

Wednesday, 15 September 2021

LICENSING SUB-COMMITTEE

A meeting of **Licensing Sub-Committee** will be held on

Thursday, 23 September 2021

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Dart

Councillor Ellery

Councillor Barbara Lewis

Together Torbay will thrive

Download this agenda via the free modern.gov app on your [iPad](#), [Android Device](#) or [Blackberry Playbook](#). For information relating to this meeting or to request a copy in another format or language please contact:

Amanda Coote, Town Hall, Castle Circus, Torquay, TQ1 3DR

Email: governance.support@torbay.gov.uk - www.torbay.gov.uk

LICENSING SUB-COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the meeting.
2. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Minutes** (Pages 4 - 5)
To confirm as a correct record the Minutes of the meeting of a Sub-Committee held on 2 September 2021.
4. **Declarations of interests**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
5. **Urgent items**
To consider any other items that the Chairman decides are urgent.
6. **Licensing Act 2003 – An application for a Review of a Premises Licence for, Jackz Bar, Parkham Road, Brixham, TQ5 9BU** (Pages 6 - 41)
To consider and determine an application, in respect of the Premises detailed above, for a Review of a Premises Licence.

Meeting Attendance

Whilst national Covid-19 restrictions were lifted on 19 July 2021, Torbay Council has taken the decision to continue operating in a Covid-19 secure manner in order to protect staff and visitors entering Council buildings and to help reduce the spread of Covid-19 in Torbay. This includes social distancing and other protective measures (e.g. wearing a face covering (unless exempt), signing in and using hand sanitiser). Our public meetings will continue to operate with social distancing measures in place and as such there are limited numbers that can access our meeting rooms. Also, to help prevent the spread of the virus, anyone attending meetings is asked to take Covid lateral flow test the evening before - if you have a positive test result please follow the Government's guidelines and do not attend the meeting.

If you wish to attend a public meeting please contact us to confirm arrangements for your attendance.

Minutes of the Licensing Sub-Committee

2 September 2021

-: Present :-

Councillors Dart, Douglas-Dunbar and Ellery

19. Election of Chairman/woman

Councillor Ellery was elected as Chairman for the meeting.

20. Peregrine Retail Limited, Torquay Service Station, 119 Newton Road, Torquay

Members considered an application for a Premises Licence in respect of Peregrine, Retail Limited, Torquay Service Station, 119 Newton Road, Torquay. Members were advised that the application was for a fuel forecourt store that had applied to sell alcohol off the premises 24 hours a day Monday to Sunday and Late-Night refreshment both on and off the premises from 23:00 to 05:00 Monday to Sunday.

Members were advised that the application had a substantial number of proposed conditions. The Environmental Health Manager (Commercial) informed Members that the Police had submitted a representation requesting additional conditions be added to the Premises Licence. These additional conditions (as set out in the submitted report) had all been agreed in writing between the Police and the Applicant and this had been provided to the Licensing Authority.

The Environmental Health Manager explained that the Authority was required to conduct a hearing under the provisions of Section 18(3) unless all parties agree that this is not necessary. Both parties, the Police and the applicant, did not feel a hearing was necessary as both were happy with the agreed conditions. There had been no other representations received for this application therefore the decision to grant the licence (technically with or without the additional conditions) had to be made by the Licensing Sub-Committee.

Decision:

That the application for a Premises Licence in respect of Peregrine Retail Limited, Torquay Service Station, 119 Newton Road, Torquay, be granted as applied for, subject to the additional conditions proposed by the Police and as agreed by the Applicant.

Reason for Decision:

Having carefully considered the written and oral submission of the Environmental Health Manager (Commercial), Members determined to grant the licence having been satisfied that the Licensing Objectives will be promoted, and the concerns of the police will be alleviated by imposition of the additional conditions.

Chairman/woman



Briefing Report No:

Public Agenda Item: **Yes**

Title: **Licensing Act 2003 – An application for a Review of a Premises Licence for, Jackz Bar, Parkham Road, Brixham, TQ5 9BU**

Wards Affected: **Brixham**

To: **Licensing Committee 23rd September 2021**

Contact Officer: **Lisa Wright**

Telephone: **01803 208112**

E.mail: Licensing@torbay.gov.uk

1. Key points and Summary

1.1 To consider and determine an application, in respect of the Premises detailed above, for a Review of a Premises Licence.

1.2 The application relates to all the Corporate Priorities within the Community Plan.

1.3 The matters raised relate to the Licensing Objectives “The Prevention of Crime and Disorder”.

1.4 Under Regulations to the Licensing Act 2003 (the Act), the Licensing Authority (the Authority) must hold a hearing to consider the application and any relevant Representations.

1.5 The Authority must have regard to the application and any relevant Representations and take one or more of the steps as detailed below, as it considers appropriate for the promotion of the Licensing Objectives.

The steps are –

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the Designated Premises Supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;
- (f) to do nothing;

and for this purpose, the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

1.6 If the licence is subject to sections 19, 20 and 21 (requirement to include certain conditions in Premises Licences) they remain.

Where the Authority takes a step to modify the conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only

such period (not exceeding three months) as it may specify.

1.7 Reasons for the decision must be given for inclusion in the appropriate Notices required to be served on the Interested Parties and Responsible Authorities at the determination of the matter.

2. Introduction

2.1 The application has been made under Section 51 of the Act for a Review of the Premises Licence, at the Premises detailed above.

The Review application has been received from Devon & Cornwall Police as a Responsible Authority. Grounds for the Review relate to:

- Drug supply and taking
- Persons brandishing knives and threatening customers
- Assault by a door steward and use of unlicensed door steward
- Fights and intoxicated groups outside the premises
- Allegation of a door steward assaulting a drunk male
- Premises licence holder failure to comply and meet or respond with the police upon numerous requests

Full details of the application are shown in Appendix 1. The application refers to several incidents. Additional documents have been submitted with the application to support these incidents. These are shown in Appendix 2, 3 and 4.

A copy of the current premises licence is attached as Appendix 5 and a plan of the premises is attached as Appendix 6.

2.2 Torbay Council as the Licensing Authority, is satisfied that the Applicant is a person as defined under the Act, as being entitled to make such application and that the application is not frivolous or vexatious. The Authority is also satisfied that the administrative requirements of Section 51(3) (a) and (b) have been met and that the application is therefore, properly made.

3. Application

3.1 A notice stating a Review application had been made was issued by Torbay's Councils Licensing Department and delivered by the Council's Compliance Officer on 05th August 2021. Details of the Review have been advertised on the Council's website. The Notice advised of the grounds for the Review and requested representations should be made no later than 01st September 2021 to Torbay Council in writing. All Statutory consultees were served a copy of the Review application.

3.2 There has been one Responsible Authority Representation received from Karl Martin, the Council's Public Protection Officer. This outlines the history of the premises relating to complaints received and action taken; and is made to provide necessary background information to assist in determining the outcome of this application. This is attached at Appendix 7.

No representation has been received from the Premises Licence Holder and no other representations have been received from any other Interested Party or

Responsible Authority.

4. Conclusion

4.1 The Authority is required to conduct a hearing under provision of Section 52(2) of the Act.

4.2 Appropriate Notices have been issued to all parties, as required by the Licensing Act 2003 (Hearing Regulations) 2005, including, where appropriate, details of the Representations and the procedure to be followed at the hearing.

