of where to access one. He is currently doing community work and has not worked in security since the event despite his COA not being suspended.
- [5] Section 4 of the Act outlines misconduct as conduct that a reasonable person would consider to be disgraceful, wilful, or reckless. I am satisfied that theft during employment is misconduct and as such uphold the complaint and formally reprimand Mr Robertson for his actions.
- [6] However, having considered all the information available to me, I consider that despite this incident, Mr Robertson is still of suitable character to hold a COA. In

coming to this conclusion, I have taken into account that he has been upfront and honest throughout this process. He immediately accepted fault and returned the shoes. No other complaints have been made about his integrity as a security worker. The matter was not progressed through the Police and the offending was minor.

- [7] In such a situation I would have considered suspending Mr Robertson's COA. However, given his employment was terminated in October as a result of this complaint and he has not worked in security for the intervening month, I consider that he has already effectively served a term of suspension.
- [8] I also consider that Mr Robertson has been adequately penalised for his behaviour. He has lost his job and this decision will be publicised, therefore is publicly searchable by any future employer.
- [9] Accordingly, whilst the complaint is approved, Mr Robertson may keep his COA however is formally reprimanded. Further, Mr Robertson's COA is now to be subject to the following conditions:
- [i] Should there be any further instances of dishonesty in Mr Robertson's work in security, it is likely that his COA will be cancelled.
 - [ii] Should Mr Robertson come to the negative attention of Police they may apply to immediately suspend his COA.
- [10] A copy of the decision will be sent to both parties and will be published on the Licensing Authority's website.

DATED at Wellington this 24th day of November 2022



K A Lash

Deputy Private Security Personnel Licensing Authority