

IN THE MATTER OF DISCIPLINARY PROCEEDINGS

BETWEEN

WORLD PROFESSIONAL BILLIARDS AND SNOOKER ASSOCIATION LIMITED

AND

JOHN SUTTON

TELEPHONE HEARING WEDNESDAY 20 MAY 2015

Present:-

Tim Ollerenshaw (Chair))	
Gordon McKay)	Independent Panel
Nicola Edwards)	
Christopher Hornby		Hearing Administrator
Louis Weston		Counsel
Nigel Mawer		WPBSA
John Sutton		In Person

Recap

1. Following a full Hearing which took place on 24 March 2015 ("the Finding Decision") to deal with allegations of Breaches of the WPBSA Members Betting Rules this is the consequent Decision of the WPBSA Disciplinary Committee on Sanction including Costs. Our Decision results from the reconvened Hearing which took place by telephone conference call (to which all parties consented) on Wednesday 20 May and after which the Panel came to its conclusion (by separate telephone conference call).
2. At risks of repetition the Finding Decision was that:-
 - "66. we also find that there have been breaches of both Rule 2.1.2.1 (fixing or contriving) and Rule 2.1.3.1 (provision of information) of the WPBSA Members Rules Section 2 Betting Rules and therefore that the WPBSA case is proven on both fronts.
 67. The consequence of this is that 1.2 of the Members Rules Section 2 – Betting Rules comes into play in relation to the applicable Sanction:-
 - "1.2 Any proven breach by a Member of the provisions of 2.1 below will result in a lifetime ban from involvement in the game of Snooker and Billiards for that Member, save in circumstances where the relevant Member can show clear and exceptional mitigation."

Accordingly and in view of the potential seriousness of any penalty (including a lifetime ban) we need to consider further detailed representations with regard to that Rule including as to:-

- 1) whether there have been any clear and exceptionally mitigating circumstances to be taken into account; and"
- 2) The appropriate Sanction in this particular case."

The Parties were accordingly asked to provide further detailed representations with regard to Rule 1.2 on those points. The Parties were also asked to address the issue of costs and who should bear them.

3. Louis Weston for the WPBSA provided Written Submissions on penalty and costs dated 13 April. John Sutton set out his position in an email dated 21 April. In that email (in which it should be noted he continued to protest his innocence, although we have indicated to him that it is not our function to address this point in this context) he made reference to previously decided high profile cases (John Higgins and Stephen Lee).

Sanction Hearing

4. Louis Weston in assisting the Committee following his written submissions document drew attention to the issue of possible coercion (referring to Paragraph 9 of the Finding Decision and highlighting the evidence of the screen print of the text message from John Sutton's wife ("Are u in concrete boots?"). The WPBSA's primary position was that a matter of this seriousness should attract a lifetime ban and that such a penalty is not in any way disproportionate in the circumstances of the case. If there was coercion, however, and against the range of penalties in the cases described in his Written Submissions, then as a matter of mitigation a range of 5 – 10 years ban may not be an unreasonable alternative to a lifetime ban; although there is no real guidance or precedent that can be adopted from the wide ranging nature of the cases referred to.
5. The Committee stressed again to John Sutton (by specific reference to the Paragraphs set out at the top of this Decision) the need for clear and exceptional mitigation and gave him a further opportunity to put this forward. He did not wish to add anything further.

Costs

6. A Costs Schedule amounting to £19,254.48 had been prepared and sent to the Parties. The Parties were asked to address the Panel in relation to costs and following on from their own previous written submissions on the costs. In Louis Weston's case these are contained in the WPBSA document dated 13 April and in short in Mr Sutton's case he simply says there is no way due to his financial circumstances that he could pay any costs at all.
7. During the Hearing Louis Weston said that in terms of what costs should be ordered Mr Sutton's financial position was irrelevant in terms of what costs should be awarded against him particularly in the context of the Membership having to bear the costs of the proceedings.
8. John Sutton gave information as to his financial position which the Committee had anticipated would not be improved and was in general terms in a fairly poor state. He said that he could not apply for work until this Case had been concluded and that he had not been working for eight months. He was struggling to pay the bills, he had been in contact with a Financial Adviser. He had taken out a Credit Union loan and the family was in receipt of food vouchers. In a nutshell the family was struggling

significantly and that it would not be until these proceedings were over that he felt he could address the issue of starting to work again as nobody would currently employ him.

9. With regard to the level of the costs, the parties accepted that the Schedule represents a fair and reasonable amount and no further comments were put in that regard.

Decision

10. After separate deliberation by members of the Panel we have come to the conclusion set out in the following paragraphs.
11. The breaches the subject of these proceedings are among the most serious that the Sport can force and unless there are good reasons they should be met with penalties of utmost severity. We do find, however, that there is clear and exceptional mitigation in this case which directs us that the right sanction should be less than a lifetime ban.
12. In addressing the issue of coercion, although John Sutton has steadfastly maintained his position that he has not been coerced or pressured in any way, we take the view that on the balance of probabilities there has been coercion and pressure. We have taken into account points made at the Hearing and at the Sanctions Hearing and also refer specifically to the text picture on John Sutton's mobile telephone, identified again in Paragraph 4 above.
13. As regards the cases referred to, we have also taken those into account. Although we are not bound by them and they are not based upon the same set of circumstances as is ever the case, we have sought to engage the seriousness of this matter taking into account the points raised above in the context of those cases and the preceding paragraph.
14. We do find that there is clear exceptional mitigation in this case. Accordingly considering all the circumstances we make the following Decision:-
 - I. As to Penalty we impose a six years ban on John Sutton such ban to be deemed as having commenced on the date of his suspension by WPBSA namely 9 February 2015; this means that the suspension will end on midnight 8 February 2021.
 - II. John Sutton should pay a contribution towards the costs of this matter limited to £5,000.

26/05/2015

Tim Ollerenshaw
Gordon McKay
Nicola Edwards