4.3 Once the matter is determined, a Right of Appeal to the Magistrates' Court is granted by Section 181 of the Act and, by Paragraph 8(2) of Schedule 5 to :-

- (a) the Applicant for the Review,
- (b) the holder of the Premises Licence, or
- (c) any other person who made relevant Representations in relation to the application.

In the event that an Appeal is entered, the determination will not have effect until the Appeal is either determined or withdrawn.

4.4 Following such Appeal, the Magistrates' Court may: -

- (a) dismiss the Appeal,
 - (b) substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
 - (c) remit the case to the Licensing Authority to dispose of it in accordance with the direction of the Court,
- and may make such an order as to costs as it thinks fit.

Steve Cox
Environmental Health Manager (Commercial)

Appendices

- Appendix 1 Application for Review
- Appendix 2 Doorman Statement
- Appendix 3 Email regarding CCTV
- Appendix 4 Email from licence holder
- Appendix 5 Copy of the Premise Licence
- Appendix 6 Plan of the Premises
- Appendix 7 Representation from Responsible Authority

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:
Torbay Council Licensing Policy 2021-2026.



LICENSING ACT 2003

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

NOTIFICATION

Information held by Torbay Council complies with and is held in accordance with the UK Data Protection Act 1998. The information that you provide on this form will only be used for this application form and will only be disclosed where necessary under any applicable legislation.

Information may also be shared for the prevention and detection of crime, for example with the police and other agencies as required by law, such as the Audit Commission under the National Fraud Initiative data matching exercise.

You have a right of access to your personal information. If you wish to access your personal information or exercise any of your rights under the legislation then please contact Torbay Council's Information Governance team on 01803 20 7467. Further information can be found on the Information Governance pages on Torbay Council's Internet site at, www.torbay.gov.uk

Completed forms should be returned to:

**Environmental Health Manager (Commercial)
Torbay Council
Community Safety
C/O Torquay Town Hall
Castle Circus
Torquay
TQ1 3DR**

Contact Details:

Tel: 01803 208025

Web: www.torbay.gov.uk

Email: licensing@torbay.gov.uk

**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Julie SMART, Police Licensing Officer for the Torbay area

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Jackz Bar Parkham Road	
Post town Brixham	Post code (if known) TQ5 9BU

Name of premises licence holder or club holding club premises certificate (if known) Miss Holly Georgina Harley

Number of premises licence or club premises certificate (if known) PL0878

Part 2 - Applicant details

I am Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority
(please read guidance note 1, and complete [A] or [B] below)
- 2) a responsible authority (please complete [C] below)
- 3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Devon and Cornwall Police Police Station South Street TORQUAY Devon
Telephone number (if any)
E-mail address (optional) Julie.smart@devonandcornwall.pnn.police.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

Concerns re Miss Harley's suitability to hold a premises licence, in relation to the below:

- 1) Miss Harley works 25 hrs per week in alternative employment and due to this she has stated that she is unable meet with the police, or other responsible authorities, during normal working hours and she does not answer her phone whilst at her other employment.
 - 2) Failure by Miss Harley to contact Police Licensing Officer when requested, return telephone calls or respond to emails.
 - 3) Miss Harley became the Premises Licence Holder and DPS of this premises on 24 June 2021, since this time the police have received information in relation to the following matters:
 - a) Drug supply and taking
 - b) Males brandishing knives and threatening customers
 - c) Assault by a door steward and use of unlicensed door steward
 - d) Females fighting outside the premises and group outside very intoxicated
 - e) Drunk male alleges he was glassed and assaulted by a door steward
- All of the above matters have a negative impact on the Prevention of Crime and Disorder.

Please provide as much information as possible to support the application (please read guidance note 3)

This premises has had the benefit of a Premises Licence issued by Torbay Council since November 2005. Since that date, despite the premises being authorised to sell alcohol until 0230 hrs, the premises has not regularly come to police attention due to the robust management in place.

On Thursday 24 June 2021, applications to transfer the licence and Vary the DPS to Mr Ross Hennessey were refused by the Licensing Authority following objections by the police. At the hearing in relation to this matter Mr Hennessey produced two documents, a Door Stewarding Policy and a Bar Staff policy, which he stated would ensure all his premises were managed in a responsible manner. The refusal of these applications has resulted in Mr Hennessey being the leaseholder of this premises but with him being unable to hold the licence or be the DPS.

Later that day, applications to transfer the licence and Vary the DPS were received in the name of Miss Holly Georgina Harley, with both applications to have immediate effect.

On Friday 25 June 2021 I received an email from the Neighbourhood Team at Brixham advising me of information they had received in relation drug supply and use at Jackz Bar, Brixham.

On receipt of the transfer and Vary DPS applications I attempted to ring Miss Harley on the mobile number provided within the applications on 4 occasions, however on each occasion a voice message indicated that the phone was temporarily unavailable. I also sent a text message to the phone requesting that Miss Harley contact me.

On 7 July 2021 I emailed Mr Hennessey advising him that I was having difficulty in contacting Miss Harley and asked him to provide me with her telephone number and email address. Mr Hennessey responded with Miss Harley's contact details and stated that she was busy at her day job at that time so might not respond straight away but would get back to me as soon as possible.

At 1455 hrs on 8 July 2021 I rang Miss Harley on a number provided by Mr Hennessey and she answered, indicating that she was driving but she stated she would ring me back in half an hour. At 1625 hrs that day, as Miss Harley had not contacted me, I again rang her. She did not answer her phone but I left her a voice message asking her to call me as soon as possible.

As a result of the lack of contact from Ms Harley, and information received by the police that she has other employment which was likely to impact on her ability to have day to day management and control of Jackz Bar, on 9 July 2021, the police objected to her applications to be Premises Licence Holder and DPS.

On 12 July 2021 I received information from two separate sources that a male customer of Jackz Bar had been assaulted by a door steward on the evening of Saturday 10 July 2021, with the male being knocked unconscious. One of these sources said that the male who had been assaulted had been dragged down the stairs by his arm, whilst laying on his back, by a door steward. He further stated that the male door steward involved had a video of the incident on his phone, which he had shown to a number of people around Torquay harbourside, whilst boasting about knocking the male unconscious. This source also informed me that one of the male stewards seen within the footage is not SIA licensed. As a result of receiving this information, I checked the police logs and crimes for the weekend but could find no records in relation to this alleged incident.

On 13 July 2021, as I had still not received any contact from Miss Harley, I again rang her. She answered and I raised concerns with her that she had not contacted me as she said she would, and she had not responded to my voice message either. I advised her that myself and Sgt Curtis wished to meet with her at Jackz Bar at 10.00 am on Thursday 15 July 2021. Miss Harley informed me that she works 25 hours a week at her day job, every day between the hours of 9.30 am and 2.00 pm, and she then collects her children from school. She said that she had recently been 'pinged' and was isolating, but in any case due to her day job she would not be able to meet with us during the working week.

During our discussions I asked her about her experience in the licensed trade and advised her of the information I had received in relation to Jackz Bar.

At 1605 hrs on 13 July 2021 I sent an email to Miss Harley requesting her to provide the CCTV footage of the incident involving the door steward and the door steward incident reports for that night.

At 1657 hrs on 14 July 2021 I received an email from Miss Harley indicating that she had tested positive for Covid 19 and was isolating for 10 days but Mr Hennessey and one of the door stewards were sorting out the CCTV and door staff reports. A copy of this email is attached.

