

Thursday, 24 March 2022

ADJOURNED LICENSING SUB-COMMITTEE

An adjourned meeting of **Licensing Sub-Committee** will be held on

Thursday, 31 March 2022

commencing at **11.00 am**

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

Members of the Committee

Councillor Ellery

Councillor Barbara Lewis

Councillor Mills

Together Torbay will thrive

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

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

ADJOURNED LICENSING SUB-COMMITTEE AGENDA

1. **Apologies**

To receive apologies for absence, including notifications of any changes to the membership of the Committee.

2. **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.)

3. **Jackz Bar, Parkham Road, Brixham**

(Pages 4 - 231)

To consider an application for a Review of a Premises Licence in respect of Jackz Bar, Parkham Road, Brixham.

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.



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 24th March 2022**

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.

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.

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.

1.6 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:

- 1) Concerns in respect of Mrs TRUST's suitability to hold a premises licence.
- 2) Failure to comply with the conditions imposed on the premises licence following a previous review, leading to the service of a Closure Notice under Section 19 of the Criminal Justice and Police Act 2001.
- 3) Further breaches of conditions identified following service of Closure Notice despite advice provided by police.
- 4) Premises in a poor state of repair, with public safety concerns identified by the police.
- 5) No improvement in the management of the premises as a result of the review.
- 6) The PLH/DPS is fronting for the leaseholder, who is unable to hold the licence himself.
- 7) The premises are not meeting the licensing objectives the Prevention of Crime and Disorder and Public Safety.

Full details of the application are shown in Appendix 1. The application refers to a number of incidents. Additional documents have been submitted with the application to support these incidents. These are shown in Appendix 2.

A copy of the current premises licence is attached as Appendix 3 and a plan of the premises is attached as Appendix 4.

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 an 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 to the Premises Licence Holder Stephanie Trust by Devon and Cornwall Police, on 02nd February 2022.

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 2nd March 2022 to Torbay Council in writing. All Statutory consultees were served a copy of the Review application.

3.2 There has been three representations received in total. Two Responsible Authority Representations. The first 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. The second received from Devon Fire and Rescue Service outlining their concerns in relation to Fire safety matters. Both Representations are attached at Appendix 5.

The third Representation received from an Interested Party outlining their concern in relation to Public Nuisance. A copy of the Representation is attached at Appendix 6

No Representation has been received from the Premises Licence Holder and no other Representations have been received from any other Responsible Authority or Interested Party.

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 affect 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 Additional Police Documents

Appendix 3 Copy of the Premises Licence
Appendix 4 Plan of the Premises
Appendix 5 Representations from Responsible Authorities
Appendix 6 Representation from Interested Party

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 Sgt Dave CURTIS, Licensing Sergeant for Devon and Julie SMART, Police Licensing Officer Torbay
(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) Mrs Stephanie TRUST
--

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

MRS SMART 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 checked="" 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)

- 1) Concerns in respect of Mrs TRUST's suitability to hold a premises licence.
- 2) Failure to comply with the conditions imposed on the premises licence following a previous review, leading to the service of a Closure Notice under Section 19 of the Criminal Justice and Police Act 2001.
- 3) Further breaches of conditions identified following service of Closure Notice despite advice provided by police.
- 4) Premises in a poor state of repair, with public safety concerns identified by the police.
- 5) No improvement in the management of the premises as a result of the review.
- 6) The PLH/DPS is fronting for the leaseholder, who is unable to hold the licence himself.
- 7) The premises are not meeting the licensing objectives the Prevention of Crime and Disorder and Public Safety.

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. Between 2005 and June 2021, despite the premises being authorised to sell alcohol until 0230 hrs, the premises did not regularly come to police attention due to the robust management in place. The premises is classed as High Risk by the police due to the lateness of the licence.

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. Within these documents Jackz Bar is referred to as Hennessey Sports Bar. 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. Copies of these policies are attached at pages 1-7.

Later that day, applications to transfer the licence and vary the DPS were received in the name of Miss Holly Georgina HARLEY, who was a current member of bar staff at the premises and employed by Mr HENNESSEY, with both applications to have immediate effect. These applications were subsequently granted by the Licensing Authority.

Throughout the time that Miss HARLEY was responsible for the premises, police had concerns in relation to her availability to meet, her failure to respond to phone calls, alleged drug supply at the premises, an increase in recorded crime including an incident where a door steward assaulted a male, the use of an unlicensed door steward, drunkenness, failure to provide CCTV and it appeared that Miss HARLEY was not in control of the premises but acting as a front for Mr HENNESSEY

On 4 August 2021 the police applied for a review of the premises licence at Jackz Bar, and a copy of that application is attached at pages 8-17.

The review hearing was subsequently arranged for 7 October 2021. The day before the review hearing, Mrs Stephanie TRUST, who was a current member of bar staff at the premises and employed by Mr HENNESSEY, applied for the transfer of the licence and nominated herself as designated premises supervisor.

Mrs TRUST attended the review hearing and confirmed that she was aware of the police concerns raised within the review application. She read a statement outlining the action that she would take to ensure the police concerns were alleviated, and she sought to reassure the licensing sub-committee that she would be in control of the premises. She indicated that she was willing to undertake further training and would be grateful for any advice or assistance from responsible authorities. Mrs TRUST stated that the statement she read had been prepared by herself and Mr HENNESSEY and she agreed to all the conditions proposed by the police and Mr MARTIN. At the conclusion of the hearing the Licensing Sub-Committee resolved to add the conditions proposed by Mr MARTIN and the police to the licence, a condition proposed by Mrs TRUST that Mr HENNESSEY be prohibited from entering the premises when open to the public, together with a further condition that Mr HENNESSEY should not be involved in or influence the operation of the premises. The licence was suspended for 3 months to 7 January 2022, and Mrs TRUST was advised that this suspension period was to allow her time to implement the measures outlined in the new conditions.

On 17 October 2021 police were informed by the Ambulance Service that they had been called to the premises by an irate female who stated that her drink had been spiked and she had been sexually assaulted. (Log 133 17/10/21 and CR/90544/21 refer). The log indicates that the female alleges she went into the toilet with a male who sexually assaulted her. The female said that she told others in the premises about the incident after it took place and then collapsed, losing consciousness. An ambulance attended and took the female to hospital prior to police arrival at the premises. Officers spoke to witnesses and asked to see the CCTV, but no one present could work it. The log indicates that the female admitted to ambulance staff that she had had a lot to drink and had taken cocaine. At hospital the female was fitting and had to be intubated. The crime report in respect of this incident

indicates the female was spoken to by officers, and although she could not remember much about the night, she stated she went out for lunch in Brixham and continued to drink all afternoon, drinking in another licensed premises until 0030 hours when she then attended Jackz Bar, Brixham, arriving shortly before 0100 hrs. The female told officers that she did not wish to pursue her complaints of drink spiking or sexual assault and would not support a police investigation. The crime was subsequently filed, with no criminal investigation taking place.

On 16 November 2021 Sgt CURTIS and Mrs SMART met with Mrs TRUST at Jackz Bar. They discussed the review of the premises licence and Mrs TRUST's responsibilities as premises licence holder and DPS. The appeal process was discussed and Mrs SMART explained to Mrs TRUST that she had until Friday 19 November 2021 in which to apply for an appeal. Mrs TRUST stated that she had not discussed the matter with Mr HENNESSEY, so was not aware if he wanted to appeal. Mrs TRUST was informed that as she is the PLH/DPS, it was for her to decide if she wished to appeal. She was further advised that if an appeal was lodged in her name, she would be liable for any costs awarded by the court. Sgt CURTIS recommended that she should discuss the matter with Mr HENNESSEY and an appeal should only be lodged with her consent. Mrs TRUST asked whether she would have to attend court if there was an appeal and she was told that she would. She stated that she would not apply for an appeal as she did not wish to attend court and was satisfied with the conditions imposed on the licence.

As Mrs TRUST had indicated at the review hearing that she was willing to undertake further licensing training, and would be grateful for advice and assistance, Mrs SMART gave her a list of courses provided by the British Institute of Innkeepers (BII), these being Level 1 Award in Responsible Alcohol Retailing, Level 2 Award in Conflict Management for Licensed Premises Staff, Level 2 Award in Drugs Awareness for Licensed Hospitality Staff and Level 3 Award for Designated Premises Supervisors. Mrs SMART also gave her the email address and telephone number for the Chairperson of Torbay Best Bar None, a Torbay Council Age Verification Policy, a document containing details of the Trading Standards Age Related Sales Sign-up Scheme, and an ACPO/Home Office document in relation to CCTV requirements.

Whilst Mrs SMART was sat talking to Mrs TRUST, Mrs SMART noticed that there was a cold draught coming from a window she was sat next to, which had a hole in it. Mrs SMART pointed this out to Mrs TRUST and said that she was aware of an incident some time ago (before Mrs TRUST took over as PLH/DPS) where a mobile phone had been thrown through a window. Mrs SMART advised Mrs TRUST that as she could feel a draught through this window it may be possible for noise to escape through it. Mrs SMART advised Mrs TRUST that the licence contains a condition that there must be secondary glazing in the premises and recommended that the window is fixed as soon as possible, as it may constitute a breach of the condition. At the time of this meeting, builders were working in the premises downstairs, and Mrs TRUST stated that she would speak to them and ask them to board the window up.

The drink spiking/sexual assault incident was then discussed. Mrs TRUST stated she was not working on the night and did not know why police were not contacted despite a female being unconscious at the premises or immediately outside. Sgt CURTIS and Mrs SMART watched the CCTV, which showed a male go into the female toilets followed by a female at approximately 0109 hrs. This couple were in the toilet for about 10 minutes, with other females entering, in total there were approximately 5 or 6 persons within the toilet area. Mrs TRUST commented that there are only 2 cubicles and the area is very small so she was surprised to see so many people go in there.

The couple then left the toilet and stood outside the door for a couple of minutes talking, and, although the CCTV did not show their heads, it did not appear that they were having an argument. The couple then sat down, talking and drinking. They then got up and made their way towards the bar, in the process dancing and talking to people. The female did not appear upset or distressed and was seen touching and cuddling the male.

