

IN THE MATTER OF

Complaint by **KELLY SINTES** against
THE WAREHOUSE made under s 73
Of the Private Security Personnel and
Private Investigators Act 2010 (the
Act)

DECISION

[1] Kelly Sintes is wanting to file a complaint against the Warehouse Rangiora and its security guards. He says the Warehouse is providing security services and does not hold a security licence. In addition, he says security workers at the Warehouse are in breach of the Act as they do not have current certificates of approval. Mr Sines also has concerns about the way he was treated by security staff.

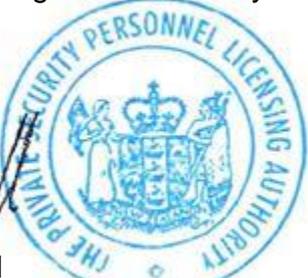
[2] Section 73(2) of the Act states that a member of the public, such as Mr Sintes, may only file a complaint against a licence or certificate holder with the leave of the Authority. Section 73(3) provides that I should only grant leave if I am satisfied that Mr Sintes has an interest, greater than that of the public generally, in the subject matter of the complaint, and that the complaint is made in good faith. Section 73(4) of the Act sets out the grounds upon which a complaint against a licence holder can be made.

[3] While I can understand Mr Sintes concerns there is no basis on which the complaint can proceed. Even if it is employing security workers the Warehouse is not required to hold a licence as it does not fit within the definition of a property guard in s 9 of the Act. This definition only covers people or companies carrying on business of guarding property other than premises owned or occupied by them. If the Warehouse security workers are only guarding or working as loss prevention officers on premises that the Warehouse owns or occupies it is not required to have a licence.

[4] It then follows that any security workers employed by the Warehouse as property guards or loss prevention officers are not required to hold a certificate of approval. Section 17 of the Act sets out the definition of a property guard employee and only includes people employed or engaged by a property guard. There is no information to suggest the security workers employed by the Warehouse are providing security services to any other premises than those occupied by the Warehouse. As the Warehouse is not a property guard its security workers do not fit within the definition of property guard employees and are therefore not required to hold a certificate.

[5] As there is no basis on which the complaint can proceed Mr Sintes is refused leave to file the complaint and the complaint is dismissed.

DATED at Wellington this 29th day of September 2021



P A McConnell

Private Security Personnel Licensing Authority