At 1736 hrs on 14 July 2021 I received an email from Mr Hennessey indicating that the CCTV would be at Torquay Police Station the following morning.

At 1248 hrs on 15 July 2021 I received an email from Mr Hennessey which implies it is a written door steward report concerning the incident which occurred during the early hours of Sunday 11 July 2021. At the top of this email it indicates that the incident was witnessed by Mr Hennessey, Miss Harley, and another member of staff but further within the email it mentions that another door steward was also present. A copy of this email is attached for your information.

At 1249 hrs on 15 July 2021 I received a further email from Mr Hennessey in which he mentions that the door steward involved in the incident and himself had mutually decided to cut ties and the steward will be continuing his duties elsewhere.

On Thursday 15 July 2021 I attended Torquay Police Station and collected the CCTV.

Between Friday 16 July and Sunday 25 July 2021 I was on annual leave.

At 0258 hrs on Sunday 25 July 2021 police received a 999 phone call from a female who stated that some girls were fighting outside the premises (log 199 25/07/21 refers). A short time later a further telephone call was received indicating that 3 girls were fighting, with one female stamping on the head of another. The log was subsequently updated indicating that Torbay Council CCTV confirmed that there was a fight outside the premises at 0258 hrs but all parties had left the area. Officers arrived shortly after and spoke to 8-9 persons who were all very intoxicated and jovial but none of these raised any concerns so the officers left.

On Tuesday 27 July 2021 I emailed the officers who attended this incident to establish the levels of intoxication of the persons they spoke to, whether they spoke to any door stewards, whether door stewards had intervened in the fight and split it up, and whether stewards were requesting all customers to leave the area in a quiet manner. On 1 August 2021 I received an email from one of these officers who stated that on a scale of 1-10 (with 10 being very drunk) he estimates they were a 7, but they were able to communicate and walk. He further stated that he did not remember seeing any door stewards present, but they may have been there, but if they were they did not engage with the police.

On Thursday 29 July 2021 I watched the CCTV of the incident at Jackz Bar on Sunday 11 July 2021 and noted that the footage provided only covers the period from which the male was dragged out the front door of the premises by a steward pulling him by the arm, whilst he was lying on the floor. However, the door steward report indicates that this male was aggressive and beginning to assault another customer inside prior to being removed from the premises. No footage of this has been provided to the police. I also noted that within the footage, that one steward is wearing a black T shirt and trousers, whereas two other stewards are wearing black clothing with high visibility tabards. On the arm of the main steward involved in this incident and another steward wearing a high vis tabard, SIA badges can be seen, but no SIA badge is visible on a further steward wearing a high vis tabard. I further noted that during the footage Mr Hennessey is seen to be stood watching and at one point a female comes to the door for a short period of time and then goes back inside.

At 1415 hrs on Thursday 29 July 2021 I sent an email to Miss Harley requesting clarification as to the identity of each steward within the CCTV footage. Miss Harley did not respond to this email but at 1618 hrs that day I received an email from Mr Hennessey in which he states that a male member of staff was

employed as a Covid Marshal to monitor mask wearing, 6 per table, controlling smoking area, toilet checks and table service only etc. He stated that this person does not hold an SIA badge but was wearing a high vis jacket. He further states that one of the door stewards was also wearing a high vis jacket.

At 0316 hrs on Friday 30 July 2021 Ambulance Control contacted the police to advise that they had been called to deal with a drunk 16 year old male who was alleging that he had had a fight with the stewards and that they would not let him leave. The male further said that he had bottled, had serious bleeding and that the door stewards had possession of the bottle. The male then said that he had not been bottled, and that he had been talking to the owner of the premises, when he was assaulted by a door steward who strangled and then punched him and he was bleeding. The log was further updated that Police rang the ambulance crew, who stated that the male was drunk, not aggressive and scared of further assaults rather than looking for a fight (log 117 30/07/21 and CR/64599/21 refer).

The crime report in relation to this incident states "manager sent victim a message apologising for what happened, but no one seems to know why it happened". The crime report confirms that the aggrieved person is 24 years old and not 16 as originally indicated.

As a result of the police objections to the transfer and vary DPS applications in respect of Miss Harley, I was notified that a hearing had been arranged on Thursday 5 August 2021.

On Friday 30 July 2021 I was advised by Torbay Council that due to a local authority administrative error the police objections in relation to the transfer and Vary DPS for this premises had been deemed as having been received after the last day for representations and the applications had therefore been granted, with the proposed hearing cancelled.

On this date I was also advised that a member of Torbay Council staff had recently contacted Miss Harley in relation to the proposed hearing but Miss Harley indicated she was unable to attend as she had been 'pinged' and was having to isolate for 10 days, but she asked if Mr Hennessey could attend in her absence. I have now been forwarded an email from Ms Sarah Clarke, Interim Licensing Manager of Torbay Council, which contains an email Torbay Council received from Miss Harley on 28 July 2021. A copy of this email is attached.

On Monday 2 August 2021 I reviewed all information in relation to the 3 incidents that had occurred at Jackz Bar, and prepared a list of matters that I wished to discuss with Miss Harley.

At 1142 hrs on Tuesday 3 August 2021 I rang Miss Harley but her phone went to voicemail and I left her a message asking her to contact me.

At 1320 hrs on Tuesday 3 August 2021 I received an email from Mr Hennessey advising me that Miss Harley will ring me at 3.00 pm when she finishes work.

At 1447 hr on Tuesday 3 August 2021 Miss Harley rang me. I asked her if there was any chance she could meet with myself and Sgt Curtis on Thursday 5 or Friday 6 August 2021, but she stated she was working until 5pm on both days. She mentioned that she might be able to meet with us on Monday but this was not convenient for me. I then advised Miss Harley that I had some matters I would like to discuss with her and she stated she was stood outside the doctors waiting to go in.

In respect of the CCTV provided for 11 July 2021, I asked why the police had only been provided with footage from the point where the male was dragged out of the front door, despite the door steward indicating that he was aggressive and had assaulted someone inside. She said she didn't know but would ask Mr Hennessey to see if that footage is still on the system and provide it if still available.

In respect of the stewards on duty on 11 July 2021 I asked what each persons role was on the night and she said that the 2 SIA stewards were swapping between working inside and outside as it was hot inside the premises. I asked her why the main door steward involved in the incident was not wearing a high visibility jacket and she said she didn't know. I asked her about the duties of the member of staff wearing the high visibility jacket, wearing a short sleeve T shirt, and she said he was being used as a

Covid Marshal and to stop customers taking drinks into the smoking area. I asked why he was wearing a high visibility jacket and she initially said she didn't know, but added so that staff could easily see him inside. I asked her what the condition on the licence states in relation to door stewards and she advised me that they should be wearing high visibility jackets. I advised her that as she had stated that the main steward involved in this incident had been responsible for manning the door, he should have been wearing a high visibility jacket.

I advised Miss Harley that I had only received an email containing one door steward's description of the incident and asked whether the other door steward involved had completed an incident report. She stated she didn't know.

During our discussions I asked Miss Harley if she was aware that the main door steward had a video of the incident on his phone that he was showing to other people. She stated she wasn't aware of this. I advised her to ensure that the CCTV system at the premises is password protected and that only herself and other appropriate staff have access to the system.