Whilst viewing the CCTV, a CCTV engineer arrived at the premises at the request of Mr HENNESSEY, and Mrs SMART and Sgt CURTIS had a brief discussion with him. He informed them that his company provide a 24 hr telephone assistance service to deal with any enquiries and should a member of staff or

police officer be unable to operate the system, they can ring the number displayed on a sticker attached to the hard drive and will be talked through the process. The engineer stated his company will also be able to assist with the downloading of footage. Mrs SMART asked him to check that the CCTV system at the premises met the requirements outlined in the ACPO/Home Office document that had been handed to Mrs TRUST.

Due to the attendance of the CCTV engineer, Mrs SMART and Sgt CURTIS felt it inappropriate to continue discussing the CCTV further and, coupled with the fact they had seen the male and female enter the toilet unchallenged in relation to this incident, they concluded the meeting with Mrs TRUST. However Mrs TRUST was advised to ensure that staff and door stewards regularly monitor all areas of the premises, including the toilets, as no staff or door stewards had been seen in the left hand side of the premises throughout the CCTV footage viewed, which covered at least 30 minutes.

On 30 November 2021 Mrs SMART was advised that Mrs TRUST had appealed against the decision of the Licensing Sub-Committee and was forwarded the Notice of Appeal dated 18 November 2021.

In November 2021 Mrs SMART asked Torbay Council to provide her with a copy of the plan for the premises and on receipt of this Mrs SMART noticed that the plan shows some male toilets to the left of the bar. As Mrs SMART did not recall seeing any toilets in that location during her visit on 16 November 2021, on 7 December 2021 Mrs SMART sent Mrs TRUST an email and the plan, requesting her to confirm whether the plan was accurate. Copy attached at pages 18-19.

On 15 December 2021, on behalf of Torbay Council Licensing Team, Mrs SMART sent an email to all bars/nightclubs that could sell alcohol after midnight in relation to the guidance for vaccine passports. Mrs SMART followed this up with a further email in respect of the documentation those premises were required to keep. Both emails were sent to Mrs TRUST. Copy attached at pages 20-21.

At 0045 hours on Saturday 18 December 2021 Sgt CAYLESS attended Jackz Bar in order to ascertain if the premises was providing music or dancing, and whether they were carrying out any vaccine passport checks. At that time Mrs TRUST was present and informed Sgt CAYLESS that as no music or dancing was being provided, and as the premises were operating as a bar and not a nightclub, she did not believe they were required to undertake vaccine passport checks. At the time of this visit Sgt CAYLESS noted that a smashed window on the first floor was still broken. Copy email attached at page 22.

On 19 December 2021 an incident occurred at Jackz Bar where a heavily intoxicated male left the premises at closing time but tried to re-enter and was refused. He assaulted a female outside and picked up a beer barrel which he threw at a window, smashing it (log 129 19/12/21, CR/110236/21 criminal damage and CR/110239/21 assault refer).

In respect of the crime complaint of assault, the aggrieved person did not wish to pursue the matter so the crime was filed, however enquiries in respect of the complaint of criminal damage are progressing.

In respect of the criminal damage, the crime report was updated on 19 December 2021 indicating that officers who attended shortly after the incident, confirmed that CCTV covers the incident and will be burnt off for collection. On 23 December 2021, the officer in the case tried to contact Mr HENNESSEY (as he owns the business, he is the 'victim') but he did not answer his phone.

On 22 December 2021 Mrs SMART was advised that Mrs TRUST had withdrawn her appeal and that the premises was closing with immediate effect, in order to serve the remainder of the suspension period, with the premises not able to re-open until 7 January 2022.

On 23 December 2021 Mrs SMART sent Mrs TRUST an email in which she advised Mrs TRUST that she was aware that the broken window had not been fixed, that Mrs TRUST had not responded to her email of 7 December 2021 in relation to the plan, and that Mrs SMART trusted the CCTV footage of the incident on 19 December 2021 would be downloaded and provided to the police as soon as possible.

Copy email attached at pages 22-25.

On 24 December 2021, whilst on leave, Mrs SMART received an email from PC Chris SMOOTHY in relation to an assault at Jackz Bar on 10 October 2021 where a male was knocked unconscious (CR/89906/21). His comments in respect of the CCTV were positive in that the quality of the images was good and captured the incident in full. On her return to duty in January 2022, Mrs SMART looked at the crime report which contained the below updates:

- 15/10/21 Mr HENNESSEY was contacted by police. He stated he was in Wales on a course but said CCTV would be downloaded and he would drop it to Brixham Station on Sunday.
- 20/10/21 USB stick received.
- 20/10/21 OIC (officer in case) unable to access CCTV as it required a bitlocker password. Email sent to Mr HENNESSEY re this.
- 25/10/21 No response received from Mr HENNESSEY so voicemail message left
- 28/10/21 OIC spoke to Mr HENNESSEY who said he would download CCTV again and drop at Brixham, and will email OIC to inform her when this has been done
- 03/11/21 OIC not received contact from Mr HENNESSEY re CCTV so further voicemail left
- 04/11/21 USB stick received. Channel 5 covers incident and provides good image of suspect.
- PC Smoothy reviews CCTV and is satisfied that the suspect has a defence of self-defence so the crime was been filed.

On this occasion it took 24 days from the date of the incident for the footage to be provided in a viewable format.

On 4 January 2022 Mrs SMART viewed the crime report in respect of the criminal damage on 19 December 2021 (CR/110236/21) and noted that on 24 December 2021, the officer in the case again rang Mr HENNESSEY, but he did not answer. Mrs SMART updated the crime stating that Mrs TRUST, as premises licence holder, is legally responsible for supplying CCTV, requesting that officers contact her, and Mrs SMART indicated that she had sent Mrs TRUST an email on 23 December 2021 advising her to download the CCTV immediately and provide to the police.

On 4 January 2022 a post on Facebook indicated that Jackz Bar would be open on Friday and Saturday nights throughout January and that customers must provide their vaccine passport or proof of a negative lateral flow test on entry.

On 7 January 2022 Mrs SMART again viewed crime report CR/110236/21 and noted that an officer spoke to Mr HENNESSEY on 5 January 2022 when he advised the officer that the CCTV would be ready for collection on either Friday 7 or Saturday 8 January 2022. It therefore appears that the CCTV had not been downloaded on 5 January 2022, which was 17 days after the incident occurred despite Sgt CURTIS and Mrs SMART being aware that the CCTV Company could support staff with downloading footage 24 hrs a day. The CCTV condition on the premises licence states that CCTV must be provided "with absolute minimum delay" and therefore the police consider that this condition has not been complied with.

On 7 January 2022 Jackz Bar could re-open following the suspension of the premises licence.

At 2345 hrs on Saturday 8 January 2022 Mrs SMART and Mr Karl MARTIN attended Jackz Bar in order to check that the conditions imposed on the licence following the review were being complied with. Mrs SMART parked the car in Parkham Road in a position enabling them to view the front door of the premises, from a distance of about 20+ metres. Whilst in the car with the doors and windows closed Mr MARTIN and Mrs SMART could hear music and Mr MARTIN opened the car door. They discussed the music and formed the opinion that it was probably coming from Jackz Bar. Whilst watching the premises they noted a door steward outside. During the time they were observing the premises they saw a mature couple enter the premises without showing anything to the door steward. The door steward briefly went inside the front door but this was only for a couple of seconds. A group of 4 males then approached the premises, the first male showed the door steward something but the other 3 did not. The door steward again briefly followed these males into the front door but exited again a few

seconds later. In their opinion the door steward did not have time to check vaccine passports/negative lateral flows of all the individuals who entered the premises.

At 0005 hrs on Sunday 9 January 2022 Mrs SMART rang PC RANDALL who stated he would meet them at the premises in a few minutes. Mr MARTIN and Mrs SMART got out of the vehicle and walked to New Road where we were stood about 5m from the front door of the premises and could clearly hear music coming from the front door of Jackz Bar.

PC RANDALL arrived and Mr MARTIN and Mrs SMART then spoke to two door stewards. They asked the stewards what they had been told about their responsibilities for the night. The stewards responded that they had to make sure there were no incidents and deal with individuals. They asked the stewards what checks they had been asked to carry out and one said "Challenge 25". Mrs SMART asked whether they were carrying out vaccine passports/negative lateral flow checks and the stewards said they were. Mrs SMART informed them that she and Mr MARTIN had been watching the premises for about 20 mins and during this period one male showed the door steward something before entering, but 5 other persons did not. One door steward stated that the customers showed him their vaccine passports just inside the front door so it would be covered by the CCTV. Mrs SMART informed this steward that in her opinion he was not inside the front door long enough for this to have taken place. Mr MARTIN asked the stewards what documents they were accepting and although the stewards were saying the correct things, Mrs SMART saw one female show a door steward a photograph of a lateral flow device and Mrs SMART immediately advised him that a photograph was not acceptable. This female immediately entered the premises but Mrs SMART did not hear the steward ask for an appropriate document, although Mrs SMART accepts that she was distracted talking to the other steward so may have missed this. Whilst stood talking to the one of the stewards, Mrs SMART noticed that it took the other steward several minutes to check vaccine passports/negative lateral flows of customers who arrived, which tended to confirm her suspicions that they had not been requested from the customers seen to enter the premises earlier.

Mr MARTIN or Mrs SMART asked the stewards how many persons were inside and one steward said "About 30". Mrs SMART asked if they had clickers and they stated they did not. Mr MARTIN asked the stewards how they were going to monitor numbers within, pointing out that the licence requires them to have 2 stewards for the first 100 customers and an additional steward thereafter. The stewards said they would guess or estimate the numbers inside. Mr MARTIN and Mrs SMART told them that this was unacceptable.

Mr MARTIN asked the stewards what they had been requested to do in respect of noise issues. One of the stewards said that when customers leave or are smoking outside they have to try to get them to move away from the premises and not cause a noise. Mr MARTIN asked what the stewards had been told in relation to monitoring noise from music, such as carrying out checks from different locations around the premises and logging this, but they said they did not know anything about that.

Mr MARTIN and Mrs SMART then entered the premises and were met by Miss Holly HARLEY, who was the personal licence holder on duty. Mrs SMART asked Miss HARLEY to produce the premises licence and she took the licence summary off the wall. Mrs SMART told her that she wanted to see the whole licence and Miss HARLEY went and looked in a folder located in the small room behind the bar but could not find it. Miss HARLEY then rang Mrs TRUST to establish its location. Miss HARLEY told Mr MARTIN and Mrs SMART that Mrs TRUST had not received an updated licence as a result of the agreement reached before Christmas, ie when Mrs TRUST withdrew her appeal. Mrs SMART advised Miss HARLEY that Mrs TRUST would have received a copy of the premises licence after the review hearing and said that she would like to see that copy. Miss HARLEY again rang Mrs TRUST who told her it was in an orange box-folder. Whilst Miss HARLEY was speaking to Mrs TRUST, Mrs SMART and Mr MARTIN compared the plan of the premises against the layout, and it was apparent that the male toilets shown next to the bar on the plan are no longer there. This was discussed with Miss HARLEY, who stated that the toilets are now a store cupboard. Mr MARTIN and Mrs SMART noted that the walls in this area do not reflect the plan but agreed that this was a minor issue that should be addressed to ensure the plan is accurate.

