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ABSTRACT

Some of the challenges facing the security service providers in South Africa have been met with policy measures to try to address it. For example, the Private Security Industry Regulation Authority (PSIRA) introduced the Private Security Industry Regulatory Amendment Bill to amend the PSIR Act to address the issues stemming from the changes and growth of the industry. In addition, enforcement of the law and the prosecution of non-compliance within the industry has been in existence as a proactive measure to punish those security service providers who deliberately evade the statutory requirements. It still remains a concern for the researcher that with the effort put by PSIRA to enforce the statutory obligations across security service providers, minimal to none inspections are conducted in drinking establishments. Enforcement and inspection in the drinking establishments where security service providers are visible is important to ensure the behaviour and conduct is within the standards of the PSIR Act. This study investigates the effort put by PSIRA to enforce and ensure compliance of private securities in drinking establishments in KwaZulu Natal (KZN). By employing the qualitative research approach to the study, the study found that PSIRA is not efficient in monitoring and overseeing compliance of private securities in drinking establishments in KZN.

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Classification: LCC Code: JZ5588

Language: English



Great Britain
Journals Press

LJP Copyright ID: 573358

Print ISSN: 2515-5786

Online ISSN: 2515-5792

London Journal of Research in Humanities and Social Sciences

Volume 23 | Issue 23 | Compilation 1.0



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Some of the challenges facing the security service providers in South Africa have been met with policy measures to try to address it. For example, the Private Security Industry Regulation Authority (PSIRA) introduced the Private Security Industry Regulatory Amendment Bill to amend the PSIR Act to address the issues stemming from the changes and growth of the industry. In addition, enforcement of the law and the prosecution of non-compliance within the industry has been in existence as a proactive measure to punish those security service providers who deliberately evade the statutory requirements. It still remains a concern for the researcher that with the effort put by PSIRA to enforce the statutory obligations across security service providers, minimal to none inspections are conducted in drinking establishments. Enforcement and inspection in the drinking establishments where security service providers are visible is important to ensure the behaviour and conduct is within the standards of the PSIR Act. This study investigates the effort put by PSIRA to enforce and ensure compliance of private securities in drinking establishments in KwaZulu Natal (KZN). By employing the qualitative research approach to the study, the study found that PSIRA is not efficient in monitoring and overseeing compliance of private securities in drinking establishments in KZN.

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I. INTRODUCTION

The problem of illegitimate private security officers operating in drinking establishments is a global phenomenon (Faull, 2013). Non-compliance of bouncers (Please note that this research will use the words bouncers and private security officers/personnel interchangeably) in drinking establishments is less studied in South Africa (Mbhele, 2017). In South Africa, force that is lethally, deadly and excessively used is associated with South African Police Service (SAPS), however, private security officers are also guilty of exercising such activities (Scheider & Minnar 2015). Violence and aggression are most common in drinking establishments and can be due to a number of reasons. Multiple factors contribute to the aggression in drinking establishments, including competence of bouncers, the characteristics of the patron, the effect of alcohol and the characteristic of the environment in which the establishment is located (Graham, Bernards, Osgood & Wells, 2006). Since areas such as nightclubs, shebeens, taverns and bars primarily focus on selling alcohol, it is important to note Faull (2013) as he stated that World Health Organisation (WHO) reports show a link between alcohol consumption and violence.

The Deputy Minister of Police Ms.Makhotso Maggie Sotyú once stated that the Private Security Industry Regulation Authority (PSIRA) is not effective in monitoring the work of bouncers who are mostly armed, engage in violent and aggressive acts in most of the establishment of their posts (Sotyú, 2016). She further emphasised that the private security industry is not monitored and PSIRA needs to bite harder and fight against

non-compliance (Soty, 2016). For instance, Private Security Industry Regulation Act (PSIRA ACT) 51 of 2001 states that private security industry is not to employ security officers who are not qualified for the post (PSIRA, 2002). Schneider and Minnaar (2015) further states that the need to train private securities is of paramount importance. The training should include management of adrenal response to be able to perform rationally and effectively under extreme threat and attack situation.

Regulation in the private security industry is paramount. Compliance is dependent on the efforts put on enforcement and regulation. Less attention is paid to private security institutions regarding matters of legal requirements and regulations, even though they have obtained jurisdiction over large tracts of urban space (Shearing, 2006). In South Africa, the private security sectors are governed by PSIRA, a statutory agency. PSIRA is a body that issues license and regulates training.