I also asked Miss Harley why the police had not been advised of this incident, which was potentially serious due to the male being knocked unconscious. She said she didn't know but suspected it was because the steward knew he had done something wrong.

I asked Miss Harley whether door stewards had split up the fight between the girls outside the premises on 25 July 2021 and she stated she was isolating at that time, so she didn't know. She stated that one of the girls involved, who she named, was causing problems at Hennessey Cocktails earlier in the evening and then attended Jackz Bar where she caused further issues. As a result of this the female is banned for life. She said that she would get Mr Hennessey to provide the CCTV.

We briefly discussed the incident on 31 July 2021 and Miss Harley stated she was present at the time of this incident, the male had been kicking things inside the premises so was ejected, and during the process he said that he would tell the police he had been assaulted by door staff. She said that she would discuss the matter with Mr Hennessey and ask him to provide the CCTV.

The phone call lasted just under 8 minutes and I felt rushed to work through the notes I had made.

Drunkenness appears to be an issue at this premises. The male involved in the incident on 11 July 2021 was clearly drunk as the CCTV footage shows him stumbling around, the police spoke to a group of 8-9 persons outside the premises on 25 July 2021 and describe them as very intoxicated, and on 31 July 2021 the ambulance service reported that they had been called to deal with a drunk male outside the premises who was alleging he had been assaulted.

It is my opinion that the current working arrangements of Miss Harley do not support the requirements of her roles as Premises Licence Holder and DPS as she is not available to be contacted or meet during the working week. Furthermore she does not appear to have a strong managerial presence when working at the premises. From discussions, it appears that Mr Hennessey is responsible for all licensing matters within the premises and not the licence holder/DPS.

Have you made an application for review relating to the premises before

No

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them


Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate **x**
- I understand that if I do not comply with the above requirements my application will be rejected **x**

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 
.....

Date **04/08/21**
.....

Capacity **Police Licensing Officer**
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Julie Smart Police Licensing Officer Torquay Police Station South Street	
Post town Torquay	Post Code TQ2 5AH
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) julie.smart@devonandcornwall.pnn.police.uk	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

From: [REDACTED]
To: [SMART Julie 50403](#)
Subject: Doorman report
Date: 15 July 2021 12:48:29

Incident date - Saturday 10th July to Sunday 11th July at 01:04am

Name - [REDACTED]

Location - Jackies Bar Brixham

Witnesses - Ross Hennessey, Holly Harley and [REDACTED]

On the night in question the male seen on the cctv in the red top became extremely aggressive to another customer inside jackz bar. Before we could intervene, this male began to assault the other customer.

At this point I quickly restrained the male and I proceeded outside in order to escort him from the premises. We have a zero tolerance for violence and will act accordingly to remove anyone that does not comply with these rules.

When we reached the bottom of the stairs the male tried to punch me in the face and proceeded to verbally abuse and threaten me. At which point another doorman ([REDACTED]) intervened and helped me to subdue the male on the floor. [REDACTED] then used reasonable force to drag the male out of the building to protect the safety of not only himself but our customers as well. This is our top priority when handling these situations. During this whole encounter the male was verbally abusive and made threats to "smash my face in" and he was "going to do me in"

The male was repeatedly told to go home and leave and told if he continued to approach the door staff we would assume he was trying to cause us harm and we would have to defend ourselves. The male repeatedly ignored any warnings and advice from the door team and continued to approach us and attempt to attack me. A bystander outside also tried to reason with the man and stop him from these aggressive attempts.

Unfortunately the male in red did not comply and did not seem interested in anything but fighting and after numerous threats and attempts of violence I stepped forward, grabbed him and threw him to the floor. The attempts and threats continued yet again and I felt like he was not going to be happy until he'd hurt someone. After more threats I used an open hand and shoved him on the side of the head in an attempt to warn him and hopefully make him think about continuing his violence. He fell to the ground again but got straight back up and came straight to me with purpose. I gave myself some distance by raising my arm as I spoke to him but he carried on threatening me. This time he started to play with his pocket and I believed there was a chance that he may have a weapon, immediately after this he lunged at me and started swinging punches at my head I threw him away and punched the man once fearing for my safety. I walked to the door to assess if he was a threat still and instructed the other door staff to check if he was ok and put him into the recovery position.

He was clearly breathing and appeared to be dazed from the punch but I believe I reacted in an appropriate manner and with reasonable force for the threat he was presenting. Of course watching it in slow time people may be able to say I could have done things better but I didn't have that luxury. I had an overly aggressive large male threatening me and potentially having a weapon and who was not going away until he had assaulted somebody.

I approached the male myself shortly after to ensure he was still ok and tapped his shoulder to wake him up. He did this and was asked if he was ok and was again instructed to go home. He walked off at this time under his own efforts so we returned to work.

Unfortunately the male proceeded to come back again with his fists clenched. Due to the nature of his earlier threats I acted quickly to reduce the risk of any harm coming to my staff and subdued the male on the floor followed by my staff of doorman. The man was held until he had calmed down and the on looker came over and helped remove the male from the area.

I can appreciate seeing any sort of violence is not desired by the public however I am employed to put myself in between these idiots/aggressors and the rest of the public trying to enjoy a night out. I have to act quickly and sometimes with force to stop a potential threat escalating. I believe I defended myself appropriately and

performed to job I was asked to do with minimal risk and as far as I am aware minimal/no injuries.

I acted purely in self defense against the violent male and using such force is the last resort when managing these situations. As the head doorman I took responsibility for handling this situation and protecting my staff members as they do not come to work to be not only verbally but physically abused when providing a duty of care. I used reasonable force on all occasions to try and diffuse this encounter and asked the male to leave the premises

The male was extremely intoxicated and the threats made towards my staff and to my life could not be taken lightly, my natural instinct was to protect myself and others around me and I feel that this was done so accordingly.

Kinds regards



Sent from my iPhone

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

From: [SMART Julie 50403](#)
To: [REDACTED]
Cc: [CURTIS David 16415](#)
Subject: RE: JACKZ BAR, BRIXHAM
Date: 15 July 2021 08:39:00
Attachments: [image001.png](#)
[image003.png](#)

Hi Holly

Sorry you have tested positive, I hope you aren't badly affected by it.

Thanks for the information below. Ross has emailed me to say the CCTV should be at Torquay Police Station today.

In relation to the allegation of someone brandishing a knife and threatening people in the premises, it is just an allegation and sometimes these are false and sometimes there is some truth in it, but my job is to advise you of what I've been told so you can ensure you monitor what is going on and put suitable measures in place to prevent incidents of this type.

I'm on annual leave from tomorrow until Monday 26 July 2021, so I have copied my sergeant into this email in case he needs to contact you about anything in my absence.

Kind regards
Julie

From: [REDACTED]
Sent: 14 July 2021 16:57
To: SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>
Subject: RE: JACKZ BAR, BRIXHAM

Hi Julie,

Since our phone call yesterday I have tested positive for Covid 19 and will be in isolation from today for 10 days.

I have however spoken with all door and bar staff with regards to the drug dealing and they have all been told to be super vigilant with this and have a complete zero tolerance approach to it.

I believe Ross and [REDACTED] have sorted the CCTV and door staff reports for the incident on Saturday.

I have also spoken with all staff about the knife incident and everyone has said the same, nothing was seen or heard involving knives, we believe this is a false allegation.

Please let me know if I can help with anything else in regards to any of this.

