

IN THE MATTER OF

A complaint made under 73 & 74 of the Private Security Personnel and Private Investigators Act 2010

AGAINST

DUBBLE H SECURITY LIMITED & LOUISE CREELMAN

HEARD virtually on 17 January 2023

APPEARANCES

A Kumar CIPU Investigator
L Creelman - No appearance

DECISION

[1] In 2022 we received a complaint that Louise Creelman has been carrying on a security business under the name of Dubble H Security without holding the appropriate licence. Ms Creelman holds a certificate of approval (COA) but has never applied for an individual licence.

[2] At the time the complaint was filed Dubble H Security was a trading name only. However, it registered as a company on 22 September 2022. Ms Creelman accepts she has never applied for or held an individual security licence. She also accepts that Dubble H Security Limited has not applied for a company licence.

[3] The issues I need to decide are whether Ms Creelman and Dubble H Security Limited are carrying on business as crowd controllers without a licence and whether they are guilty of misconduct by trading without a licence. If so, what disciplinary action should be taken against them?

Background & Investigation

[4] In January 2022 I accepted a complaint from a member of the public that Ms Creelman was running a security business without a licence. I referred the complaint to the Complaints Investigation and Prosecution Unit (CIPU) for investigation and report.

[5] The investigation concluded that Ms Creelman has been carrying on a security business as a crowd controller and trading as Dubble H Security without holding the appropriate licence. It also established that Ms Creelman had engaged at least two people to work in security who did not hold the required COAs.

[6] On 1 August 2022 Mr Kumar, the CIPU investigator gave Ms Creelman a verbal warning that that she needed to remedy the above breaches of the Act and cease trading until she did so. This was followed up by an email. Ms Creelman responded that she understood and gave an undertaking that she would seek legal advice and take steps to remedy the breach.

[7] Since then, Ms Creelman has registered Dubble H Security as a company. Ms Creelman is the sole director of Dubble H Security Limited and she and her partner Peter

Holmes are the shareholders. However, Dubble H Security has not applied for a company licence and Ms Creelman still only holds a certificate of approval.

[8] Although neither Double H Security nor Ms Creelman hold security licences, they have continued to provide security guards to several bars and licensed premises in the Te Awamutu area.

[9] Ms Creelman was sent a copy of CIPU's report together with the notice of hearing and directions of how the hearing would proceed what she needed to do leading up to the hearing. While Ms Creelman advised she could only attend the hearing by audio link, she did not attend the hearing.

Is Ms Creelman guilty of misconduct?

[10] CIPU's investigation establishes that Ms Creelman runs a business as a crowd controller either as a sole trader or more recently through her company Dubble H Security without holding a security licence. She has continued to do so even after been warned not to. To date neither she nor Dubble H Security have filed an application for a licence. This is a clear breach of s 23 of the Act.

[11] In addition, Ms Creelman has engaged at least two people to work as crowd controllers knowing that they did not hold the appropriate certificates of approval. This is in contravention of s 45(2) of the Act.

[12] Misconduct is defined in s 4 of the Act as being conduct that "a reasonable person would consider to be disgraceful, wilful or reckless or conduct that contravenes this Act or any regulations made under this Act". As Ms Creelman has breached the Act, she is guilty of misconduct.

[13] I also consider a reasonable person would consider her conduct to be disgraceful, wilful, or reckless in that she has continued to contravene the Act after being given a warning not to, and by not remedying the breaches when she said she said she would.

[14] Misconduct is a discretionary ground for cancellation of a certificate or licence. Section 78(1)(c) of the Act says that instead of cancellation I can make other orders including suspending a licence or certificate.

[15] As Dubble H Security does not hold a licence I have no jurisdiction to take any disciplinary action against it other than sending the complaint against it back to CIPU for investigation and possible prosecution. As there is evidence that Dubble H Security continues to commit an offence under the Act by providing restricted security services without a licence, I consider this is appropriate.

[16] Given the continuing breaches of the Act I also consider it appropriate to refer the complaint against Ms Creelman back to CIPU for further investigation and possible prosecution.

[17] As Ms Creelman is guilty of misconduct, and her misconduct is ongoing, I am satisfied that she is no longer suitable to be a certificate holder. I also note that Ms Creelman has continued to wrongly use her COA as justification for running a security business. I

therefore conclude it is appropriate to suspend Ms Creelman's certificate of approval pending the completion of the further investigation and any future prosecution.

Summary & Orders

[18] Ms Creelman is guilty of misconduct by carrying on a business as a crowd controller both as an individual and through her company Dubble H Security Limited without holding a security licence. She is also guilty of misconduct by engaging people to work as crowd controllers without the required certificates.

[19] As Ms Creelman's breaches of the Act are ongoing and no steps have been taken to remedy them, I refer the complaint back to CIPU for further investigation. I ask CIPU to investigate whether Ms Creelman and Dubble H Security have continued to provide security services without a licence and continued to engage people to work as crowd controllers who do not have a certificate of approval. If so, I ask CIPU to decide whether prosecution action against Ms Creelman and Dubble H Security Limited is appropriate.

[20] As Ms Creelman is guilty of misconduct and continues to contravene the Act by operating a security business without a licence, I make the following order:

- Ms Creelman's certificate of approval is suspended effective from Tuesday 24 January 2023 until the completion of CIPU's further investigation.

DATED at Wellington this 20th day January 2023



P A McConnell

Private Security Personnel Licensing Authority