The security industry has grown exponentially in South Africa (Theletsane, 2015). This is most likely due to a factor that South Africa is highly affected by crime in all areas of the country. Businesses and economy have been negatively affected by high levels of crime. In 2014, there were approximately 487 058 registered private security officers in South Africa (Theletsane, 2015). This indicates that South Africa is among countries with highest number of security service providers. This industry experiences a growth rate of 30% per annum since the 1970s with an estimate of 25 000 to 30 000 security officers that are newly trained and qualified entering the system annually (Theletsane, 2015). In the 2017/2018 financial year, a total number of registered and active security officers increased from 498 435 to 516 287 (Theletsane, 2015). It is without a doubt that with such high number of security service providers, efficient regulation of the industry is required and important. According to the PSIRA report of 2017/2018, it indicates that 40 692 compliance inspections were conducted in the 2017/2018 financial year across the country (Theletsane, 2015). Shearing (2006) stresses about the lack of proper and formal monitoring

oversight body. This statement supports that of the former deputy minister of police, Maggie Soty, whom stated in 2016 that PSIRA is not doing enough to ensure compliance from bouncers in drinking establishments (Soty, 2016).

II. LITERATURE REVIEW

PSIRA as the regulator of private securities (Enforcement and compliance departments)

PSIRA is a statutory body that regulates private security industries in South Africa. PSIRA is a licensing body and a training regulatory body. Private Security Industry Regulation Act (No.56 of 2001) states the main functions of PSIRA. The primary objective is to effectively regulate the private security industry (Schneider, 2013). PSIRA is responsible for exercising effective control over security service providers in the public and national interest. To achieve its purpose subject to the Act to promote a private security industry that is legitimate, by legitimate meaning there are a set of principles provided that compel industries to comply to. It is also regarded that private security service providers provide service that is in the best interest of the public and the nation as a whole. The question that this point adds is whether bouncers, act in the interest of their employers/nightclubs or in the interest of the patrons and the constitution? The answer to this question will or might affect how bouncers interact with patrons. Moreover, PSIRA seeks to promote a private security industry which is characterised by professionalism, transparency, accountability, equity and accessibility. This is the space that this research will seek to fully explore the views of patrons. PSIRA also ensures that the process of registration of security service providers is transparent, fair, and objective and conducted timeously; Promotes high standards in the training of security service providers and prospective security service providers According to PSIRA, bouncers are compelled to attend training as private securities. But it is a matter of question as to have bouncers actually ever attended training, which this research answers.

As Braithwaite (2002) has noted it is within the government's ability to regulate the standards of private security providers. It is important to be able to understand the lying factors behind the reasons bouncers resort to violence when a patron misbehaves in nightclubs. Understanding the root causes mean intervention strategies can be implemented to prevent or eradicate violent incidences in nightclubs. According to Kole (2009), all private security service providers should know about PSIRA and should be aware of the rules and regulations presented by the PSIRA Act, No. 56 of 2001 which is supposed to guide and monitor the activities of private security service providers.

2.1 Regulating the Private Security Industry

Schneider (2013) utilised a model of regulatory of classification in the private security industry to apply it to a specific sub-sectors of the private security industry. Each Industry can be considered regulated by basically identifying two key components an industry should possess using this approach. These two key components are training regulatory structure and a regulatory/licensing authority. A training regulatory structure sets standards and ensures that private securities receive proper, effective training, while regulatory/licensing authority makes sure that security firms and security officers comply with best practices and legal frameworks (Schneider, 2013).

According to Schneider (2013), regulatory options are divided into three categories, and each category has a criterion that defines it. First, a '*regulated*' private security industry comprises of minimum competency standards that are accepted, supervision and regulation by an oversight body, the industry must re-register and also re-train their security staff to demonstrate competency with the regulatory body within a given period. For example, once every three years. Second, '*partially regulated*' industries are those that are not enforced by the licensing or regulatory body. Most South African industries that provide service specifically in nightclubs fall under partially regulated due to lack of enforcement and monitoring as it is not effectively

applied by relevant parties (Schneider, 2013). Third, a '*non-regulated*' private security industry meaning the industry has training and industry standards that are not observed by the industry players. The licensing or regulatory bodies are virtually absent. The South African nightclubs also fall under this categorization.