Many thanks
Holly.

Sent from my Galaxy

----- Original message -----

From: SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>

Date: 13/07/2021 16:05 (GMT+00:00)

To: [REDACTED]

Subject: JACKZ BAR, BRIXHAM

Good afternoon Holly

Further to our earlier discussions I would be grateful if you could download the CCTV footage of the incident involving your door steward on Saturday 10 July 2021, which I believe occurred between around 2300 hrs to 0000 hrs. Once you have downloaded it, please send it by Royal Mail 'Signed for' delivery to myself at the below address. As I am currently working from home, please can you let me know when you have sent the CCTV so I can attend Torquay Police Station to collect it.

Could you also enclose the door steward incident reports for that night please.

As discussed, I have received information that drug supply and use was taking place in the toilets of Jackz Bar during the evening Saturday 26th and/or Sunday 27th June 2021. I have now also received allegations in relation to two males who were brandishing knives and threatening people within the premises on Saturday 6 July 2021. Please discuss these matters with your staff and door stewards, and also check your CCTV to see if there is any evidence of this. If there is, please also download this footage and send to me in order that officers can investigate.

I have attached a document in relation to CCTV which I hope you will find useful in ensuring your CCTV meets police requirements.

Kind regards



Julie Smart

Alcohol Licensing Officer - Torbay

Tel: 07921 933974

Prevention Department

Devon and Cornwall Police, Police Station, South Street, Torquay, TQ2 5EF

This e-mail is intended for the named recipient(s) only and may contain privileged information, which is protected in law. If you have received this e-mail in error, please contact the sender to advise them and delete this e-mail. Unauthorised use, disclosure, copying or distribution is prohibited.

E-mail should not be regarded as a secure means of communication, we take all reasonable steps to ensure that e-mails are protected from malware, but cannot accept liability for any loss or damage, howsoever arising, as a result of their transmission to the recipients' computer or network.

For more information, or to contact us, please visit us at www.devon-cornwall.police.uk or www.dorset.police.uk or e-mail 101@devonandcornwall.pnn.police.uk or 101@dorset.pnn.police.uk

From: [Clarke, Sarah](#)
To: [SMART Julie 50403](#)
Subject: FW: Licensing committee in respect of Jackz Bar and the Lounge Bar
Date: 04 August 2021 13:20:53
Attachments: [image001.png](#)
[image004.png](#)

Dear Julie,

We discussed that Ms Harley indicated she would not be able to attend the hearing which was scheduled for 5 August 2021. You asked for information about Ms Harley's reasons indicating that she could not attend. I copy below an email from Ms Harley of 28 July 2021. The second document referred to in Ms Harley's email re a reference was passed to you in redacted format in previous correspondence and so I have not attached to this email.

Kind regards,
Sarah

TORBAY COUNCIL

Sarah Clarke | Interim Licensing Manager |
Community Safety
Office address, Torquay TQ1 3DR
sarah.clarke@torbay.gov.uk

Working hours: Mon 09:00-14:00 & Tues-Fri
09:00-13:30

www.torbay.gov.uk
[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)

From: [REDACTED]
Sent: 28 July 2021 21:17
To: Licensing <Licensing@torbay.gov.uk>; [REDACTED]
Subject: RE: Licensing committee in respect of Jackz Bar and the Lounge Bar

Dear [REDACTED]

As of yesterday I am once again isolating until the 5th August at 11.59pm.
Ross Hennessey will attend this meeting on my behalf if this is possible and relay all information back to myself.

I have attached the isolation request from the NHS app and a reference from my former employer and previous licensee of Jackz, [REDACTED]

Please let me know if you require any further information from myself before the hearing.

Many thanks
Holly

Sent from my Galaxy

----- Original message -----

From: Licensing <Licensing@torbay.gov.uk>

Date: 21/07/2021 16:39 (GMT+00:00)

To: [REDACTED]

Subject: Licensing committee in respect of Jackz Bar and the Lounge Bar

Dear Ms Harley

Please find attached information regarding the committee hearing scheduled for Thursday 5 August 2021 to consider the following applications:

- Jackz Bar – transfer and vary DPS applications
- Lounge Bar – transfer application

Kind regards

Laura

TORBAY COUNCIL

Laura Wright | Admin, Finance and Performance
Leader | Community Safety
Town Hall, Castle Circus, Torquay TQ1 3DR
01803 208025 | licensing@torbay.gov.uk

www.torbay.gov.uk

[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)

This electronic email is confidential and may also be privileged. If you are not the intended recipient, please notify the sender, and please delete the message from your system immediately. The views in this message are personal; they are not necessarily those of Torbay Council.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Licensing Act 2003

Premises Licence

878

LOCAL AUTHORITY



Torbay Council
Licensing & Public Protection
Town Hall
Castle Circus
Torquay
TQ1 3DR

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Jackz Bar

Parkham Road, Brixham, Devon, TQ5 9BU.

Telephone 01803 855785

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Sunday On New Years Eve from the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day.	8:00pm	Midnight Maximum of 2 performers
F. Playing of recorded music (Indoors)	Monday to Sunday On New Years Eve from the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day.	9:00am	2:30am
G. Performance of dance (Indoors)	Monday to Sunday On New Years Eve from the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day.	8:00pm	Midnight
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Thursday Friday Saturday Sunday On New Years Eve from the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day.	8:00pm 8:00pm Noon Noon	Midnight 1:00am 1:00am Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday	9:00am	2:00am

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption ON and OFF the premises continued ...	On New Years Eve from the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	9:00am	3:00am
On New Years Eve from the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day.		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Holly Georgina Harley

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Holly Georgina HARLEY

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA1830

Issued by Torbay

Steve Cox

Environmental Health Manager (Commercial)

5 August 2021

ANNEXES

ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

- 1) No supply of alcohol may be made under the premises licence:-
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
- 2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 4) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 5) (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 6) The responsible person must ensure that:-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-

ANNEXES continued ...

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2) For the purposes of the condition set out in paragraph 1

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$

Where:-

- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:-

- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEXE 2**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE****General**

1. There shall be no entry or re-entry after 1am.
2. Drinks shall be served in shatterproof glasses.
3. No bottles shall be served when open after midnight.

ANNEXES continued ...

The Prevention of Crime and Disorder

1. CCTV must be in good working order.
2. There shall be posters displayed regarding responsible drinking.
3. There shall be promotions against drink driving.
4. There shall be a wide range of soft drinks available.
5. There shall be a 30 minute winding down period.
6. SIA trained doorman shall be present at the premises.
7. No money shall be left on site after the business is closed.

Public Safety

1. There must be 4 exits available in case of emergency, 3 of which are on ground level.
2. All safety checks and systems shall be maintained.
3. SIA door supervisors shall be present to control and look after customer welfare.
4. Accident records shall be present and maintained.

The Prevention of Public Nuisance

1. There shall be a 30 minute wind down period at the end of permitted hours in order to ensure customers leave in orderly fashion.
2. Management shall monitor sound levels at all times.
3. All windows shall be closed after 8pm as air conditioning is installed.
4. There shall be volume controls behind the bar.
5. Deliveries and rubbish shall be before 7pm.
6. Secondary glazing shall be fitted on windows where Karaoke is played.