Mrs SMART, Mr MARTIN, Miss HARLEY and PC RANDALL then went to a quieter area of the

premises and Miss HARLEY went through the folder but there was no premises licence in there. However the folder did contain policies in respect of door stewards and bar staff, and a written drugs policy, which Mrs SMART identified as those produced by Mr HENNESSEY at a hearing in respect of his applications for the transfer/vary DPS of this premises in June 2021.

Using the internet on her mobile phone, Mrs SMART looked at the premises licence and discussed several conditions with Miss HARLEY. Mrs SMART asked to see some staff training records. Miss HARLEY stated that they had not carried out any training yet but would start the following week and she was unable to produce any training records. Mrs SMART asked if she had completed the BIIAB Level 1 Course but Miss HARLEY did not know what it was and said she had not done it. Mrs SMART asked to see the first aid box, which she produced, however it did not contain equipment in relation to needles, blood and body fluids as required by the condition on the licence. Mr MARTIN asked if there was a sharps box and she said "No".

Mr MARTIN asked to see the noise management plan and other documents, but these could not be produced. Mrs SMART asked Miss HARLEY if she had any noise monitoring log sheets but she did not know anything about these.

Mrs SMART asked Miss HARLEY about vaccine passports checks and whether they were being carried out from the time the premises opened or some other time. Miss HARLEY said they were being checked from the time they opened and that everyone was checked. Mrs SMART asked to see the premises vaccine passport statement, but Miss HARLEY did not know what that was. Mrs SMART asked to see the logs of how many people had entered the night before but Miss HARLEY was not aware that they had to keep these records and stated she did not work the previous night.

Mr MARTIN and Mrs SMART advised Miss HARLEY that they were not satisfied that the premises were complying with the requirements of the licence. Mrs SMART advised Miss HARLEY that the penalty for failing to comply with the licence is an unlimited fine, up to 6 months imprisonment, or to both, and that they would contact Mrs TRUST regarding the visit. They then left the premises.

At approximately midday on Sunday 9 January 2022, Mrs SMART rang Sgt CURTIS and advised him of the issues identified at Jackz Bar during the visit that morning. As a result of their discussions, Sgt CURTIS instructed Mrs SMART to serve a Closure Notice under Section 19 of the Criminal Justice and Police Act 2001 on Mrs TRUST on his behalf. Mrs SMART subsequently prepared the notice and served it on Mrs TRUST later that day. Copy of email, Closure Notice and Explanatory Notes is attached at pages 26-29.

During the week following the service of the Closure Notice Mrs SMART received several emails from Mrs TRUST, in respect of a request to meet with her at the premises on Friday 14 January 2022 to go through her documents and requesting advice on various matters referred to within the Closure Notice. Copies of these emails are attached at pages 30-46.

On 12 January 2022, Mrs SMART emailed Mrs TRUST advising her that she and Sgt Curtis were unable to meet with Mrs TRUST on 14 January 2022 due to other commitments. Within this email Mrs SMART advised Mrs TRUST that if she was satisfied that she could comply with all the conditions contained on the premises licence then she could carry out licensable activities whenever she wishes, however if Mrs TRUST was not satisfied that she could comply with the licence requirements she should not carry out any licensable activities until she is satisfied that she can comply. Copy email attached at pages 47-48.

On 14 January 2022 Mrs TRUST rang Sgt CURTIS and asked if she could open that night. She was advised she should read her licence and if she could put a tick beside all the conditions as being met then she could resume licensable activities. She was also advised by Sgt CURTIS that any conditions that had been actioned but had not yet been completed due to a third party not being available to assist, like the Best Bar None assessment, would be acceptable.

At 2230 hrs on Saturday 15 January and 0100 hrs on Sunday 16 January 2022 PC HONEYBALL attended Jackz Bar. His email to Mrs SMART states two door stewards were on duty at the front of the

premises checking vaccine passports, another member of staff was positioned upstairs recording details of persons entering, and the premises were open until 0230 hrs with music and dancing taking place.

At 1245 hrs on Friday 21 January 2022 Sgt CURTIS and Mrs SMART attended Jackz Bar for an arranged meeting. At 1255 hrs, as Mrs TRUST and Mr RALPH were not present, and the premises were locked, Sgt CURTIS and Mrs SMART began to walk down to the harbourside and met them en-route. They then returned to Jackz Bar, but neither Mrs TRUST or Mr RALPH had a key and all persons waited outside for approximately 20 minutes until a key could be delivered to the premises.

On entering the premises both Mrs SMART and Sgt CURTIS needed to use the toilets. On advising Mrs TRUST of this, she immediately advised Mrs SMART that there was no electric in the ladies toilets and she switched on a free-standing lamp positioned within the toilet, which was plugged into an extension lead and then into a socket within the main bar area, with the cable running across the entrance to the ladies, thus causing a trip hazard. Within the ladies toilet the lamp was situated between the electric hand drier and the sink, meaning the portable electrical lamp could potentially come into contact with the water in the sink or wet hands. The ceramic sink was broken, with a large hole in the front which was plugged with paper towels and had sharp edges. The sink was held together with silver tape and cellotape. Mrs SMART also noticed that there are 2 steps within the ladies toilet and the door of one cubicle opens directly over the top of these steps. These steps are a potential hazard, particularly if customers are wearing heels and/or under the influence of alcohol. On entering a cubicle and closing the door, Mrs SMART stated that the cubicle was pitch black and she was unable to see anything. Mrs SMART also noted that there were no facilities for drying hands.

Sgt CURTIS raised concerns with Mrs TRUST in relation to the state of the male toilets. He pointed out that the cistern was not connected to the urinals and therefore no water flushes through the urinals. There was a strong smell of urine within the male toilet area. Mrs TRUST indicated that the cistern had been like this for some time and prior to Mr HENNESSEY taking over the premises. Sgt CURTIS also showed Mrs TRUST that the electric hand dryer was not fixed to the wall the wall and was lying on a shelf but was still connected to the mains electricity above the sink, and the paper towel dispenser was also on the shelf, both appearing to have been pulled from the wall, and again there were no facilities for customers to dry their hands. Mrs TRUST indicated that she was not aware that the hand dryer and towel dispenser had been removed from the wall as she had not been in the premises since the week before, staff had not advised her of this matter and there was no record of the damage being recorded in the incident records for the previous weekend.

Photos of the above issues are attached at pages 49-55.

Within the main bar area, Sgt CURTIS raised concerns about the number of wires hanging from walls in at least 3 different locations, and the number of extension leads being used with sockets potentially being overloaded. He advised Mrs TRUST that he had serious concerns about the safety of the premises and asked when the premises last had an electrical safety check. Mrs TRUST indicated that she did not know. Sgt CURTIS then advised Mrs TRUST that if it was his business he would not open until electrical safety checks had been completed but that was not something he could enforce. Mr RALPH and Mrs TRUST agreed the premises was not safe and Mrs TRUST said she would not open until an electrician had checked all the wiring to ensure it is safe and provides her with a certificate to this effect.

Sgt CURTIS asked Mrs TRUST about staff training and any guidance given to the door stewards before their shift, using fire safety and escape routes as an example. He said "Do you show staff where the fire extinguisher is if in case it is required?" Mrs TRUST stated that she did not know if there was a fire extinguisher, but if there was she did not know where it was located. Mr RALPH went and looked around behind the bar and he eventually located a fire extinguisher. Mrs SMART asked Mrs TRUST if she had provided any fire safety training to staff and Mrs TRUST stated that she had not provided any such training. Mrs SMART pointed out that in the case of an emergency customers under the influence of alcohol would expect to be directed to emergency exits by staff and stewards and therefore she has a duty to ensure all persons employed at the premises know where the fire escape routes, fire extinguishers and alarms (if installed) are located.

Mrs SMART then went through every condition contained on the premises licence (with the exception of those listed under public nuisance) to check that they were being complied with. Mrs SMART identified 8 conditions that were not being complied with in respect of the display of posters x 2, emergency exits, safety checks, accident records, training records, a fire risk assessment and failure to provide CCTV with absolute minimum delay. In addition to these breaches, Sgt CURTIS and Mrs SMART raised concerns in relation to Mr HENNESSEY still being involved in the operation of the premises due to his involvement in the provision of CCTV and contacting the Chairperson of Best Bar None. Whilst going through the premises licence Mrs SMART also identified a number of conditions which were duplicated, or have been updated with more comprehensive conditions, and Mrs SMART recommended that these could be removed to condense the content of the licence, thereby making it easier to read and comply with.

On 25 January 2022 Mrs SMART emailed Devon and Somerset Fire & Rescue Service and various members of Torbay Council staff advising them of the concerns identified on 21 January 2022. Mrs SMART subsequently received an email from Mr Gary STEER of the Fire Service advising her that he had arranged to visit the premises on Friday 28 January 2022 in order to carry out an audit.

On 26 January 2022 Mrs SMART sent an email to Mrs TRUST outlining the discussions that took place during the meeting on Friday 21 January 2022. A copy of this email is attached at pages 56-60.

On Friday 28 January 2022 Mrs SMART received an email from Mr STEER, in relation to his visit to Jackz Bar that morning. Within his email he indicated that Mr HENNESSEY had decided to close the premises for a couple of months, that an audit had not taken place but advice was given in relation to several fire safety matters. Mr STEER stated Mrs SMART could contact him for further information.

On Monday 31 January 2022 Mrs SMART rang Mrs TRUST to discuss the Fire Officers visit on Friday 28 January 2022. Mrs TRUST stated that Mr HENNESSEY and Mr RALPH had been present during this visit, that she was not aware of the full details of the visit but knew the Fire Officers were not happy with what they had found, and that the premises had to close for another weekend. Mrs SMART asked Mrs TRUST if she was present during the visit and Mrs TRUST stated that she was not. Mrs SMART asked Mrs TRUST why she was not present and she said "I had another job I had to go to". Mrs TRUST told Mrs SMART that Mr HENNESSEY was going to arrange for a fire assessment to take place and Mrs SMART advised her to ensure that she is involved in this process and obtains copies of any documentation provided. Mrs SMART asked Mrs TRUST when the premises were likely to re-open and Mrs TRUST stated she did not know.