2.2 The Norm of Non-Compliance in Drinking Establishments

Demant (2013) defines a nightclub as a space for enjoyment and excitement where alcohol and music are the primary tools to achieve these feelings of joy and excitement. According to Talbot (2006), historically, nightlife has been perceived as a social problem. In South Africa, drinking establishments are a problem that is characterised by violence. South Africa over the past couple of years have faced numerous deaths of young and old patrons in drinking establishments. For example, at the Enyobeni Tavern, in the Eastern Cape, it was reported that 21 young died while the youngest being 13 years old. Another incident occurred in Sweetwaters, Pietermaritzburg where two men stormed into the tavern and opened fire which shot 12 patrons (News24, 2022). Governments rely on controlling licensing, policing and the management of supply. Most cities in South Africa have seen a steady rise in nightlife venues that open almost all hours of each day. Social fears concerning the rise of these nightlife venues have also increased. According to Hobbs, O'Brien and Westmarland (2007), the massive growth in the night-time economy should make a need for the state to provide with appropriate and adequate public policing, to gain commercial social control. Talbot (2006) further states that night-time economy in the cities is associated with problems such as noise, nuisance, drugs and violence, gun crime, and in addition to these problems, he also pointed out violent door culture, which is elucidated by bouncers and which is the focus of this research.

Hadfield (2008) notes that, the process of negotiations and re-negotiations of mandates, preferences, and desires that relate to private securities indicate that state-centred ideas of security governance are not influential. Measham

(2004); Binnie and Skeggs (2004) cited in (Hobbs et al. 2007) indicating that the growth of the night time economies has led to enormous changes that are based on consumption patterns. They further express that young women attend the nightclubs in numbers. Consequently, women aged between 16-24 years consume more than the required weekly limit. Hobbs et al. (2007) states that binge drinking among young British women has doubled when comparing the 18th century and the 20th century. Such uncontrollable increase in youth engagement in the nightlife economies has called for innovative ideas and strategies to control the nighttime environments. Hence the need for more female bouncers was perceived as a better solution (Hobbs et al. 2007).

Moreover, according to Hobbs, Hadfield, Lister & Winlow (2002), the anticipated growth of the night-time economy resulted in the increase of new range of services like youth pubs, dance bars and super-clubs providing entertainment during the long trading hours while selling alcohol and marketing as its objectives. Such activities continue even to date, with a new significance of illicit drugs also provided in some drinking venues due to the night-time economy is less regulated by the government. Hadfield, Lister & Traynor (2009) further state that the setting of the nightclubs and other drinking establishments are characterised by varying rules of social behaviours, with aggressive sexuality, alcohol intoxication, illicit drug use and loud and abusive behaviour are all forms of acts that are against the law. These acts and developments have placed massive pressure on public police resources, and forcefully raised the need for private security due to new criminal opportunities created (Hobbs et al. 2002).

2.3 The Role of Bouncers in Drinking Establishments

The use of “*bouncers*” in nightclubs has caused a number of concerns from the members of the public, especially patrons of nightclubs who are mostly exposed to the work of bouncers. Schneider and Minnaar (2015) write that in South Africa, force that is lethally, deadly and excessively used is associated with South African

Police Service (SAPS). However, private security officers are also guilty of exercising such force in the discharge of their duties. As Winlow (2001) has noted that bouncers are masculine men who are large boned. Winlow, Hobbs, Lister and Hadfield (2001) have stated that it is perceived by individuals that qualified characteristics of bouncers are to have a hyper-masculine persona: which is displayed by their body language and the way they dress. However, this is not the reason they have drawn attention. The reason is the nature in which they conduct their duties which incorporate the likelihood of violence. Bouncers are hired in terms of the capability to manage violence and physically intimidate with appearance (Winlow, 2001). Such occupational culture has seen the deaths and injuries of a number of individuals. Though, some go unreported due to a number of factors such as unwillingness of SAPS to provide assistance. The SAPS in most cases is uninformed about the legitimate codes of conduct of bouncers and simply because this issue does not lead to a lot of deaths.

