

LICENSING & GAMBLING ACTS SUB COMMITTEE

Minutes of a meeting of the Licensing & Gambling Acts Sub Committee of the Bolsover District Council held in Committee Room 1, The Arc, Clowne on Thursday, 20th June 2024 at 10:00 hours.

PRESENT:-

Members:-

Councillors David Bennett, Anne Clarke, Emma Stevenson, and Rita Turner.

Officers:- Louise Arnold (Legal Team Manager (Deputy Monitoring Officer)), Charmaine Terry (Environmental Health Team Manager – Licensing), Samantha Crossland (Licensing and Enforcement Officer) and Matthew Kerry (Governance and Civic Officer).

LGASC1-24/25 ELECTION OF CHAIR FOR THE MEETING

Moved by Councillor Rita Turner and seconded by Councillor Anne Clarke
RESOLVED that Councillor Emma Stevenson be elected as Chair for the meeting.

Councillor Emma Stevenson in the Chair

LGASC2-24/25 APOLOGIES FOR ABSENCE

There were no apologies for absence.

LGASC3-24/25 DECLARATIONS OF INTEREST

There were no declarations of interest made.

LGASC4-24/25 MINUTES OF A MEETING ON 7TH MARCH 2024

Moved by Councillor David Bennett and seconded by Councillor Anne Clarke
RESOLVED that the minutes of a meeting of the General Licensing Sub Committee held on 7th March 2024 be approved as a true and correct record.

LGASC5-24/25 TO CONSIDER WHETHER TO SUSPEND OR REVOKE A PERSONAL LICENCE, UNDER THE LICENSING ACT 2003, FOLLOWING A LICENCE HOLDER'S CONVICTION FOR RELEVANT OFFENCES

The Chair introduced the item and welcomed those present.

The Licence Holder confirmed that he knew the Chair, Councillor Emma Stevenson, at which point Councillor Stevenson withdrew from the Sub Committee and Councillor David Bennett, observing as a substitute member, replaced Councillor Stevenson on the Sub Committee.

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Moved by Councillor Rita Turner and seconded by Councillor David Bennett
RESOLVED that Councillor Anne Clarke be elected as Chair for the meeting.

Councillor Anne Clarke in the Chair

The Chair explained the procedure that would be followed and stated that the hearing was not a court and as such strict court rules would not apply. Any evidence given would not be given under oath, but the Chair reminded parties that providing untrue statements was a criminal offence under the Licensing Act 2003.

With all those present confirming that they had received the relevant documents, the Chair asked the Licensing Officer to present the report.

The Licensing Officer stated the Council was responsible for granting Personal Licences under the Licensing Act 2003 ('the Act'). The Act set out 4 statutory objectives, each of equal importance, that had to be addressed by the Council when discharging its functions under the legislation. Those licensing objectives were:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

In addition to the legislation, the Council had to have regard to the Revised Guidance issued under section 182 of the Act and to the Council's own Statement of Licensing Policy.

The report set out that in 2024 the Council had adopted its current Statement of Licensing Policy ('the Policy') under the Act. The report set out paragraphs 2.1 and 2.2 of the Policy, which outlined the general principles of the Policy and the Act. The report also set out paragraph 7.47 of the Policy.

The Licence Holder, Mr. Mark Wayne Marriott, had held a Personal Licence issued by Bolsover District Council under the Act since 19th July 2023. A copy of the Personal Licence was attached as Appendix 1 of the report.

On 9th November 2023, the Licensing Team had received information via local police intelligence reports that Mr. Marriott may have been involved in an assault at a licensed premises, and an investigation was ongoing. Confirmation was subsequently received from Derbyshire Constabulary on 21st March 2024, that Mr. Marriott had been found guilty of a relevant offence, namely assault by beating. A copy of the intelligence report was attached as Appendix 2 and the confirmation of conviction was attached as Appendix 3.

On 27th March 2024, the Licensing Team contacted the Magistrate's Court to confirm the outcome of the hearing; Mr. Marriot had been convicted of assault be beating. A copy of the court extract was attached as Appendix 4.

On 5th April 2024, the Licensing Team had received an email from Mr. Marriott stating he had been convicted of assault by beating. A copy of the email was attached as Appendix 5.

On 17th April 2024, in accordance with the legislation, the Licensing Team had posted a

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notice to Mr. Marriott at his home address informing him that the Council were considering whether to suspend or revoke his Personal Licence and inviting him to make representations. A copy of this notice was attached as Appendix 6.