Mrs SMART then asked Mrs TRUST when the electric in the ladies toilet stopped working. Mrs TRUST stated she did not know. Mrs SMART asked her if the electric had been working over the weekend of 14/15 January 2022 when the premises had been open to the public, again Mrs TRUST stated she did not know. Mrs SMART asked her how and when she became aware that the electric was not working and Mrs TRUST stated she did not know when she first became aware, but it was when she noticed that someone had put a lamp in the toilets.

Mrs SMART then reminded Mrs TRUST that she had given her a list of courses in November 2021 and asked whether she had completed any of this training. Mrs TRUST stated she had completed the BIIAB Level 1 Award in Responsible Alcohol Retailing but none of the others. Mrs TRUST further said that she will do some training at some point in the future, but said that she has a lot on at the moment due to personal issues.

On Monday 31 January 2022 Mrs SMART also rang Mr STEER to discuss his visit to Jackz Bar. He stated that he rang Mrs TRUST twice in order to arrange the visit with her, but she did not answer her phone. As he wished to visit the premises as soon as possible, he therefore contacted Mr HENNESSEY. Mr STEER stated that he had not completed an audit at the premises, as it was not open and there were no staff to speak to, but he advised Mrs SMART of the below concerns he had identified:

- 2 final escape doors/gates open inwards and not outwards.
- Rear escape path in poor condition – steps need making good and path clearing

- Staircase not suitable as an escape route due to low head height
- Travel distance from garden to final escape may be problematic and may need a management plan
- Bolts on final exit doors to be removed completely when premises open to public with a management plan in place
- Ceiling in premises underneath has been removed and additional linked warning system needs to be in place until this has been rectified
- Warned re overuse of electric sockets and extension leads which need to be minimised
- Widths of escape route not suitable for more than 110 persons

Mr STEER advised Mrs SMART that he and Mr HENNESSEY discussed the intended opening of the premises that night. Mr STEER informed Mr HENNESSEY that there were a number of matters that needed addressing immediately and if they failed to do so, he would have stopped them from opening. As a result of this Mr HENNESSEY stated that the premises would not open for at least a couple of months. Mr STEER advised Mr HENNESSEY to employ the services of a competent fire risk assessor and provide him with copies of all documents prior to the premises re-opening.

As a result of the recent visits by Mrs SMART, Sgt CURTIS and the Fire Safety Officers, Sgt CURTIS discussed the concerns identified at this premises with Inspector Martin TREGASKIS, who instructed him to apply for a review of the premises licence.

On 1 February 2022 Mr RALPH sent Mrs SMART an email with various electrical safety documents attached. Copies of all those documents are attached at pages 61-92.

On 1 February 2022 Mrs SMART also received an email from Mrs TRUST, copy attached at page 93.

As other responsible authorities are now dealing with the public safety matters, further updates will be provided at the hearing.

Sgt CURTIS and Mrs SMART suspect that prior to the review hearing, it is likely that Mrs TRUST will resign from her positions as premises licence holder and DPS, as did the former PLH/DPS Miss HARLEY, in an attempt to avoid the necessity for a review hearing. Should this be the case, further transfer and vary DPS applications will be submitted. However, these will not alleviate our concerns as we have no confidence in Mr HENNESSEY's selection process and any further persons appointed in these positions will again be fronting for Mr HENNESSEY, who has ultimate control over the management of this premises. Therefore should any applications be received, whilst they will be considered on their merits, it is likely that the police will object to them.

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

Yes - different PLH

If yes please state the date of that application

Day	Month	Year
04	08	2021

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

Application for Review on 04/08/21 in respect of below matters

- PLH/DPS 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.
- Failure by PLH/DPS to contact Police Licensing Officer when requested, return telephone calls or respond to emails.
- PLH/DPS appointed on 24 June 2021, since that 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
- PLH/DPS fronting for Mr HENNESSEY who was refused transfer/vary DPS of licence.

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 Sgt D Curtis and J K Smart
.....

Date 01/02/22
.....

Capacity Police Licensing Sergeant for Devon and Police Licensing Officer for Torbay
.....

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.

Hennessey Staff Policies and procedures - Door Steward

Working hours are 9pm-12:30am every friday and saturday at **Hennessey Cocktail Lounge** and 10pm-3am at **Hennessey Sports bar and Hennessey Late Lounge** - with the option for extra hours as and when. I.E. Bank Holidays, events (weddings, birthday parties, new years etc.) These premises are a 2-3 person door, where one person will be situated at the entrance to the premises, whilst the other/s will be inside.

Your role consists of:

Ensuring we operate a challenge 25 policy (protection of children from harm) - ID all customers who don't visibly look over the age of 25 when entering the premises.

Acceptable forms of Identification are:

Drivers Licence

Passport

Citizen Card

If you have any question about the authenticity of a document, we have an Ultraviolet light above the till to check for holograms.

Prevention of Public Nuisance

At the beginning of every shift, you are required to put out our 'cafe barrier' system to create a smoking area towards to LEFT of the premises - i.e. alongside our building and not the building next door. (This applied to Hennessey Cocktail Lounge only - our other premises have designated outside smoking areas.)

This area is limited to 8 patrons at Hennessey Cocktail Lounge.

Hennessey Sports bar should be capped at 15 patrons.

No glasses are permitted at either.

Whilst smoking guests should be reminded to keep noise to a minimum to avoid disturbing residents. After repeat warnings, failure to cooperate will result in refusal of entry back into the premises.

Our terminal hour is **00:30 at Hennessey Cocktail Lounge** **02:30 at Hennessey Late Lounge** and **03:00 at Hennessey Sports Bar**, this is the latest time where every customer should have left the building- ideally before. You are reminded to ask them to leave quickly and quietly and not to linger around the area. We have a direct radio to 'ace taxis' should they require a taxi back home.

Prevention of crime and disorder

As a trained SIA steward, you will already be trained in methods of safely dealing with any fights or issues, should they occur inside or directly outside of our premises.

It is your job to ensure the safety of ALL customers and staff members inside the premises - in the likely event you do have to step in to protect a member of the public, you must record all details in full in our record book behind the bar, you must state:

The time of the incident

What happened

Who was involved - a description if you can't remember the name.

What you did to resolve the situation

Were the authorities called? Log number etc.

What can we do to avoid situations like this happening in the future.

As a 2 or 3 man door, one or more you will be based inside the premises. This person/s should monitor the toilets every 10-15 minutes to check for any signs of drugs use.

We operate a zero tolerance policy towards drugs and anybody involved in the use or selling of drugs will be asked to leave immediately.

Their name and details of the incident should be recorded in our handbook and name be placed on our 'banned' list.

Public Safety

Our Capacities at each premises are the following:

Hennessey Cocktail Lounge - 150

Hennessey Late Lounge - 50

Hennessey Sports Bar - 125

You will be issued with a 'clicker' at each site, which you MUST use when a customer leaves or enters a premises to ensure we have an accurate reading of how many guests are present. If we reach capacity, guests who are queueing for entry must be told to keep noise to a minimum whilst waiting for others to leave.

UPDATE

During the Covid Pandemic, our capacities for each premises are as follows:

Hennessey Cocktail Lounge - 65

Hennessey Late Lounge - 30

Hennessey Sports Bar - 60

During the cover pandemic, the addition role of the inside door steward/s are to ensure:

Tables of 6 inside only, this number cannot be compromised unless they are formed of 2 households. This has been the case at Hennessey Cocktail Lounge in the daytime, where children and families come together - but is very unlikely at the other premises as children aren't allowed inside so large households don't come together. Therefore are no exceptions to the rule of 6 at these premises.

Masks must be worn on entry into the premises, and can only be removed once seated. They must be worn whenever a customer goes to the toilet or leaves the premises - they cannot come to the bar.

Singing/Dancing/Chanting is not allowed, and therefore all guests must be reminded to sit down and stop singing/chanting at all times.

Failure to cooperate with these rules will result in ejection from the premises.

What you should wear

YELLOW branded, high visibility jacket at all times where you are working any of our doors.

Radio with earpiece - these are to ensure swift communication across all staff and sites. Any issues - i.e. ejection, refusal of service, drug use must be communicated via radio to our other sites so we can refuse entry to anyone we believe could be a nuisance.

Body Camera - these should be worn on your chest at all times where you are on duty. It is your responsibility to ensure these are charged, alongside your radio at the end of the night.

Appropriate black trousers and footwear (not supplied)

In date SIA badge on your arm - you must keep track on when your badge is nearing expiration, it is your responsibility to pay and renew your badge. An expired badge will result in immediately loss of work. We would cover the costs of renewal and recoup costs as a deduction from pay is required.

I confirm I have received a copy of the Hennessey Cocktail Lounge Staff Handbook and that I have read this and understood the contents.

I also confirm that I have sought clarification from my line manager on any issues outlined in the Handbook which I am not clear about.

Signed: _____

Date: _____

Please return this form duly completed and signed to your line manager.

Hennessey Staff Policies and Procedures - Bar

Operations hours are 2pm-12:30am every day (subject to change, seasonal too) at **Hennessey Cocktail Lounge** and 10pm-3am at **Hennessey Sports bar** daily, **Hennessey Late Lounge** is our overflow downstairs bar which should only be open when Hennessey Sports bar has reached capacity. Hours may be extended due to I.E. Bank Holidays, events (weddings, birthday parties, new years etc.)

Your role consists of:

Ensuring we operate a challenge 25 policy (protection of children from harm) - ID all customers who don't visibly look over the age of 25 when entering ordering alcohol

Acceptable forms of Identification are:

- Drivers Licence
- Passport
- Citizen Card

If you have any question about the authenticity of a document, we have an Ultraviolet light above the till to check for holograms.

Children must be asked to leave the premises at **9pm** - at hennessey cocktail lounge, and aren't permitted entry to any other of our premises.

Prevention of Public Nuisance

Guests smoking outside should be asked to do quietly, when a doorman is present they will monitor this area, when they are not then it is everybody else's job.

This area is limited to 8 patrons at Hennessey Cocktail Lounge.

Hennessey Sports bar should be capped at 15 patrons.