According to Schneider and Minnaar (2015), unlike the overlooked incidents by media of private securities resorting to force, the public perception of SAPS being driven to the use of force has been largely shaped by media reporting such as the killing of Andries Tatane in 2011 and the Marikana shooting which ended lives of many miners in 2012. However, there are few cases which have been reported by the media about patrons being assaulted by bouncers. For example, ENCA (2015) reported a death of a young man, Shane Boruchowitz, who was stabbed by a bouncer at Ty’s nightclub in Pretoria, South Africa. Another incident was reported in the Mail & Guardian newspaper (2013) when a bouncer posted a video on YouTube of himself punching young boys who were in the toilet at the nightclub when they were caught by this alleged bouncer smoking drugs. Extreme and unnecessary use of force incidents within the private security sector have and do continue to exist.

Internationally in Nisour Square in Baghdad, Iraq, there was a highly publicized case of use of force by private security officer which occurred on

16 September 2007. An officer employed by Blackwater International Security Company killed 17 people. This controversial incident led to a ruling by Paul Bremmer, a then appointed American Proconsul in Iraq, that private security officers are enabled liable be charged for violence perpetrated in the act of carrying out their duties in Iraq (Schneider and Minnaar, 2015). This incident demonstrated the less anticipated consequences of use of force by private security officers, which is death of civilians. It also highlights that use of force in most cases is justifiable but also has complications. Such issues are worsened in societies where security legislation and guidelines are not in place or not enforced. Combining such shortfalls and high threat environment may lead to problematic issues around the use of force (Schneider & Minnaar, 2015).

Furthermore, according to The Mercury (2004) cited in (Tomkins, 2005), a high profile cricketer David Hookes died after sustaining head injuries when he was punched by a bouncer at the Beaconsfield Hotel in the Melbourne suburb of St Kilda. The bouncer involved was later reported to be charged with manslaughter. The same bouncer that was involved in an altercation with David Hookes was revealed to have other assault charges pending against him from other incidents. The highly publicized death of David Hookes brought public attention to a diverse range of problems associated with security work in licensed venues (The Australian, 2001 cited in Tomkins, 2005). This incident further raised questions about how security guards perceive their work and whether they receive adequate training to deal with circumstances of violence in the night-time economy (Tomkins, 2005).

Schneider and Minnaar (2015) highlighted that globally the extension of specialized training that focuses specifically on use of force principles and tactics for private security officers has been zero to minimal. An example of this can be made on the *UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*. This UN settlement is an international document that defines the context of use of force by law enforcement officers. It defines situations in

which law enforcers are eligible to use force or to use firearms. Schneider and Minnaar (2015) further emphasize that the key aspect of implementing the UN convention and its standards is governments' responsibilities and commitments to ensuring that its policing agencies comply with these standards of use of force and firearms. According to the UN principles, law enforcement officials may only use firearms when other means of achieving peace are insufficient or ineffective. Firearms may be used after a verbal warning has been given to the perpetrator. It may also be used to prevent death or serious injuries (United Nation, 1990).

In utilizing force or firearms, private security or law enforcement officials must respect and preserve human life. But, also while in simultaneous situation preventing or minimizing damage and injury to the targeted victim including innocent bystanders. Moreover, Principal 4 of the UN document emphasizes that law enforcement officials should, as far as possible, apply non-violent tactics before resorting to the use of force or make use of firearms. Principal 7 emphasizes the point of having governments that shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law (UN, 1990). As the UN principles imply proper correct and adequate training to be provided relating to general policing activities and handling of weapons, Schneider and Minnaar (2015) raises a question of what level of practical firearms handling is adequate for police training programmes. The use of force activities by private security officers, Montreux Document (2008) is specifically an important international conventions and protocols supported by the International Code of Conduct for Private Security Service Providers (Schneider & Minnaar, 2015). The Montreux document was developed as a result of the Nisour Square incident over the use of force. It was initiated by the Swiss government in collaboration with the International Committee of the Red Cross (ICRC). Governmental experts from Afghanistan, Angola, Australia, Austria, Canada, China, France, Germany, Iraq, Poland, Sierra Leon, South Africa, Sweden, Switzerland,

the United Kingdom of Great Britain and Northern Ireland, Ukraine and the United States of America participated.

