

Havering Council – Decisions taken by the Licensing Sub-Committee on Wednesday, 8 January 2020

Agenda Item No	Topic	Decision
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Note: this decision list is for guidance only. The text of the minutes, which may be different, is definitive.

Part A – Items considered in public

A1	APPLICATION TO EXPEDITED REVIEW A PREMISES LICENCE - TOP MEADOW GOLF CLUB	<p align="center">Licensing Act 2003 Notice of Decision</p> <p>PREMISES</p> <p>Top Meadow Country House and Golf Club, Fen Lane, North Ockendon, Upminster RM14 3PR</p> <p>DETAILS OF APPLICATION</p> <p>Application for an expedited premises licence review was made by on behalf of the Metropolitan Police Service under section 53A of the Licensing Act 2003. The application was received by Havering's Licensing Authority at 15:36 on 12th December 2019.</p> <p>APPLICANT</p> <p>PC Adam Williams On behalf of the Commissioner of the Metropolitan Police Service Romford Police Station 19 Main Road Romford RM1 1BJ</p>
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		<p>1. Details of existing licensable activities</p> <p align="center"><u>Existing Club House</u> <u>Ground & First Floor Function Suite & Seminar Room</u></p> <p><u>Supply of Alcohol, films, indoor sporting events, live music, recorded music, performance of dance, anything of a similar description to live music, recorded music or performance of dance, provision of facilities for making music, provision of facilities for dancing, provision of facilities for anything of a similar description to making music or dancing</u></p> <p align="center">Monday to Sunday – 07:00 to 01:00</p> <p align="center"><u>Late night refreshment</u> Monday to Sunday – 23:00 to 01:00</p> <p align="center"><u>Plays</u> Monday to Sunday – 11:00 to 23:00</p> <p align="center"><u>Hotel</u> <u>Supply of alcohol, films, recorded music</u> 24 hours a day</p> <p align="center"><u>Late night refreshment</u> Monday to Sunday – 23:00 to 05:00</p>

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		<p>2. Grounds for Review</p> <p>The application for a review of the premises licence had been served under section 53A of the Licensing Act.</p> <p>The Metropolitan Police are requesting a summary review of the premises licence due to a serious crime and disorder at Top Meadow Golf Club, Fen Lane RM14 3PR on Saturday 7 Dec 2019.</p> <p>3. Requirements upon the Licensing Authority</p> <p>The application was received by Havering's Licensing Authority at 15:36 on 12 December 2019.</p> <p>The application was made under the provisions of section 53A of the Act. As such, s.53A(2)(a) that required that within 48 hours of the receipt of the application the licensing authority considers whether it was necessary to take interim steps pending the determination of the review application. The hearing of 12 December 2019 was to enable the Licensing Authority to comply with this duty.</p> <p>Section 53B (3) required that the licensing authority must consider whether to take the following interim steps:</p> <ul style="list-style-type: none"> (a) the modification of the conditions of the premises licence (b) the exclusion of the sale of alcohol by retail from the scope of the licence (c) the removal of the designated premises supervisor from the licence

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		<p>(d) the suspension of the licence</p> <p>4. Determination of Application</p> <p>Consequent upon the hearing held on 16 December 2019 the Sub-Committee decided that it is necessary to take interim steps pending the determination of the review and modified the conditions on the licence.</p> <p>At the hearing held on 8 January 2020 the Sub-Committee's decision regarding the review of the premises licence for Top Meadow Country House and Golf Club, Fen Lane, North Ockendon, Upminster RM14 3PR is set out below, for the reasons shown:</p> <p>The Sub-Committee was obliged to determine this application with a view to promoting the licensing objectives, which are:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm <p>In addition the Sub-Committee took account of its obligations under s17 of the Crime and Disorder Act 1998, and Articles 1 of the First Protocol of the Human Rights Act 1998.</p> <p>Decision to hold Proceedings in Closed Session</p> <p>The Licensing Sub-Committee made the decision to exclude the public and members of the press from the hearing.</p>

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		<p>Reasons</p> <p>A joint application was made for the proceedings to be held in closed session.</p> <p>The Licensing Sub-Committee had regard to Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 and also noted the Access to Information Procedure Rules in Part 4 of the London Borough of Havering Constitution regarding exempt information.</p> <p>In particular, the sub-committee was mindful of the possibility of a criminal trial being held regarding the incident at the premises on the 7th December 2019.</p> <p>The Sub-Committee was concerned that there should be no prejudice to the holding of a fair trial and therefore, in accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the Sub-Committee decided to exclude the public including the press from the hearing as it considered that the public interest in so doing outweighed the public interest in the hearing taking place in public.</p> <p>Full Review of the Premises Licence under Section 53C of the Licensing Act 2003</p> <p>The Licensing Sub-Committee considered the application to review a premises licence for Top Meadow Country House & Golf Club pursuant to section 53A and 53C of the Licensing Act 2003 (as amended). The Premises Licence holder is Mr Daniel Stock.</p> <p>The application was made by PC Adam Williams. The application was dated 12th December 2019 and was received by the Licensing Authority at 15:36hrs the same day. The application was accompanied by the certificate of Chief Superintendent Stephen Clayman in which he certified that in his opinion the premises are associated with serious crime.</p> <p>The Sub-Committee considered the written application and it heard oral representations from</p>