No glasses are permitted at either.

Whilst smoking guests should be reminded to keep noise to a minimum to avoid disturbing residents. After repeat warnings, failure to cooperate will result in refusal of entry back into the premises.

Our terminal hour is **00:30 at Hennessey Cocktail Lounge 02:30 at Hennessey Late Lounge and 03:00 at Hennessey Sports Bar**, this is the latest time where every customer should have left the building- ideally before. You are reminded to ask them to leave quickly and quietly and not to linger around the area. We have a direct radio to 'ace taxis' should they require a taxi back home.

Music

We have an in house sound system which we use to play all of audio through. On some occasions we may have a DJ present, but all other times we control the music.

Daytimes (2pm-9pm) the volume of music should be kept at approximately **number 4** we have found that this is a perfect background noise level. At midnight the sound

system must be dropped this this level **immediately**. Daytimes are peaceful and quiet, with lots of families, dogs and older couples inside. Appropriate spotify playlists have been created, search for 'chilled hits' 'chilled daytime' 'lounge' playlists as these are constantly updated with easy to listen to music. The bi-fold doors and windows can be open when this music is playing. No swearing on any track must be played.

Evenings (9pm-midnight) - We generally get a younger crowd in at the evenings who want a more upbeat feel. We have created custom playlists with the latest music on to listen too. Its important to vary playlists every night as we often see the same customers every friday and saturday so variety is important. An acceptable level for this music is between volume **6-7** on our system. Please do not let customers behind the bar who could tamper with this. This volume has been agreed with neighbours as appropriate.

Bifold doors/windows an front door must be closed from 9pm onwards before we switch the style and volume of music.

Prevention of crime and disorder

It is your job to ensure the safety of ALL customers and staff members inside the premises - if any issues arise you must record all details in full in our record book behind the bar, you must state:

- The time of the incident
- What happened
- Who was involved - a description if you can't remember the name.
- What you did to resolve the situation
- Were the authorities called? Log number etc.
- What can we do the avoid situations like this happening in the future.

We are not trained to step in should any issues arise, so if a doorman isn't present we must be vigilant towards peoples change in attitudes. If you believe that a fight could present itself you must call the police for protection immediately.

When a doorman isn't present, we should monitor the toilets every 10-15 minutes to check for any signs of drugs use. We operate a zero tolerance policy towards drugs and anybody involved in the use or selling of drugs will be asked to leave immediately. Their name and details of the incident should be recorded in our handbook and name be placed on our 'banned' list.

We must stop serving alcohol to anybody we believe to be too intoxicated, as this could prevent any further issues rising.

Public Safety

Our Capacities at each premises are the following:

Hennessey Cocktail Lounge - 150

Hennessey Late Lounge - 50**Hennessey Sports Bar - 125**

It is very unlikely that we would reach capacity on a night where a doorman isn't present, but please be aware of these numbers.

UPDATE

During the Covid Pandemic, our capacities for each premises are as follows:

Hennessey Cocktail Lounge - 65**Hennessey Late Lounge - 30****Hennessey Sports Bar - 60**

During the cover pandemic, the additional role of all staff is to enforce:

Tables of 6 inside only, this number cannot be compromised unless they are formed of 2 households. This has been the case at Hennessey Cocktail Lounge in the daytime, where children and families come together - but is very unlikely at the other premises as children aren't allowed inside so large households don't come together. Therefore are no exceptions to the rule of 6 at these premises.

Masks must be worn on entry into the premises, and can only be removed once seated. They must be worn whenever a customer goes to the toilet or leaves the premises - they cannot come to the bar.

Singing/Dancing/Chanting is not allowed, and therefore all guests must be reminded to sit down and stop singing/chanting at all times.

Failure to cooperate with these rules will result in ejection from the premises.

What you should wear

Black, branded hennessey T Shirts (provided) with appropriate footwear and trousers (skirt or smart shorts are acceptable - must be black.)

Additional Info

You must read through the terms of EACH premises licence and make sure you are familiar with the conditions - each site is different.

To summarise the key ones which you must adhere to and enforce are the following:

Please note; some I have adapted to help ensure we go above and beyond - for example, not serving in glass bottled 2 hours earlier than we are permitted to.

Glass bottles should only be served at Hennessey Cocktail Lounge until 9pm, after this time they should be decanted into a shatterproof glass or plastic. At all other premises glass bottles should NEVER be served.

You may serve alcohol until the following times:

Hennessey Cocktail Lounge - MIDNIGHT inside the premises 8pm off sales

Hennessey Late Lounge - 2AM inside the premises ONLY

Hennessey Sports Bar - 2AM both inside and off the premises.

Customers have a 30 minute 'cooling down' period where they can drink up, with quieter music after these times.

Hennessey Sports Bar has an hour where customers can drink up - but we should aim to get customers out by 2:30 to avoid confusion with our licence downstairs.

You may play recorded music until:

Hennessey Cocktail Lounge - midnight

Hennessey Late Lounge - 2AM

Hennessey Sports Bar - 2:30AM

after these music should be reduced tot background noise (very quiet!)

Failure to co-operate with any of these conditions will result in disciplinary action, as stated in your staff handbook.

I confirm I have received a copy of the Hennessey Cocktail Lounge Staff Handbook and that I have read this and understood the contents.

I also confirm that I have sought clarification from my line manager on any issues outlined in the Handbook which I am not clear about.

Signed: _____

Date: _____

Please return this form duly completed and signed to your line manager.



LICENSING ACT 2003

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

NOTIFICATION

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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)

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(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)

- | | |
|---|---------------------------------|
| 1) the prevention of crime and disorder | Please tick one or more boxes ✓ |
| 2) public safety | X |
| 3) the prevention of public nuisance | |
| 4) the protection of children from harm | |

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.

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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

--	--	--	--	--	--	--	--

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
- I understand that if I do not comply with the above requirements my application will be rejected

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 J K Smart

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: SMART Julie 50403
To: TRUST Stephanie [REDACTED]
Subject: JACKZ BAR PLAN OF PREMISES
Date: 07 December 2021 10:44:00
Attachments: Jackz Bar Plan.jpeg
 image001.png
 image003.jpg
 image005.png
 image007.png
 image008.jpg
 image009.png

Hi Stephanie

I'm now preparing my statement for your appeal against the decision of the licensing authority, and on doing so I've had a look at the plan of the premises, which is attached.

Please can you advise me if this accurately reflects the premises as I don't remember the toilets being situated next to the bar when I last visited?

If this plan is incorrect, you may need to apply for a minor variation. Information in relation to this can be found using the below link.

[Minor variation - Torbay Council](#)

Kind regards

Julie Smart

Alcohol Licensing Officer - Torbay

Tel: [REDACTED]

Prevention Department

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

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Author:
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22 Primley Park
Paignton
Devon
TQ3 3JS

Mbl: 07775 745726
Tel: 01803 550613
Fax: 01803 550613

Client: Jackie Shears

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 in good faith and believed to be correct, the author William-Johann makes no representations or warranties as to the completeness or the documentation.

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

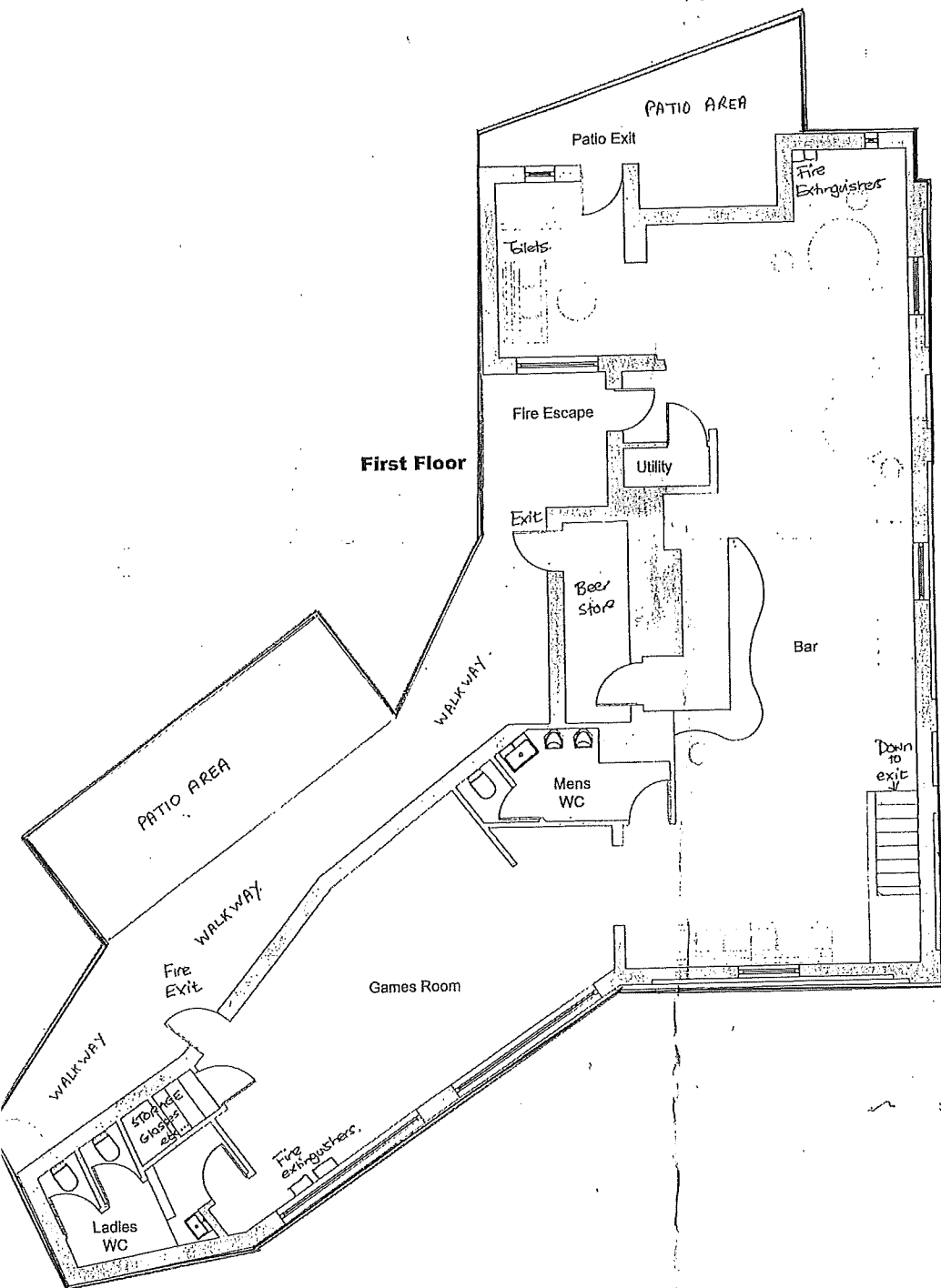
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Signed:



From: SMART Julie 50403
Cc: COX Steve
Bcc: [Redacted]
Subject: FW: VACCINE PASSPORT GUIDANCE
Date: 15 December 2021 15:41:00
Attachments: [image001.png](#)
[image005.png](#)
[image002.png](#)
[image006.png](#)

Good afternoon

Further to my earlier email, I have been asked for some clarity in respect of the documents you are required to keep.