As Braithwaite (2000) has noted that it is within the government's ability to regulate the standards of these private security providers. As Schneider and Minnaar (2015) noted that the private security industry has role players ranging from individual officers to regulators whose responsibility is to enforce legislative compliance. In this study, Private Security Industry Regulatory Authority (PSIRA) will be examined as a regulator to identify how it discharging its functions in regulating and monitoring the private security service providers in nightclubs. According to Kole (2009), every legitimate private security service provider should be aware of Private Security Industry Regulation Act and of the codes of conducts presented under this Act. There have been some perceived inadequacies with PSIRA in terms of monitoring and regulating the private security sector. Former Deputy Minister of Police, Ms Maggie Sotyru concurred when she stated that she will anticipate the PSIRA council to sort out non-compliance in the bouncing industry and further pay attention to the forgotten issue of bouncers who are mostly armed in their posts. In 2008, former President Thabo Mbeki stated in his State of the Nation Address that the private security service providers were necessary at that stage of South African history, because of the need to consolidate the mechanisms that were created to sustain a democratic equitable society (Berg, 2008). It is important to be able to understand the nature of the relationship between bouncers and patrons and investigate how it leads to violence and aggression. Understanding the root causes mean intervention strategies can be implemented to prevent such issues to occur in future.

III. METHODOLOGY

The researcher applied the qualitative research method to gain a deeper understanding of the roles and operations of PSIRA in terms of ensuring compliance and enforcement in drinking establishments. Non-probability, purposive sampling technique was used to recruit two

PSIRA staff members from the compliance and enforcement departments respectively. Semi-structured, face-to-face interviews were conducted with the two PSIRA staff members. To analyse data, the researcher engaged in thematic analysis. In complying with the principles of thematic analysis, the researchers engaged in the following steps; Familiarizing with the data, generating initial codes, searching themes, reviewing potential themes, defining and naming themes, and lastly, producing the report.

IV. FINDINGS

Section 23(1)(c) of the PSIR Act states that security officers must be trained for the positions that they hold. It is not clear where private security officers that works as bouncers, employed by smaller companies are adequately trained and whether they have proper and sufficient resources to perform their roles satisfactory (Theletsane, 2015). Relevant training and grade courses need to be completed by private securities depending on job descriptions. For instance, grade E and D should be completed by a private security officer that performs access control and search goods or vehicles. In addition, a special event course should be completed by security officers who serve at events (Mbhele, Mphatheni, Mlamla & Singh, 2020). It is highly likely for bouncers to engage in violence because of inadequate training and limited arrest powers, as they are fewer recourse options (Mbhele et al 2020).

PSIRA enforcement officer also confirmed that training and qualification accumulation is a major challenge in the bouncing industry. Below was the response from the enforcement officer:

“One, most of the bouncers are not trained. Secondly as they are not trained, they are not registered as security service providers, which automatically suggests that most of them are operating illegally; hence I have just highlighted that they are neither trained nor registered as security service providers in terms of the PSIR Act. Another challenge is that most of them are foreign nationals, the PSIR Act does not allow foreign nationals to be registered as security

service providers, some of them do not have legal citizenship.”

Private Security Industry Regulatory Authority (PSIRA) was established in terms of Chapter 2 of the PSIR Act. Section 3 of the PSIR Act states that “the primary objects of the Authority are to regulate the private security industry and to exercise effective control over the practice of the occupation of security service provider in the public and national interest and the interest of the private security industry itself.” This means that PSIRA needs to continuously monitor compliance of the private security industry to ensure that they act in terms of the principles contained in the constitution, PSIR Act and other applicable law. However, the study found that PSIRA fails to efficiently monitor the work of bouncers. The government is also aware of this shortcoming as the former Deputy Minister of Police, Ms. Makhotso Maggie Sotyru stated in 2016 that PSIRA is not effective enough as it should be and it must bite harder against non-compliance (BUDGET VOTE SPEECH, 2016).