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		<p>Conner Fegan, on behalf of the Metropolitan Police and also heard from Mr David Dadds who appeared on behalf of the Top Meadow Country House and Golf Club.</p> <p>The Sub-Committee reminded itself that it must promote the Licensing objectives and have regard to the Statutory Guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. The Sub-Committee also reminded itself that, at this stage, it was only considering the full review hearing further to the interim step decided on 16 December 2019.</p> <p>The Sub-Committee after considering the representations from the Police and Mr Dadds, and noting that both parties had reached agreement on the imposition of additional conditions on the premises licence therefore decided that it is appropriate to modify the conditions on the licence and imposed the following additional licensing conditions:</p> <p>The following additional conditions were outlined.</p> <ol style="list-style-type: none"> 1) The premises shall install and maintain a comprehensive CCTV system. All entry and exit points, including the outside smoking area, will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings must be made available upon the request of Police or authorized officer throughout the preceding 31-day period, such copies shall in

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		<p>any event be provided within forty-eight (48) hours. This system must be reviewed annually.</p> <p>2) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Local Authority or Police Officer recent data or footage when requested.</p> <p>3) Notices shall be displayed advertising that CCTV is in operation.</p> <p>4) A proof of age scheme, such as Challenge 25, shall be operated at the premises where the only acceptable forms of identification are (recognized photographic identification cards, such as a driving license or passport / Holographical marked PASS scheme identification cards)</p> <p>5) An incident log shall be kept at the premises, and made available on request to an authorized officer of the Council or the Police, which will record the following:</p> <ul style="list-style-type: none"> (a) All crimes reported to the venue (b) All ejections of patrons (c) Any incidents of disorder (d) Any faults in the CCTV. (e) Any refusal of the sale of alcohol

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		<p>(f) Any visit by a relevant authority or emergency service.</p> <p>6) A minimum of One (1) SIA registered door staff must be on duty from 19:00hrs until 30 Minutes after closing when the premises is holding any function or private event.</p> <p>7) A register of security personnel employed on the premises shall be maintained in a legible format and made available to police upon reasonable request. The register should be completed by the DPS/ duty manager/ nominated staff member at the commencement of work by each member of security staff and details recorded should include; full name, SIA badge number, time of commencement of duties. The security operative should then sign their name. This only to be completed when using door supervisors.</p> <p>8) All bar staff and bar supervisors to undergo Licensing training which will be documented and provided to police / licensing authority on request. This training is to be refreshed every 12 months. All new staff must undergo this training before being allowed to sell alcohol.</p> <p>9) A personal licence holder must be employed on the premises at all times that, the premises are holding any function or a private event.</p>

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		<p>10) A register of delegated authority shall be maintained in a legible format and made available to police and licensing authority upon reasonable request.</p> <p>11) A currently qualified first aider must be employed on the premises at all times that, the premises are open to the public or a private event. The venue will also provide first aid facilities commensurate with the type of event and customers expected.</p> <p>It was agreed that the following annex two conditions will be removed from the current Licence.</p> <p><i>1) The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system shall comply with other essential legislation and all signs as required will be clearly displayed. The system shall be maintained and fully operational throughout the hours that the premises are open for any licensable activity.</i></p> <p><i>For premises using a video recording system the cassette tape shall be used on no</i></p>

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		<p><i>more than 12 occasions to maintain the quality of the recorded image.</i></p> <p><i>2) The license holder shall not permit or supply alcohol to persons who appear under age without confirming they are over that age applicable for the beverage supplied by inspecting a recognized form of photographic Identification.</i></p> <p>Review of the Interim Steps under Section 5D of the Licensing Act 2003</p> <p>The Sub-Committee agreed with the parties' joint application that the modified conditions imposed on the 16th December 2019 should be replaced with the conditions numbered 1 -11 set out above.</p> <p>Reasons</p> <p>The Sub-Committee, in making its decision considered s53(D)(5) of the Licensing Act 2003, the case of 93 Feet East Limited v London Borough of Tower Hamlets [2013]EWHC 2716 (Admin) and the guidance at paragraph 12.29 of s182 of the Licensing Act 2003.</p> <p>The Sub-Committee was concerned that there should be control of the premises pending the expiry of the appeal period or any appeal and considered that the interim step was an appropriate and proportionate safeguard.</p> <p>5. Right of Appeal</p> <p>Any party to the decision may appeal to the Magistrates Court within 21 days of notification of the above decisions made under sections 53C and 53D of the Licensing Act 2003. On appeal, the Magistrates Court may make an order for costs as it sees.</p>

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