Your premises falls within Category A, so I have typed below the relevant parts of the regulations you must comply with in respect of keeping records:

Requirements: statements and records

- 7(1) A responsible person who is subject to a requirement under regulation 5c(1) must produce, and keep up to date, a statement setting out –
 - a. The measures they intend to take to satisfy their obligations under regulation 5(1),
 - b. How those measures are to be implemented, and
 - c. How those measures are to be drawn to the attention of every person attending the venue, or the event.

- (2) The responsible person in relation to a venue within Category A must keep records for each day on which people are admitted to the venue containing the information in paragraph (4).

- (4) (1) The information referred to in paragraph (2) is –
 - (a) the date of the event, or, in the case of a venue, the date to which the records relate:
 - (b) the number of people attending the venue, or the event:
 - (c) if the responsible person does not on any occasion adopt the measures set out in the statement referred to in paragraph (1) –
 - (i) the reasons for adopting different measures;
 - (ii) what measures were adopted on that occasion to monitor and manage the numbers of people attending the venue, or the event:
 - (iii) how an individual’s eligibility to enter the venue or the event was checked.

Further paragraphs state that the responsible person must ensure that the documents are kept in such a way that it is not possible to determine the identity of a person from them. All records must be kept up to date and retained for a period of 3 months from the day that the record refers to, so if you keep a record of the number of people who attend today, it has to be kept for 3 months from today. Furthermore you must produce the statement and documents within 3 working days if served a notice by the local authority, and produce them on demand at the time of an inspection.

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I hope this assists you.

Kind regards
Julie

From: SMART Julie 50403
Sent: 15 December 2021 10:43
Cc: COX Steve [REDACTED]
Subject: VACCINE PASSPORT GUIDANCE

Good morning

Your premises has been identified as potentially falling within the criteria requiring you to ensure that all customers within your premises after 1.00 am prove their vaccination status or provide evidence of a negative lateral flow/PCR test.

Please find below a link to the government guidance in relation to this.

<https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fcarrying-out-mandatory-covid-19-status-checks-at-your-venue-or-event%3Ffbclid%3DIwAR2ggxO5IbGklEg0RMQxCNixBcOtrnFoeSVgfFiD2N3me4yiC3cn8SZtwXM%23overview-of-the-rules&data=04%7C01%7Cjulie.smart%40devonandcornwall.pnn.police.uk%7C0bf004e299b545dd72e108d9bf3cccb%7C4515d0c5b4184cfa9741222da68a18d7%7C0%7C0%7C637751090116604332%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000&sdata=2AqGSBI%2BMsy579WanA5YD00kdqbldbl9m%2Fi529JSSfs%3D&reserved=0>

If you do not wish to comply with the requirements outlined in the link, you can stay open but you must not provide at least one of the following:

- The sale of alcohol after 1.00 am
- The provision of music
- Any space for dancing – and you must ensure that customers do not dance.

Within the next day or so, one of Torbay Council's Covid Marshals will be in contact with you to discuss this matter and they will be able to answer any queries you may have.

Kind regards

Julie Smart
Alcohol Licensin [REDACTED]
[REDACTED]

From: CAYLESS Steven 16376
To: DEFBOROUGH Carmen 16633; SMART Julie 50403
Cc: THOMAS Ed 15515
Subject: Jackz Bar
Date: 18 December 2021 01:08:12
Attachments: Image003.png
Image007.png
Image001.png

Ma'am / Julie
I attended Jackz Bar at approx. 0045 hrs. The window that was smashed on the first floor was still broken.
A number of persons were seen to enter the premises and none had any checks done for Covid Passes. I spoke to the door staff and then the DPS, Steph and was told that as they were operating as a Bar and not a nightclub, they did not think they needed to check for Covid Passes.

The Door Staff stated they were open until 0300 hrs
I explained that they needed to check Covid Passes as they were technically a Nightclub, but Steph insisted she did not as they had no music playing.

I went upstairs with my BWV recording and witnessed approx 30 persons in the premises, with no music playing and no sign of a dancefloor.
They stated they previously has Background music, but turned that off earlier in the evening.
I stated they need to seek clarification on what was required, from Torbay Council.

Thanks

PS 6376 Steve Cayless
Neighbourhood Team Leader
Internal: [REDACTED]

Paignton Neighbourhood Team
Devon and Cornwall Police

[REDACTED]



Food Safety and Licensing
 @TorbayFSL

TORBAY
 Community Safety
 Tel: 01803 208026 www.torbay.gov.uk/licensing

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From: [SMART Julie 50403](#)
To: [steph.shepherd](#)
Cc: [CURTIS David 16415](#)
Subject: JACKZ BAR AND HENNESSEY LATE TEN
Date: 23 December 2021 10:12:00

Morning Stephanie

Thank you for your email below. In respect of a Late TEN, the Licensing Act does not allow for it to be modified in any way, and once an objection has been served the TEN is void so there is nothing that can be done to allow the event to go ahead.

In respect of Jackz Bar, on 16 November 2021 myself and Sgt Curtis met with you at the premises and viewed the CCTV in relation to the drink spiking/sexual assault allegation. At that time I mentioned that there was a draught from the window I was sat next to, which had a hole in it. I commented that this window was probably the window damaged when someone threw a phone through it on 14 September 2021, but I appreciated that you were not responsible for the premises at that time. I advised you that as I could feel a draught from this window, it is possible that noise could escape through it, and I reminded you that the licence contains a condition that there must be secondary glazing at the premises, and therefore this may constitute a breach of condition. At that time there were builders working in the premises below and you indicated that you would ask them to board the window up.

At 0045 hrs on Saturday 18 December Sgt Cayless attended Jackz Bar in order to establish what activities were being provided in relation to the new Covid Passport regulations. At that time he noted that the window was still broken. For your information in the past there have been numerous noise complaints in respect of Jackz Bar, with one resident living very close to the premises with a direct line of sight and therefore they had experienced more noise concerns than other residents in the area. The Licensing Objective The Prevention of Public Nuisance requires the premises licence holder to take appropriate steps to ensure that the premises does not cause a noise nuisance, and therefore your failure to remedy a broken window may demonstrate that you are not meeting this licensing objective. Myself and Sgt Curtis are disappointed that you have failed to follow the advice given to you concerning this window and hope that you will address this before the premises re-opens on 7 January 2022.

In respect of your text message in relation to Covid Passport regulations, I passed this to Torbay Council as they are responsible for enforcing the requirements, so hopefully someone has been in contact with you regarding that matter.

Furthermore on 7 December 2021 I sent you an email concerning the plan for Jackz Bar, with a copy of the plan attached, asking you to advise me if the plan of the premises is correct. To date I have not received a response from you in relation to this matter. For your information, the layout of the premises must reflect the approved plan, and if it does not you may be deemed to be carrying out licensable activities not in accordance with the licence, which is an offence under Section 136 of the Licensing Act. If the approved plan is not correct, I recommend you address this matter immediately, and prior to re-opening on 7 January 2022.

I am also aware that there was an incident at Jackz Bar at approximately 0240 hrs on the morning of Sunday 19 December 2021, resulting in crimes of criminal damage (CR/110236/21)

and assault (CR/110239/21) being recorded. I trust that you will ensure all CCTV footage is downloaded and provided to the police as soon as possible.

I am now on leave until 4 January 2022, but in the meantime, if you have any urgent queries, please send an email to Sgt Curtis (email address above) or licensing.team@devonandcornwall.pnn.police.uk and it will be passed to a licensing officer to respond.

Kind regards
Julie

From: steph shepherd [REDACTED]
Sent: 22 December 2021 14:23
To: SMART Julie 50403 [REDACTED]
Subject: Re: HENNESSEY COCKTAIL LOUNGE LATE TEN

Dear Mr Ralph,
I wish to modify the conditions of the late TEN to meet your concerns.

1.
licensable hours are 2pm-3am New Year's Eve on all licensable conditions and 2pm-midnight on any other day. The premises will be subject to a 30 minute winding down period in order for guests to leave safely.

2.
The premises licence was revoked on grounds of management issues and not in relation to crime, crime was and always has been satisfactory for this premises and I believe the police can only object on the grounds of crime and disorder.

3.
As previously stated, this premises has a satisfactory level of crime linked to it in accordance with Julie Smart.

4.
As of today we have agreed a suspension until 7th January for jackz bar, so I will only be managing this one premises for the period of New Year's Eve. I am the live holder and DPS of a licences premises which operates until 3am daily and was not Dps nor licenceholder when the review for this premises was called.

Please could you let me know if there are any other conditions you wish to be modified to allow this event to take place.

Kind regards,
Stephanie Trust

On 22 Dec 2021, at 13:26, steph shepherd [REDACTED] wrote:

Sent from my iPhone

Begin forwarded message:

From: SMART Julie 50403
 [REDACTED]
Date: 22 December 2021 at 11:55:13 GMT
To: "TRUST Stephanie [REDACTED]
 [REDACTED] >, Torbay Council
 <~~licensing@torbay.gov.uk~~>, "Karl MARTIN
 [REDACTED]
Subject: HENNESSEY COCKTAIL LOUNGE LATE TEN

Good morning

Please find a police objection in respect of the Late TEN for the above named premises.