The Protection of Children From Harm

1. Bar staff and doorman shall be trained to be aware and alert to issues of underage drinking.
2. Identification in the form of ID cards with "PASS" hologram must be produced by anyone who appears to be under 21.
3. There shall be no children after 9pm and no under 18's after midnight.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The Prevention of Crime and Disorder

1. A terminal hour of 3am shall only be acceptable where alcohol sales are terminated at 2am.
2. On every occasion that the premises sells alcohol after midnight and then closes after 12.30am, SIA door staff shall be employed from 10.00 pm until closing.
3. A CCTV system of an evidential standard shall be installed to the satisfaction of the police, and the system to be in operation at all times the premises are open to the public. All recordings from that system to be kept for a period of 14 days and the police to have access to recordings at any reasonable time.

ANNEXES continued ...

4. All drinks shall be served in toughened or strengthened glasses and no alcohol shall be served in glass bottles from which it is intended or likely that a person shall drink.
5. There shall be no entry or re-entry to the premises after 1.00am.
6. On every operational day when door supervision is required, then those SIA door supervisors employed on front of house duties shall wear high visibility reflective clothing for the entirety of their duty.

The Prevention of Public Nuisance

1. Noise or vibration shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Noise from the premises should not be audible within any dwelling with windows open for normal ventilation especially after 11pm. This shall be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. The criteria that shall be applied are:
 - (i) Before 11pm. - Noise emanating from the premises shall not be clearly distinguishable above other noise.
 - (ii) After 11pm - Noise emanating from the premises shall not be distinguishable above background levels of noise.
 - (iii) The local authority shall reserve the right in cases of tonal noise and where premises are attached to others, to make further assessments from within the residential property.
2. Prominent, clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
3. Doors and windows that open towards noise sensitive properties (for example residential) shall be kept shut during entertainment. All other windows and doors to be kept shut after 8pm. A management scheme shall be in place to ensure this situation remains.
4. Provision of mechanical ventilation and air conditioning system shall not allow noise breakout from the premises or cause a nuisance by its operation.
5. Secondary glazing shall be installed within 28 days.

ANNEXE 4**PLANS**

Copy attached to Licence.

LOCAL AUTHORITY



Torbay Council
 Licensing & Public Protection
 Town Hall
 Castle Circus
 Torquay
 TQ1 3DR

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Jackz Bar

Parkham Road, Brixham, Devon, TQ5 9BU.

Telephone 01803 855785

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Sunday On New Years Eve from the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day.	8:00pm	Midnight
			Maximum of 2 performers
F. Playing of recorded music (Indoors)	Monday to Sunday On New Years Eve from the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day.	9:00am	2:30am
G. Performance of dance (Indoors)	Monday to Sunday On New Years Eve from the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day.	8:00pm	Midnight
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Thursday Friday Saturday Sunday On New Years Eve from the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day.	8:00pm 8:00pm Noon Noon	Midnight 1:00am 1:00am Midnight
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Sunday	9:00am	2:00am

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption ON and OFF the premises continued ...	On New Years Eve from the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	9:00am	3:00am
On New Years Eve from the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day.		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

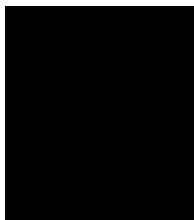
Holly Georgina Harley

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

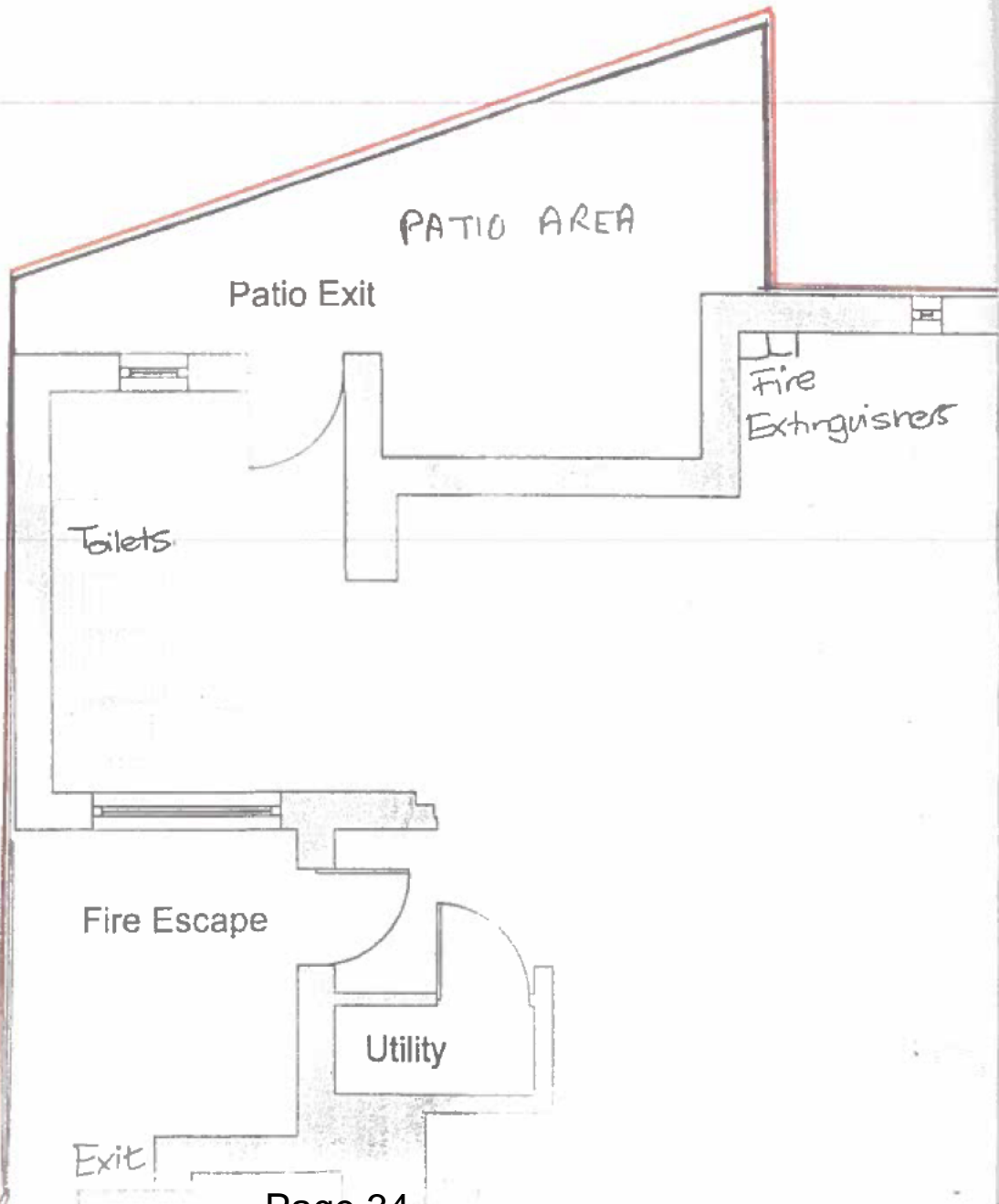
Holly Georgina HARLEY

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Access is restricted only under the terms of the Licensing Act 2003.