PSIRA staff members, the enforcement officer and compliance officer were asked on some of the reasons PSIRA fails to efficiently oversee the conduct of bouncers. The enforcement officer responded by saying:

“It has been a while since we last visited bouncer to oversee their conduct and compliance, maybe five years ago. Because before inspectors would make means to work at night but working at night is a challenge because you must make sure that security is tight and we need full cooperation from SAPS or the metro police. So, it needs a lot of stakeholders and role-players for the operation directed for bouncers. Because another challenge we face is that they are aggressive in nature, so if you don’t have enough manpower it is not easy to deal with them. Most of them are well built so if you are slim, they can be very disrespectful. We need manpower to deal with them.” He further alluded that:

“We have had operations at night and last time it came to a point where this issue was raised in the meeting. This issue goes a long way it’s not only a

matter at PSIRA only. We need to work together with the police to make sure that this matter is sorted out. Another challenge that we have are with policing areas, we can negotiate with a station at Durban central, they will only cover their area, they will not go outside their jurisdiction like Berea.”

PSIRA compliance officer when asked about their role of overseeing that bouncers comply with the code and conduct set by PSIRA, he responded that:

“Look at the end of the day, all these bouncers they are registered to a bouncer’s association. They are registered to a bouncer’s association, then the bouncer’s association police the bouncers themselves. They make sure that the people that are being placed at the different venues are registered and trained and act in a professional manner. What we do, we haven’t done it in for a long time, we did at one stage, we were going around at night, like of instance on Florida road, we went to all the clubs at Florida Road. And we actually picked up quite a few of the bouncers that were not registered and we laid criminal charges against. And I had a meeting with the bouncer’s association and they fixed the problem. They basically made an undertaking to say they will ensure that the bouncers they utilise are registered and trained accordingly and act in a professional manner. So, the challenge we have is we do not work at night. We work from, basically from 7h30 to 16h00. We had to get consent from the head office, to work at night, to do this, to perform this specific function of checking on bouncers. Then we arrange to work with the SAPS. Because these bouncers are very aggressive, so if they are not registered or trained they fight against you, if they are registered and trained they work with you. So, we take the police with us. This is a backup, so when we interview the people, and there’s any conflict or violence the police step in and do their job and we do our job. And if people are not registered we arrest them we detain them at the police station and we lay criminal charges against them. But yeah, so this is basically what we have been doing with the bouncers. It is not an easy thing to police, because these bouncers they do not work at one specific club. If it’s a busy

night, they can put one bouncer at this pub, and one bouncer at that pub. But they are all in communication with each other. So, if there's a problem at one hotel, these other guys they move across to that hotel and they assist with that problem. So, they don't work at a specific place. So, tonight you can check the guys registered, but tomorrow night the other guys work there, and another night another guy is working there. So, you can't go back to do research to make sure that they continuously employ registered and trained people. So, it's not an easy thing to police."

The researcher noticed that staff at PSIRA only refer to oversight that occurred in Durban only. The researcher became interested in why such initiatives never occurred in other areas. The compliance officer responded by saying:

"We have this office here and we work the whole of KwaZulu Natal (KZN). It is challenging but you must understand it's very costly to have this office here. You can't just have an office in Pietermaritzburg, Ladysmith, Newcastle, it's too expensive. It's too expensive to maintain it. Even now we've been trying for three year to put a branch in Empangeni and it's only now that it's coming to finality where they going get that branch up and running. But it has taken a long time. And we have got to employ the staff and everything. But we just need the premises now, the lease agreement and whatever, and get the office sorted out in terms of operational conditions. We did an oversight operation once in did Margate and we found a lot of problems there. And another operation was here in Florida Road. Oversight of bouncer in KZN is inefficient."

V. RECOMMENDATIONS AND CONCLUSION

Recommendations for the Private Security Industry Regulatory Authority (PSIRA)

5.1 Expand to Other Regions in KwaZulu Natal and the Country

The private security industry in South Africa is one of the largest and fastest growing industries in the world. The private security industry in South

Africa is larger than the South African Police Service. It is difficult to understand why there are not enough branches established to support the increasing number of private security companies and officers. PSIRA should expand to other regions in KwaZulu Natal and also across the country. Expanding will ensure that the high demand of regulation, enforcement and compliance are met. Currently in KZN, it was reported that PSIRA only exist in Durban. This makes it really complicated for PSIRA to regulate the private security industry, especially in drinking establishments, where there is a high number of non-compliance.