Kind regards

Julie Smart
 Alcohol Licensing
 Officer - Torbay
 [REDACTED]

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

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For more information, or to contact us, please visit us at www.devon-

From: [SMART Julie 50403](#)
To: [steph.shepherd](#)
Cc: [CURTIS David 16415](#); [Karl MARTIN](#) [REDACTED]; [COX Steve](#) [REDACTED]
Subject: RE: Jackies
Date: 09 January 2022 13:48:00
Attachments: [VACCINE PASSPORT GUIDANCE EMAIL 151221_Redacted.pdf](#)
[JACKZ BAR PLAN OF PREMISES.msg](#)
[JACKZ BAR AND HENNESSEY LATE TEN .msg](#)
[Jackz Bar Section 19 Closure Notice 090122.pdf](#)
[Section 19 Closure Notice Explanatory Notes.pdf](#)

Good morning Stephanie

Myself, Karl Martin and PC Randall attended Jackz Bar at about 0010 hrs this morning, and identified several breaches of conditions contained within the premises licence. Furthermore, the following concerns were also identified:

On viewing the premises from a distance for approximately 20-25 minutes, Mr Martin and I observed 6 persons enter the premises, with only one appearing to produce anything to the door steward. The door steward briefly followed these individuals inside but in our opinion there was insufficient time for him to have checked vaccine passports/negative lateral flows.

From our position at least 20 metres away we could hear music escape from your premises.

Whilst stood about 8m from your premises with PC Randall, we could again hear music escape from your premises .

We spoke to your two door stewards about their responsibilities for the night, including noise monitoring in respect of music and they indicated that they had not been advised they were responsible for monitoring music levels from outside and had not carried out any checks.

On entering the premises Ms Harley was asked to produce the premises licence but she couldn't find it. She rang you and you informed her that you haven't received the final version following the withdrawal of your appeal, which I accept is the case, but she was unable to produce the premises licence that was forwarded to you as a result of the review hearing in October 2021.

Ms Harley was unable to produce training records, stating that no training had taken place but she thinks training will start next week. She said that she has not completed BIIAB training, and wasn't aware that she had to, however she was employed at the premises at the time of the review and has worked at the premises in the last 3 months, and therefore she should have completed this training as stipulated within the condition on your licence.

Ms produced the first aid box which was unsatisfactory and did not contain appropriate equipment outlined in the condition on the licence.

Ms Harley was unable produce a detailed noise management plan containing the items outlined in the condition on the licence.

Mr Martin confirmed that the noise limiter has not been set with levels agreed by him.

In addition, when discussing vaccine passports/negative lateral flow tests with Ms Harley, she stated that door stewards are responsible for checking these from the time the premises open. We asked Ms Harley to produce your statement and records, as required by The Health Protection (Coronavirus, Restrictions) (Entry to Venues and Events) (England) Regulations 2021, but she did not know what these were and could not produce them. I attach emails I sent to you on 15/12/21 in relation to this matter.

In respect of the two emails I have sent to you, that I haven't a received a response in respect of, they are also attached. In respect of the plan of the premises, this morning myself and Karl identified that the male toilets next to the bar are no longer there, and the walls in that area do not reflect the plan. Whilst we accept that this is a small change to the layout, and probably took place before you took on responsibility for the premises, the plan does need changing to reflect the current layout.

I would take this opportunity to remind you that at the Review hearing, at which you were present, Ms Barlow, Legal Advisor to Torbay Council, informed you that in relation to the suspension of the premises licence for a period of 3 months, this action was taken to give you the opportunity to put all the measures outlined in the new conditions into place. Despite these conditions being imposed on the licence in October 2021, you verbally agreed to accept them at that time, and you did not appeal these conditions, it appears that you have not taken any steps to ensure they are complied with in the last 3 months.

As a result of the concerns identified this morning, I have discussed the matter at length with Sgt Curtis who has authorised me to serve you with the attached Closure Notice, and explanatory notes. I will be in contact with you within the next few days to arrange a meeting to discuss this matter further.

Kind regards
Julie

-----Original Message-----

From: steph shepherd [REDACTED]
Sent: 09 January 2022 10:57
To: SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>
Subject: Jackies

Hi

Holly told me you come in last night and we haven't got a few things

Could you please re send me the email please I'm not sure I have them I wouldn't of ignored them

Many thanks

28



Devon & Cornwall Police

Building safer communities together

Closure Notice

Section 19 Criminal Justice and Police Act 2001

Section 19 of the Criminal Justice and Police Act 2001 empowers a constable or local authority to serve a closure notice on a person having control of, or responsibility for, any premises that are being, or have been used within the last 24 hours, for the sale or consumption of alcohol on or in the vicinity of the premises, without a licence. (Where such a closure notice is served it must also be served on any other occupier of the premises whose access may be impeded if the part involved in the unlicensed sale of alcohol was to be closed.) Where a constable is satisfied that any premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises, he may serve a notice in respect of the premises.

Date and time of the Closure Notice: Sunday 09/01/22 1300 hrs

Person making the Notice: Sergeant 16415 Dave CURTIS
Signature: D Curtis

Name (if applicable) and address of the affected premises:
Jackz Bar, Parkham Road, Brixham, Devon, TQ5 9BU

Alleged unauthorised use of the premises:
No BIIAB Certificates (Annexe 4, Crime & Disorder, Condition 8).
No training records (Annexe 4, Crime & Disorder, Condition 9),
No equipment for dealing with hypodermic needles, blood spillages and other body fluids (Annexe 4, Crime & Disorder, Condition 13).
Volume of recorded music audible above background levels over 5m from frontage of building (Annexe 4, Prevention of Public Nuisance, Condition 1).
No written noise management plan, no list of PA equipment, no staff/SIA noise monitoring log sheets, no employee/SIA staff training records in relation to noise management (Annexe 4, Prevention of Public Nuisance, Condition 2)
Noise limiter not set with levels agreed by Torbay Council's Licensing Team (Annexe 4, Prevention of Public Nuisance, Condition 3)

Steps which may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring
All above matters to be addressed to a level deemed satisfactory by Police Licensing Team and Mr Martin, Torbay Council Public Protection Officer

The person (if applicable) on whom the Closure Notice has been served:
Name:.....Stephanie TRUST by email.....
Signature:



Explanatory Notes

A police officer, or an authorised officer from the local authority has decided to issue this Closure Notice under the terms of Section 19 of the Criminal Justice and Police Act 2001 ('The 2001 Act').

Section 19 of the 2001 Act – Closure Notices

Where a police officer or an authorised officer from the local authority is satisfied that any premises are being, or within the last 24 hours have been used for the unlicensed sale of alcohol, including being in breach of its licence conditions, he may serve under Sub Section (3) a notice in respect of the premises.

Section 20 of the 2001 Act – Closure Orders

Your attention is drawn to Section 20 of the 2001 Act. This provides that the police, or as the case may be the local authority, can take action against the said premises by applying to a Justice of the Peace at the local Magistrates' Court for a closure order if the unlicensed sale of alcohol (as alleged in this Closure Notice) is continuing, or there is a reasonable likelihood that the premises will be so used in the future. The application for a Closure Order must be made not less than 7 days, and not more than 6 months after the date on which this closure notice was served.

After an application for the Closure Order is made the Justice of the Peace may issue a summons requiring the applicant and also the persons or persons on whom the Closure Notice was served to attend a hearing at the court on a specified date and time. At the hearing the court will consider the applicant's complaint against the said premises and decide whether a Closure Order should or should not be made.

In accordance with the Magistrates' Court Act 1980 and under the law on human rights, you are entitled to be legally represented at the hearing and to make representations to the court before any decision is taken.

Appeals – Section 24 of the 2001 Act

An appeal against a decisions by the Magistrates' Court to grant a Closure Order, or a decision to refuse an application for a Closure Order can be made by an affected person to the Crown Court within 21 days.

Enforcement Powers and Offences - Section 24 of the 2001 Act

It is an offence for a person, without reasonable excuse, to permit a premises to open in contravention of a Closure Order made by the Magistrates Court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000 or to imprisonment for a term not exceeding three months, or to both.

It is also an offence for a person who, without reasonable excuse fails to comply with any other terms of a Closure Order made by the court, or does an act, which contravenes those other terms. Any person convicted of this offence is liable to a fine not exceeding £5,000 or to three months imprisonment, or to both.

Police officers and authorised officers from the local authority have the power to enter the said premises at any reasonable time, and to do anything reasonably necessary to secure compliance with the Closure Order (for example, to board up the premises). However when exercising this power the constable or the officer must produce evidence of his authority to enter and also his identity before entering the premises, if asked to do so by the owner (or the occupier or the person in charge of the premises).

It is an offence for a person to intentionally obstruct police officers or authorised local authority officer from exercising these powers. Any persons convicted of obstructing a police officer is liable to a fine not exceeding £5,000, or to three months imprisonment, or to both. Any person convicted of obstructing an authorised local authority officer is liable to a fine not exceeding £5,000.

From: SMART Julie 50403
To: [steph shepherd](#)
Subject: RE: Jackies
Date: 11 January 2022 08:56:00

Morning Stephanie

If you read the condition on the licence it says "All persons employed at the premises in the sale and supply of alcohol" and therefore even those staff with a personal licence have to complete this training as it is a different syllabus to the Personal Licence course.

Kind regards
Julie

-----Original Message-----

From: steph shepherd [REDACTED]
Sent: 09 January 2022 15:06
To: SMART Julie 50403 [REDACTED]
Subject: Re: Jackies

Hi julie

do the staff with personal licences need the biab certificate as obviously we have already done a much higher qualification to get our licence?'

Sent from my iPhone

- > On 9 Jan 2022, at 13:49, SMART Julie 50403 [REDACTED] wrote:
- >
- > Good morning Stephanie
- >
- > Myself, Karl Martin and PC Randall attended Jackz Bar at about 0010 hrs this morning, and identified several breaches of conditions contained within the premises licence. Furthermore, the following concerns were also identified:
- >
- > On viewing the premises from a distance for approximately 20-25 minutes, Mr Martin and I observed 6 persons enter the premises, with only one appearing to produce anything to the door steward. The door steward briefly followed these individuals inside but in our opinion there was insufficient time for him to have checked vaccine passports/negative lateral flows.
- >
- > From our position at least 20 metres away we could hear music escape from your premises.
- >
- > Whilst stood about 8m from your premises with PC Randall, we could again hear music escape from your premises .
- >
- > We spoke to your two door stewards about their responsibilities for the night, including noise monitoring in respect of music and they indicated that they had not been advised they were responsible for monitoring music levels from outside and had not carried out any checks.
- >
- > On entering the premises Ms Harley was asked to produce the premises licence but she couldn't find it. She rang you and you informed her that you haven't received the final version following the withdrawal of your appeal, which I accept is the case, but she was unable to produce the premises licence that was forwarded to you as a result of the review hearing in October 2021.
- >
- > Ms Harley was unable to produce training records, stating that no training had taken place but she thinks training will start next week. She said that she has not completed BIIAB training, and wasn't aware that she had to, however she was employed at the premises at the time of the review and has worked at the premises in the

last 3 months, and therefore she should have completed this training as stipulated within the condition on your licence.