Steve Cox
Environmental Health Manager (Commercial)
5 August 2021



First Floor

Author:

William-Johann Litherland BSc MSc

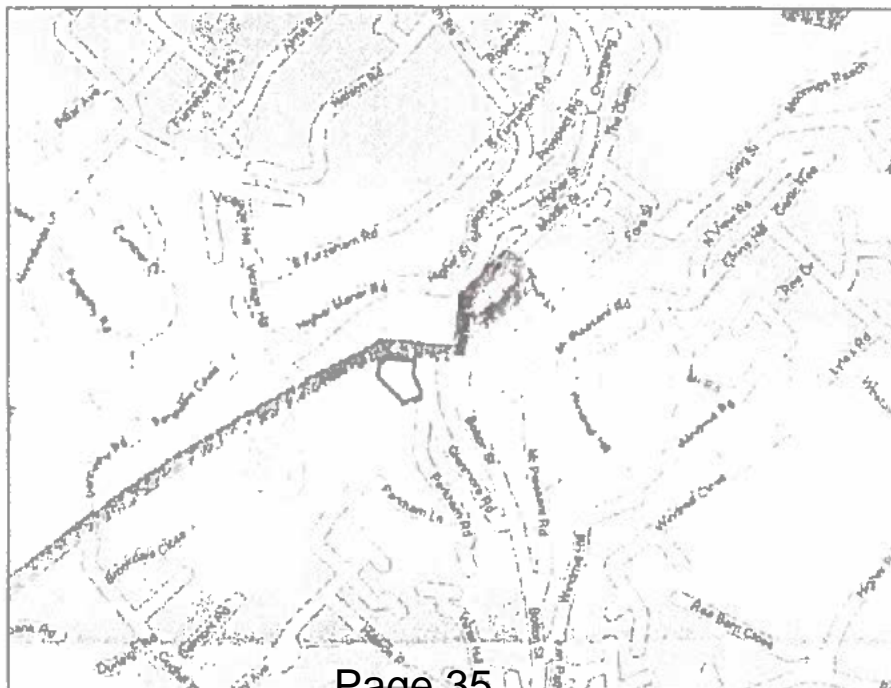
22 Primley Park
Paignton
Devon
TQ3 3JS

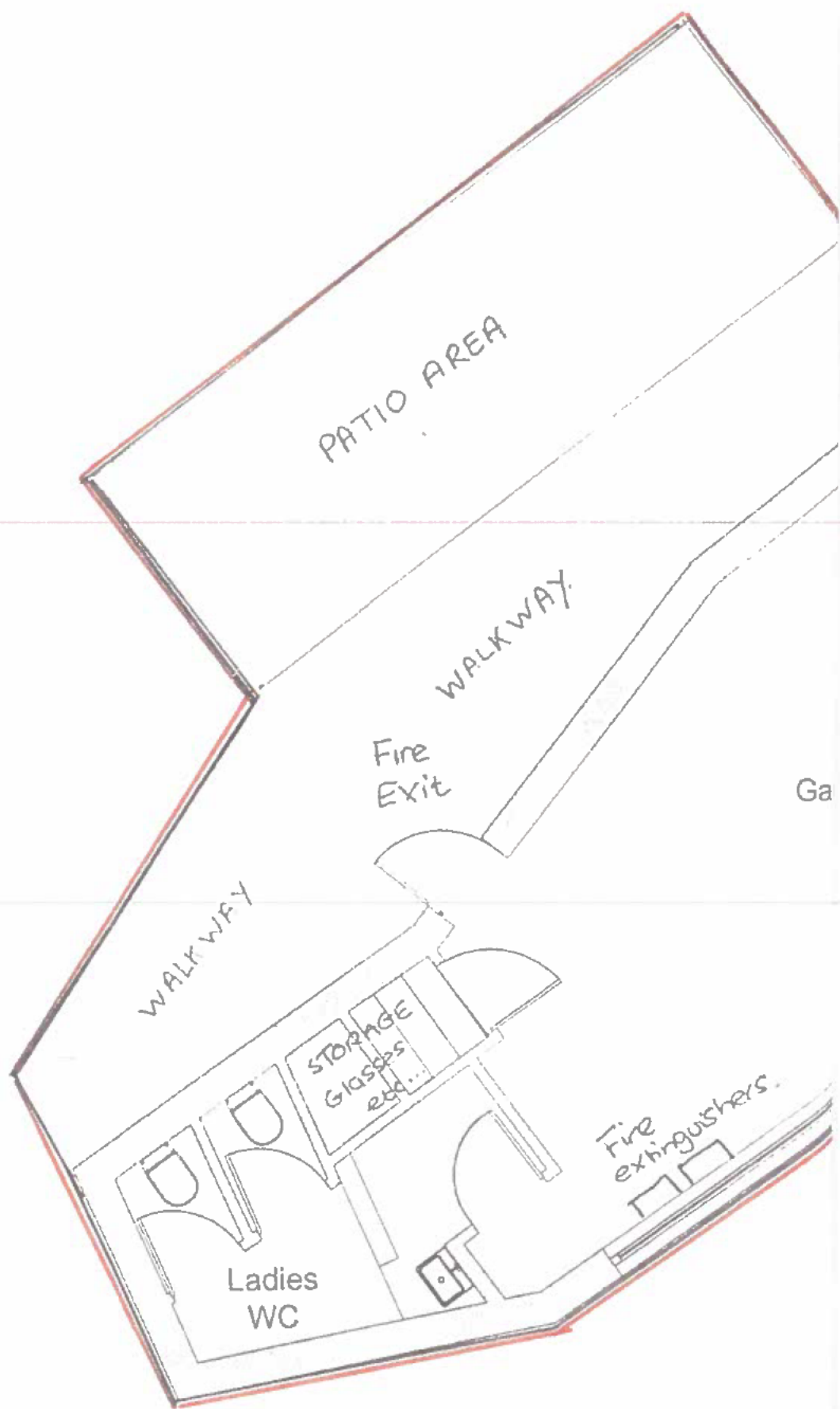
Mbl: [REDACTED]
Tel: 01803 550613
Fax: 01803 550613