Mr. Marriott subsequently provided his representations and two character references, which could be found attached as Appendices 7 and 9.

Council records showed Mr. Marriott had been the Designated Premises Supervisor at the George & Dragon, Cragg Lane, Newton, DE55 5TN since 7th August 2018.

Having received confirmation of the offences, the Council was now required to determine whether any action should be taken in respect of Mr. Marriott's Personal Licence.

The Chair invited all parties to ask questions of the Licensing Officer. With no questions proposed, Mr. Marriott was invited to address the Sub Committee.

Mr. Marriott stated that for the last 6 years he had been the Designated Premises Supervisor ('DPS') of the George & Dragon on Cragg Lane, Newton. Previous to this, he had worked for the Injured Party ('IP') at the establishment where they were a DPS themselves. When Mr. Marriott had first taken over the George & Dragon public house, the relationship he had with the IP had been civil. However, with more customers making use of the George & Dragon rather than the IP's establishment, the relationship had deteriorated.

Multiple phone calls to the police and the Council had been made raising 'issues' at the George & Dragon; these alarms proved false, with no issues identified. Mr. Marriott stated he believed these false alarms were raised by the IP in acts of jealousy at the subsequent success of the George & Dragon; Mr. Marriott stated the IP's establishment had closed and reopened 3-4 times in the last 6 years due to the IP's struggling business.

The IP had blamed Mr. Marriott for the smashing of windows and the crushing of the TV aerial at the IP's establishment; Mr. Marriott denied carrying out these acts. Throughout the last 6 years, Mr. Marriott stated he had never retaliated against the IP for the false alarms raised and the allegations made towards him. Mr. Marriott explained that with the success of the George & Dragon, even if inclined to act in such a way and damage the IP's establishment, he did not need to; the success of the George & Dragon was clear.

For the night of the incident, Mr. Marriott was in another establishment (where he was not a DPS) and visited the bathroom. A voice had passed close behind him and Mr. Marriott had investigated, finding the IP in one of the cubicles. Mr. Marriott stated that, after a brief disagreement, there had only been incidents of shoving, with no punches thrown. Mr. Marriott stressed that if punches had been thrown, neither he nor the IP would have held back, and both would have been badly injured.

Mr. Marriott stated the IP had lied about his injuries to the police, or had caused them himself, in an attempt for Mr. Marriott to lose his DPS licence. Recently, the IP had developed a relationship with someone who Mr. Marriott believed was a bad influence on the IP and likely why the IP was pursuing such a tactic.

Mr. Marriott reiterated he admitted shoving the IP, conceding in Court this was still assault. If a violent incident had taken place, though, Mr. Marriott insisted he would have been injured too, but his face had remained mark free that night.

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Mr. Marriott ended his time stating this incident was the culmination of 6 years of stress which had involved harassment by the IP likely raising false alarms at the George & Dragon; this had even resulted in riot police being dispatched to the premises. Mr. Marriott had apologised to the IP for the incident, admitted the situation should not have developed to the extent it had, but reiterated the IP wanted him to lose his licence and his successful business; this was all the result of the IP's jealousy.

The Licensing Team Manager asked a question about the police report, noting that it was from the IP's account and Mr. Marriott's account of what had happened was different; Mr. Marriott was asked whether he had any evidence in support of his account. Mr. Marriott answered he had seen video footage and images taken on that night, though he had no footage or photos with him to support his account that only acts of shoving had taken place.

With no other questions, the hearing was adjourned at 10:25 hours. Mr. Marriott and the Licensing Officers left the room for the Sub Committee to deliberate.

The hearing reconvened at 10:41 hours. Mr. Marriott and the Licensing Officers returned to the meeting.

The Chair invited the Legal Officer to set out the Sub Committee's decision.

The Legal Officer stated that, after taking into consideration the report of the Licensing Officer, the written representations made by Mr. Marriott, the verbal representations made at the Sub Committee, the conviction information, the Licensing Act 2003, in particular Part 6 – Personal Licences and the (revised) statutory guidance under section 182 of the Licensing Act 2003, in particular paragraphs 4.75 – 4.84, the Sub Committee had made the decision to **SUSPEND** the Personal Licence for a period of 2 months.

The decision letter would be posted to the Licence Holder. There was a right of appeal against the decision to the Magistrates Court, exercisable within 21 days of receipt of the notification.

The meeting concluded at 10:44 hours.