5.2 Strengthening Compliance and Enforcement Oversight

It is key for PSIRA to hold oversight to enforce the law and ensure compliance. However, as stated above, this cannot be possible until PSIRA expand until they reach the capacity to carry these enforcement and compliance oversight. Oversight will ensure that the security industry is well regulated, especially in the drinking establishments where regulation is lacking. It is the responsibility of the compliance department to ensure that the security industry in the drinking establishments is aware of the rules and takes necessary steps to comply with the rules and regulations governing the occupation of the bouncers. The enforcement department deals with security service providers who evade compliance with the purpose to try and enforce them to complying with the law. This department is paramount because they inspect, if non-compliance is found, investigation occurs and a criminal charge will be applied. This action can enforce bouncers and drinking establishments to comply. These principles are not currently applied in the security industry in drinking establishments, however, strengthening compliance and enforcement with ensure that bouncers are well regulated and comply with the law.

Enforcing the regulatory and legislative frameworks can also create better opportunities for bouncers in terms of salaries and other employment benefits. In the study i conducted in

nightclubs in Durban, bouncers that were interviewed mentioned that they were paid way less than expected and further receive no benefits such as health insurance etc. This is largely due to no training certificate and not being registered as a private security personnel, and also for not being employed by registered private security companies. Enforcing the PSIR Act will encourage untrained and unregistered bouncers to attend training college so that they can register with PSIRA. This will in turn provide them with better opportunities in terms of salaries and employment benefits.

The bouncing industry is notorious for violence and other criminal activities. The Cape Town nightclub security wars that occurred in the recent years is a perfect example of this, where security companies were battling to gain control in numerous nightclubs in Cape Town in order to sell drugs and engage in other illegal activities. In 2012, a popular company that operated in a majority of nightclubs in Cape Town was reported by PSIRA to be operating illegally because it was not licensed. This seems to be a trend in this space. The industry lacks credibility and this can be attributed back to the lack of enforcement and oversight.

5.3 Conduct More Research on Bouncers

PSIRA has a research division that conducts empirical research to gather knowledge and understanding of the private security industry in South Africa. However, no research has been conducted to look at the bouncing industry in South Africa. To fully address the security issues that arise in drinking establishments, it is important for PSIRA to conduct research looking at these matters. Research will provide a better perspective on how the bouncing industry is looking like and how to solve problems that arrive from its shortcomings.

5.4 Encourage Equality in the Private Security in Drinking Establishments

The bouncing industry is widely known as a male dominated industry. Most drinking establishments and male bouncers do not believe

that a woman can be a bouncer. This is discriminatory towards women who wish to enter the industry but are not given the opportunity and it further contravene with the Gender Equality Act. Hence, I believe enforcing key legislative frameworks in drinking establishments will close this gap. This act will provide equal opportunities for everyone who wishes to enter the field, irrespective of gender and other discriminatory factors.

5.4 Additional Recommendations for PSIRA

Provide harsher punishment for non-compliance. This will sure be a motivator for those who do not comply, to comply with the law.

Develop a suitable working relationship and agreement with the SAPS to assist with oversight and monitoring of bouncers.

Educate drinking establishments and bouncers on the rules and regulations of PSIRA, so that they are aware of the processes and procedures that are legally recognized within their space of functioning.

VI. CONCLUSION

The study found that PSIRA does the bare minimum to enforce and regulate the bouncing industry. The PSIRA staff reported that they rarely conduct oversight to check compliance and enforce regulation. This is due to incapacity from PSIRA to conduct such initiatives. PSIRA rely on assistance from the police to conduct oversight. The police provide them with man power and protection. Another challenge reported by the PSIRA staff is that bouncers work at night, and to access them, they would need to ensure they have enough support to conduct the oversight at night, considering that PSIRA only works day shifts. The inability for PSIRA staff to work at night makes it quite impossible for them to conduct these oversights.

PSIRA only has one office in KwaZulu Natal, which is based in Durban. This office represents the entire province. This is another challenge that PSIRA is facing. In Pietermaritzburg, there are no PSIRA offices. It would be a huge challenge for

PSIRA to conduct oversight in Pietermaritzburg because they would firstly have to travel from Durban to Pietermaritzburg, and further liaise with SAPS in different jurisdictions to assist with oversight in drinking establishments in different areas in Pietermaritzburg. This is also the case in different cities around KwaZulu Natal. It is quite obvious that PSIRA is understaff and resourced to efficiently regulate the bouncing industry. Hence bouncers do not comply with the law, because there is no one that is going to regulate and enforce it.

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