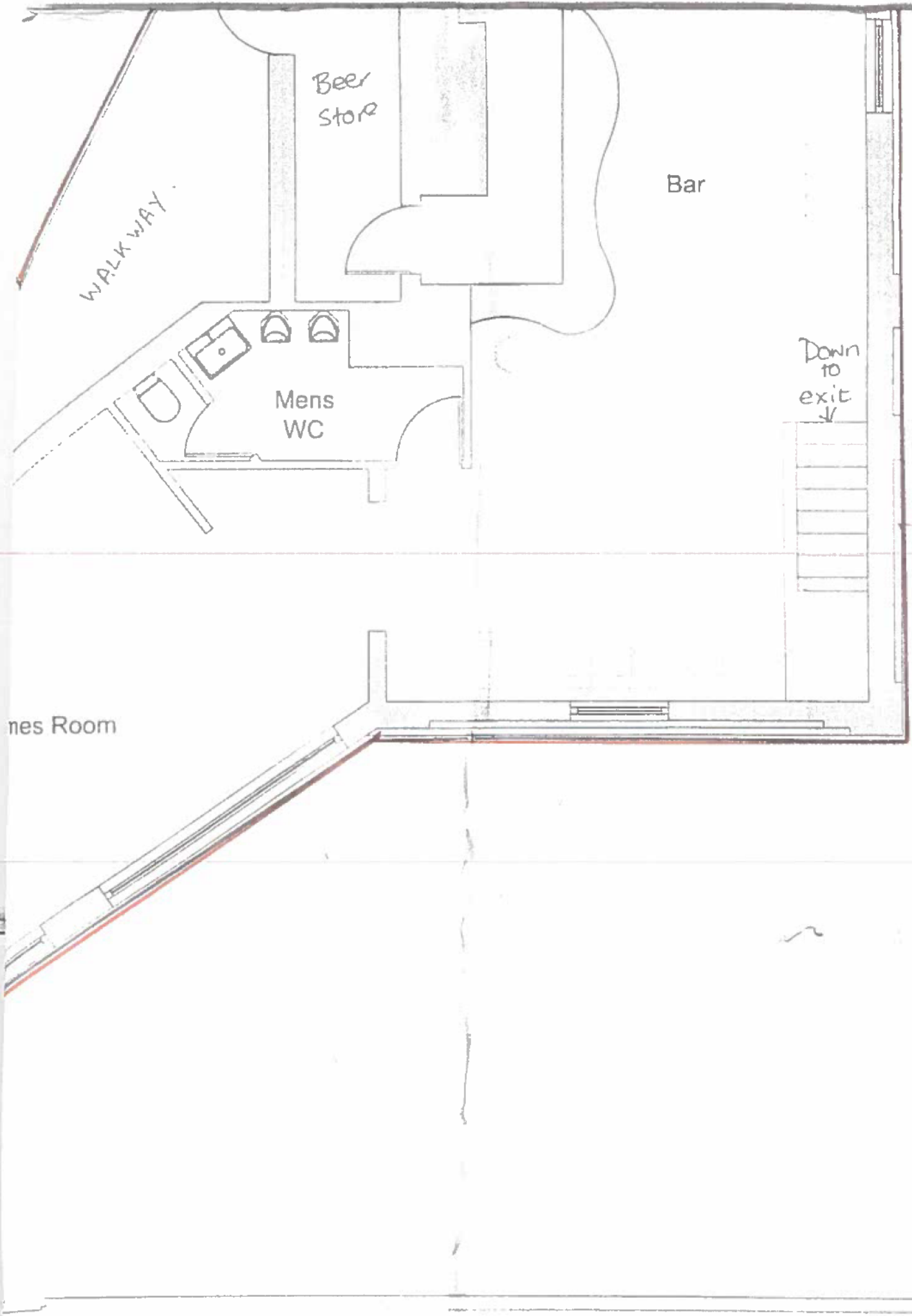
Client: [REDACTED]

Site:

Jackie's Pub
Parkham Road
Brixham
Devon
TQ5 9BU









Title:

Proposed Floor Plan

Scale: 1:50

Date: 04/12/2006

Drawing No: 2

Disclaimer

Drawing is for reference purposes only.

Although the information and recommendations in this document are presented in good faith and believed to be correct, the author William-Johann Litherland makes no representations or warranties as to the completeness or accuracy of the documentation.

This document may not reflect the standards and policy of CIAT. William-Johann Litherland is not a Chartered Architect and is not claiming to represent the Architectural Industry in any manner.

This document is Confidential and is not to be viewed by any persons other than whoever the Author or Client authorise to do so.

No copies of this document are to be made, should you require more copies or any additional information please contact the Author.

Documents unsigned by the Author are not legitimate releases. Any modifications required are to be added to the document and will be signed by the author rendering previous revisions of the document obsolete.

All information is copyright William-Johann Litherland unless otherwise stated.

By accepting this document and presenting it to third parties you accept the terms and conditions laid out in this disclaimer.

Signed: 

Memorandum

To:	Licensing and Public Protection Team	From	:	Mr Karl Martin
c.c		Contact	:	
c.c.		Ext	:	01803 208025
c.c		My Ref	:	1ZV SRU/KJM/ReviewJackz
For the attention of:	Sarah Clarke	Your Ref	:	
		Date	:	31 st August 2021

Subject: Review application, Jackz Bar, Parkham Road, Brixham, Devon, TQ5 9BU

1. The Premises, known as Jackz, is situated in a mixed-use area (Please See Appendix 1) and has held a licence to serve alcohol for more than 20 years. Presently operating as a late-night venue which it has done so since at least 2004 (PL0878).
2. In that time, but as recently as 2018, the premises has been the subject of several noise nuisance investigations instigated by complaints from residents living in the surrounding area.
3. As typical of a late-night venue operating close to residential areas complaints have been raised in respect of:
 - Noise breakout from pre-recorded music (low to mid frequency).
 - Noise associated with customers arriving/leaving the main entrance.
 - Noise from customers using the designated smoking area.
4. Historically complaints did not occur over sustained periods of time, often problems were reported during the warmer months of the year. In most cases noise outbreak was remedied by the operator using management controls to monitor the volume of the music and using SIA door staff to manage the smoking area/outside public areas.
5. Careful and diligent management has worked in the past and the premises has not been subject to enforcement action such as a noise abatement notice or a Licensing Review.
6. The location is not ideal but the building itself is the not fit for purpose and requires careful management to avoid noise breakout. The premises is adjacent to residential properties and a large complex of retirement apartments overlooks the premises.
7. The current business owner is Mr Ross Hennessey. An application to transfer the Premises Licence (PL) and Designated Premises Supervisor (DPS) to himself was refused at Licensing Committee hearing in June 2021.
8. An application to transfer both the PL and DPS to Miss Holly Georgina Harley was accepted by the Licensing Authority in July 2021.

9. I do not have any experience to Miss Harley, however clearly her actions have resulted in Devon and Cornwall Police Constabulary calling a review of the PL.
10. The residents who experienced noise nuisance in 2018 still lives in the same property and it is encouraging they are not currently experiencing noise breakout from recorded music or noise associated with customers leaving/arriving.
11. The Authority is not currently investigating noise complaints in relation to Jackz Bar and consequently the Responsible Authority has not had to engage with the Premises Licence Holder in relation to Public Nuisance.
12. However, the Review submitted by the Police contains compelling evidence of poor management that has resulted in low confidence of the management to operate this business without undermining the Licensing Objectives.
13. The owner, Mr Hennessey was subject to a Review of Hennessey Cocktails in June 2021. Poor management and lack of confidence in his management of the premises where the underlining factors which led to the revocation of the PL for Hennessey Cocktails.
14. Mr Hennessey has been the owner of business since June 2021 and reopened the premises in line with the lifting of Government restrictions on nightclubs on the 21st June 2021. As no complaints have been received since this time it could unreasonable or disproportionate to seek revocation of licensable activities.
15. It is though compelling and reasonably foreseeable the risk of this premises causing further nuisance to the local community remains high at a time the Responsible Authorities have low confidence in the current management.
16. If new complaints are received in the future it is likely the complaints will be identical to those received in the past. Therefore, the most appropriate course of action to recommend to the licensing Committee is to consider the imposing of further licensing conditions that offer a level of reassurance that does not necessarily depend on effective management.
17. The Responsible Authority has spoken to the Business owner, Mr Ross Hennessey and advised further Licensing conditions are being sought and he has been asked to propose measures which could be implemented to prevent re-occurrence of noise nuisance.
18. The Responsible Authority expects a broad agreement on suitable conditions can be achieved ahead of the Review Hearing and members will be updated on progress shortly before the Review Hearing for their final consideration.



Karl Martin
Public Protection Officer
Licensing and Public Protection
Community Safety
Torbay Council

Appendix 1

Google map view of Jackz



Google street view

