

**Licensing and Regulatory Board
4 February 2015**

Update on Appeals		
Report of: Paul Adams, Principal Licensing Officer		
This is a public report		
Ward Affected: All Wards	Key Decision: No	
Accountable Head of Service: Gavin Dennett, Head of Regulatory Services		
Accountable Director: Anne Bristow, Corporate Director of Adult and Community Services		
Summary This is an update on any appeals to the decision of the Licensing Sub Committee or Regulatory Board in relation applications made under the Licensing Act 2003 or Gambling Act 2005.		
Recommendation To note the contents of the report.		
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1. Introduction and Background

- 1.1 Under both the Licensing Act 2003 and the Gambling Act 2005, in most circumstances, all parties including the Applicant/Licence Holder, Responsible Authority and Other Person (interested party) have a right of appeal against a decision of the Licensing Authority. In most circumstances this appeal must be made to the Magistrates Court within 21 days of the written decision being given.
- 1.2 This report details any appeal received against any decision of the Licensing Sub Committee or Regulatory Board in relation applications made under the Licensing Act 2003 or Gambling Act 2005 for the period of 1 April 2014 to 31st December 2014.

2. Issues, Options and Analysis of Options

- 2.1 An appeal was received to the decision of the Licensing Regulatory Board held on the 17 June 2014, for the application to review the Premises Licence for the Fountane Restaurant, 4 Princess Parade, New Road, Dagenham, RM10 9LS.

2.2 The appeal was heard on the 17th November 2014 at Romford Magistrates Court, before three Lay Justices.

2.3 Their decision was as follows:

“In the appeal of Mr Adebambo and decision of the Licensing Sub Committee on the changes to the conditions of the license held for the Fountane Restaurant. At the commencement of the Hearing we were advised that Mr Adebambo agreed to comply with all the decisions in the decision document 3rd of July 2014 with the exception of the decision to suspend his license for three months. This is the only point of Appeal. We have read the bundle statements of Paul Adams, Mark Chapman, Police statement all the evidence is agreed and not challenged.

We have heard the submissions of the Local Authority and the evidence and submissions of Mr Adebambo. We have considered the Licensing Objectives and the Licensing Authorities full decision and policy.

We find that three months was too long in particular his willingness to comply with the other objectives. We have taken into account that Mr Adebambo has been trading since 2008 and there are only two incidences in 2014.

We find it proportionate that the licence be suspended for 28 days in order to remind him and send a message that the licence at the premises must be complied with.

The appeal is allowed in part the three months suspension reduced to 28 days and the remainder of the decision of the 3rd of July shall stand.”

2.4 An appeal was received to the decision of the Licensing Regulatory Board held on the 21 October 2014, for the application to review the Premises Licence for the Ship and Shovel Public House, Ripple Road, Barking, IG11 OSN.

2.5 This appeal is listed to be heard on the 24 March 2015 at Romford Magistrates Court, a further update will be given at the next meeting of this Committee.

2.6 There are no other appeals.

3. Consultation

3.1 There is no consultation relevant with this report.

4 Legal Comment

4.1 This report is for information only and there are no legal implications.

5. Appendices to this report:

None