

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 Monday, 29th July 2024 at 10:00 hours.

PRESENT:-

Members:-

Councillors Amanda Davis, Will Fletcher and Jeanne Raspin.

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

LGASC6-24/25 ELECTION OF CHAIR FOR THE MEETING

Moved by Councillor Jeanne Raspin and seconded by Councillor Will Fletcher
RESOLVED that Councillor Amanda Davis be elected as Chair for the meeting.

Councillor Amanda Davis in the Chair

LGASC7-24/25 APOLOGIES FOR ABSENCE

There were no apologies for absence.

LGASC8-24/25 DECLARATIONS OF INTEREST

There were no declarations of interest made.

LGASC9-24/25 MINUTES

RESOLVED that the minutes of a meeting of the Licensing & Gambling Acts Sub Committee held on 20th June 2024 be approved as a true and correct record.

LGASC10-24/25 TO CONSIDER WHETHER TO SUSPEND OR REVOKE A PERSONAL LICENCE, UNDER THE LICENSING ACT 2003, FOLLOWING A LICENCE HOLDER'S CONVICTION FOR RELEVANT OFFENCES

In attendance for this item was the Licence Holder Mr. Mark Wayne Marriott and PC Andy Clay of the Derbyshire Constabulary.

The Chair introduced the item and welcomed those present.

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

LICENSING & GAMBLING ACTS SUB COMMITTEE

was a criminal offence under the Licensing Act 2003.

With all those present confirming they had received the relevant documents, the Chair invited 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 2018. 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 had contacted the Magistrate's Court to confirm the outcome of the hearing; Mr. Marriot had been convicted of assault by 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 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 - 9.

Section 128 of the Act placed a duty on Personal Licence holders to notify the Court that

LICENSING & GAMBLING ACTS SUB COMMITTEE

they held a Personal Licence. On 28th March 2024, the Court confirmed it was aware Mr. Marriott held a Personal Licence; the bench took no action. A copy of the confirmation was attached as Appendix 10.

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 required to determine whether any action would be taken in respect of Mr. Marriott's Personal Licence. On 20th June 2024, a Sub Committee convened to consider whether to suspend or revoke the Personal Licence. After consideration, the Sub Committee decided to suspend Mr. Marriott's Personal Licence for a period of two months. A copy of the decision notice was attached as Appendix 11.

Section 132A of the Act outlined the process that would be followed in the event a Personal Licence holder was convicted of any relevant offence. As the Sub Committee had decided not to revoke the Personal Licence, on 21st June 2024, in accordance with the legislation, the Licensing Team gave notice to the chief officer of Derbyshire Constabulary that the Sub Committee had decided not to revoke Mr. Marriott's Personal Licence, inviting them to make representations regarding the crime prevention objective. A copy of the notice was attached as Appendix 12.

On 2nd July 2024, the Licensing Team received a letter from Derbyshire Constabulary outlining their representations regarding the decision taken by the Sub Committee. A copy of the letter was attached as Appendix 13.

Having received representations from the chief officer of Derbyshire Constabulary, the Council was now required to reconsider Mr. Marriott's case, and the subsequent representation, and decide whether any further action would 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 he had attended the previous Sub Committee and was not sure why this Sub Committee was being held. He reiterated the negative history that had transpired between him and the Injured Party ('IP') since his taking over of the George & Dragon public house on Cragg Lane, Newton. With the success of the George & Dragon, the IP's business had subsequently failed, with Mr. Marriott stating the IP had proceeded to go after his Personal Licence and business.

False alarms had been raised numerous times, resulting in officers of the Council, the police and even riot police being called to the George & Dragon; no issues were identified on each occasion.

Mr. Marriott stated he did not know why a representative of Derbyshire Constabulary was present, as only acts of shoving between him and the IP had taken place. From CCTV evidence that the police must have, Mr. Marriott stated the IP had followed him into every establishment on the day of the incident, actively seeking the altercation.

The police and the Council were not aware of all that had transpired in the previous six years, but on the day of the incident, Mr. Marriott was in another establishment (where he

LICENSING & GAMBLING ACTS SUB COMMITTEE

was not a Designated Premises Supervisor (DPS)) and visited the bathroom. A voice had passed close behind him and Mr. Marriot 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 stated what occurred was not right and should not have happened. He hoped the positive reference letters provided by members of his local community would help prove his true character.

The Chair invited all parties to ask questions of Mr. Marriott. With no questions proposed, the representative from Derbyshire Constabulary, PC Andy Clay, was invited to address the Sub Committee.

PC Clay appreciated that he was not present for the first hearing held on 20th June 2024, but that did not change the fact Mr. Marriott had been convicted of assault by beating and the Derbyshire Constabulary believed the two month suspension previously given by the Sub Committee was not appropriate and undermined the Licensing Act 2003.

This was because Mr. Marriott was a DPS and Personal Licence holder, and the incident had taken place in another premises in North East Derbyshire, resulting in a Pub Watch ban (Mr. Marriott was not allowed entry into premises in that district).

A DPS held great responsibility, and while the incident in question was a single incident, Mr. Marriott had still lost his temper.

There was a "Walk Away" Campaign being trialled in Chesterfield, which would be extended to neighbouring districts in the future. This campaign highlighted that one single punch could kill. The incident may not have reflected Mr. Marriott's character, but he had still been convicted of assault by beating.

To a question from Mr. Marriott, PC Clay answered there was CCTV footage of Mr. Marriott throwing a punch at the IP when the IP was sat down at a table. Mr. Marriott reiterated the IP had followed him into every establishment on the day of the incident, and while he had thrown a punch it had not connected.

The Chair intervened and explained there was no need for the Sub Committee to explore the intricacies of the incident; Mr. Marriott had been convicted of assault by beating in Court.

In answer to a question from the Legal Adviser, Mr. Marriott confirmed he had pled guilty to the assault. The Legal Adviser explained Members had to understand Mr. Marriott had pleaded guilty to the offence.

Mr. Marriott added that he was standing up for his family, that he had attended the Sub Committee twice now, and that the incident had been a mistake. He had only shoved the IP, who had only laughed at him in return. Mr. Marriott stated the "Walk Away" campaign was a good thing, but reiterated he had dealt with any/all issues at the George & Dragon, and there had been nothing to report to the authorities. The IP, negatively influenced by his current partner, was the one seeking confrontation.

PC Clay stated he appreciated Mr. Marriott's version of events, as well as the character references provided to the Sub Committee, but he and Derbyshire Constabulary had to

LICENSING & GAMBLING ACTS SUB COMMITTEE

deal with the facts as they were presented.

In their closing statements, Mr. Marriott explained he had been to Court, paid the fines, had attended the first Sub Committee and the Council had delivered a two month suspension – he had been punished for his actions; PC Clay noted he had read the character references provided and could see Mr. Marriott's level of frustration on all that had transpired, but he had been convicted of assault by beating and the Council needed to respond accordingly.

The hearing was adjourned at 10:22 hours. Mr. Marriott, PC Clay, and the Licensing Officer left the room for the Sub Committee to deliberate.

The hearing reconvened at 10:59 hours. Mr. Marriott, PC Clay and the Licensing Officer returned to the meeting.

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

The Legal Officer stated that Members had considered; the Police's representation about their view of the severity of the offence and the impact on the licencing objectives, the report of the Licensing Officer, as well as the representations made by Mr. Marriott, the Sub Committee had made the decision to **REVOKE** the Personal Licence on the basis that the licensing objective, namely in respect of crime and disorder had been undermined.

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 11:00 hours.