

[2023] NZPSPLA 015

**IN THE MATTER OF**

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

**AGAINST**

**UNNAMED SECURITY GUARDS**

**DECISION**

[1] In March 2023 Timothy Sickler made a complaint against security guards working at Fat Eddies on 25 February 2023. Mr Sickler says that a security guard put his arm around his throat as the was trying to stop another customer from falling over after being shoved by two security guards.

[2] I sent a copy of the complaint to the licence holder who I was advised employed the security guards in question. They have provided details of the security guards employed at Fat Eddies that night together with an incident report completed by the Team Leader following the incident.

[3] The licence holder advises that the complainant was denied access to the venue as he was assessed as heavily intoxicated. They consider his recollection of events would have been impaired by the level of his intoxication.

[4] The licence holder also says the complainant refused to leave the area after being denied access and was argumentative. The complainant later physically grabbed a security guard from behind assaulting him after the guard attempted to restrain someone who was being aggressive towards another security guard.

[5] The complainant was put into a seatbelt hold (arm under armpit and other arm across the chest) in accordance with good practice. They say that witnesses and the CCTV footage does not support the complainant's version of events or the allegation that a security guard put an arm around his throat. The licence holder does not consider there is any basis to proceed with a complaint against any of the security guards involved.

[6] The licence holder's response was sent to Mr Sickler who was given the opportunity to respond and provide further information in support of his compliant. He has not provided any further information.

[7] After reviewing all the information provided, I conclude there are no grounds for a complaint to proceed against any of the security guards working at Fat Eddies on 25 February 2023. Leave to file the complaint is therefore declined and the complaint is dismissed.

**DATED** at Wellington this 14<sup>th</sup> day April of 2023



P A McConnell

**Private Security Personnel Licensing Authority**