> Ms produced the first aid box which was unsatisfactory and did not contain appropriate equipment outlined in the condition on the licence.

> Ms Harley was unable produce a detailed noise management plan containing the items outlined in the condition on the licence.

> Mr Martin confirmed that the noise limiter has not been set with levels agreed by him.

> In addition, when discussing vaccine passports/negative lateral flow tests with Ms Harley, she stated that door stewards are responsible for checking these from the time the premises open. We asked Ms Harley to produce your statement and records, as required by The Health Protection (Coronavirus, Restrictions) (Entry to Venues and Events) (England) Regulations 2021, but she did not know what these were and could not produce them. I attach emails I sent to you on 15/12/21 in relation to this matter.

> In respect of the two emails I have sent to you, that I haven't a received a response in respect of, they are also attached. In respect of the plan of the premises, this morning myself and Karl identified that the male toilets next to the bar are no longer there, and the walls in that area do not reflect the plan. Whilst we accept that this is a small change to the layout, and probably took place before you took on responsibility for the premises, the plan does need changing to reflect the current layout.

> I would take this opportunity to remind you that at the Review hearing, at which you were present, Ms Barlow, Legal Advisor to Torbay Council, informed you that in relation to the suspension of the premises licence for a period of 3 months, this action was taken to give you the opportunity to put all the measures outlined in the new conditions into place. Despite these conditions being imposed on the licence in October 2021, you verbally agreed to accept them at that time, and you did not appeal these conditions, it appears that you have not taken any steps to ensure they are complied with in the last 3 months.

> As a result of the concerns identified this morning, I have discussed the matter at length with Sgt Curtis who has authorised me to serve you with the attached Closure Notice, and explanatory notes. I will be in contact with you within the next few days to arrange a meeting to discuss this matter further.

> Kind regards
> Julie

> -----Original Message-----

> From: steph shepherd [REDACTED]
> Sent: 09 January 2022 10:57
> To: SMART Julie 50403 [REDACTED]
> Subject: Jackies

> Hi
> Holly told me you come in last night and we haven't got a few things

> Could you please re send me the email please I'm not sure I have them
> I wouldn't of ignored them

> Many thanks

> *****
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> any loss or damage, howsoever arising, as a result of their transmission to the recipients' computer or network.
> *****

From: [steph shepherd](#)
To: [SMART Julie 50403](#)
Subject: Jackies
Date: 11 January 2022 13:51:12

Hi Julie,

Are you ok to meet up on Friday to run through everything and check all of our documents are up to date?
Would karl also be available to agree the levels on the limiter?

Kind Regards
Steph

From: [steph shepherd](#)
To: [SMART Julie 50403](#)
Subject: Jackies
Date: 11 January 2022 15:54:23

Hi Julie

Holly is booked on to a course but can't do this Thursday with the rest of us.

As she is booked on the course can she still
Work or does she have to complete the course before she can work

Many thanks

Steph

Sent from my iPhone

From: [steph_shepherd](#)
To: [SMART Julie 50403](#)
Subject: Fwd: Jackz Bar Compliance with Conditions
Date: 12 January 2022 15:33:17

Sent from my iPhone

Begin forwarded message:

From: steph shepherd [REDACTED] >
Date: 12 January 2022 at 15:19:06 GMT
To: rosshennessey@[REDACTED]
Subject: Re: Jackz Bar Compliance with Conditions

Dear Julie,

Thanks for your response.

Firstly, in regards to best bar none we contacted them early last week via their online form on their website and haven't received a response from them.

I will contact Tracey now.

All remaining staff members who haven't done the course are obtaining their BIIAB certificates tomorrow.

Andy Ralph has resigned from his role at the bullers and will be joining myself as a group manager of the 2, soon to be 3 licenced premises when the downstairs is open.

Therefore he will be attending the meeting with us next week, I am available on Friday anytime

Kind regards,
Steph

Sent from my iPhone

On 12 Jan 2022, at 15:04, steph shepherd [REDACTED] wrote:

Sent from my iPhone

Begin forwarded message:

From: SMART Julie 50403
[REDACTED]
Date: 12 January 2022 at 14:59:44 GMT
To: steph shepherd [REDACTED]
Cc: CURTIS David 16415
[REDACTED]
Subject: Jackz Bar Compliance with Conditions

Good afternoon Stephanie

Sorry I didn't get back to you yesterday re the below, but I wanted some advice on the date that the new conditions imposed on your licence came into effect to ensure I provide you with the correct information. I have been advised that, as you withdrew your appeal on 22 December 2021, the conditions came into effect on that date, and therefore you were legally required to ensure that they were and are complied with whenever licensable activities take place from 22 December onwards.

In respect of the BIIAB Level 1 Award in Responsible Alcohol Retailing, the condition states that staff must attend and successfully complete this training within 2 months of employment. Therefore, all staff who were employed at Jackz Bar on 22 December 2021 have until 21 February 2021 to complete this training, and they can work at the premises whilst waiting to complete the course.

In respect of the matters contained in the S19 Closure Notice, your appeal notice was served on the Magistrates Court on 18 November 2021 and did not specifically refer to the conditions outlined within the Closure Notice, thus indicating that you accepted those conditions.

Whilst we accept that you were required to comply with these conditions from 22 December 2021, myself and Sgt Curtis were surprised and disappointed that you had not taken any steps to ensure these conditions were complied with at the earliest opportunity, ie 18 November 2021, which is what we would expect from a responsible licence holder.

Furthermore, I have been in contact with [REDACTED] who is the chair of Best Bar None, Torbay, and, on Monday 10 January 2022, she advised me that you have not been in contact with her to sign up to Best Bar None, despite me giving you her contact details on 16 November 2021, and this constitutes a further breach of a condition contained in your premises licence.

I would take this opportunity to remind you that failing to comply with the requirements of a premises licence is an offence under Section 136 of the Licensing Act 2003, and a person found guilty of such an offence is liable on summary conviction to an unlimited fine, up to 6 months imprisonment, or to both. I therefore trust that you will address this matter immediately.

In respect of your request that I attend Jackz Bar on Friday, I am not working on Friday and Sgt Curtis has other commitments so is also unable to attend. However, I would take this opportunity to remind you that it is the responsibility of the Premises Licence Holder (yourself in this case) to ensure that the requirements of a premises licence are complied with at all times when licensable activities take place.

Therefore, if you are satisfied that you are now able to comply with all the licence conditions, you can open and carry out licensable activities whenever you wish, but if you do not think that you can comply with the licence requirements, you should not carry out any licensable activities until you are satisfied that you can comply.

In respect of your request for Karl to attend Jackz Bar on Friday, I cannot comment on this and you should make contact with him.

Myself and Sgt Curtis would like to meet with you one day next week, and would be grateful if you could advise us of your availability as soon as possible please.

Kind regards

Julie

-----Original Message-----
From: steph shepherd [REDACTED]
Sent: 11 January 2022 15:54
To: SMART Julie 50403 [REDACTED]
Subject: Jackies

Hi Julie

Holly is booked on to a course but can't do this Thursday with the rest of us.

As she is booked on the course can she still Work or does she have to complete the course before she can work

Many thanks

Steph

Sent from my iPhone

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From: steph_shepherd
To: SMART Julie 50403
Subject: Fwd: Jackz Bar Compliance with Conditions
Date: 12 January 2022 15:33:28

Sent from my iPhone

Begin forwarded message:

From: steph shepherd [redacted]
Date: 12 January 2022 at 15:26:26 GMT
To: rosshennessey@[redacted]
Subject: Re: Jackz Bar Compliance with Conditions

Hi Julie

Could you also re send Tracey details please to make sure I have the correct one

Many thanks

Sent from my iPhone

On 12 Jan 2022, at 15:04, steph shepherd [redacted] wrote:

Sent from my iPhone

Begin forwarded message:

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Date: 12 January 2022 at 14:59:44 GMT
To: steph shepherd [redacted]
Subject: Jackz Bar Compliance with Conditions

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Kind regards

Julie

-----Original Message-----

From: steph shepherd [REDACTED]
Sent: 11 January 2022 15:54
To: SMART Julie 50403

[REDACTED]
Subject: Jackies

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Steph

Sent from my iPhone

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From: steph_shepherd
To: SMART Julie 50403
Subject: Re: Jackz Bar Compliance with Conditions
Date: 12 January 2022 16:39:16

Hi Julie,

we have spoken with Tracey and BBN aren't back up and running for 2022 yet but we have expressed twice our desire to join, is this acceptable until they are able to sign us up?

Kind regards

Steph

Sent from my iPhone

On 12 Jan 2022, at 15:04, steph_shepherd [REDACTED] wrote:

Sent from my iPhone

Begin forwarded message:

[REDACTED]
[REDACTED]
Date: 12 January 2022 at 14:59:44 GMT
To: steph_shepherd <steph_[REDACTED]>
Cc: CURTIS David 16415
[REDACTED]
Subject: Jackz Bar Compliance with Conditions

Good afternoon Stephanie

Sorry I didn't get back to you yesterday re the below, but I wanted some advice on the date that the new conditions imposed on your licence came into effect to ensure I provide you with the correct information. I have been advised that, as you withdrew your appeal on 22 December 2021, the conditions came into effect on that date, and therefore you were legally required to ensure that they were and are complied with whenever licensable activities take place from 22 December onwards.

In respect of the BIIAB Level 1 Award in Responsible Alcohol Retailing, the condition states that staff must attend and successfully complete this training within 2 months of employment.

Therefore, all staff who were employed at Jackz Bar on 22 December 2021 have until 21 February 2021 to complete this training, and they can work at the premises whilst waiting to complete the course.

In respect of the matters contained in the S19 Closure Notice, your appeal notice was served on the Magistrates Court on 18 November 2021 and did not specifically refer to the conditions outlined within the Closure Notice, thus indicating that you accepted those conditions. Whilst we accept that you were required to comply with these conditions from 22 December 2021, myself and Sgt Curtis were surprised and disappointed that you had not taken any steps to ensure these conditions were complied with at the earliest opportunity, ie 18 November 2021, which is what we would expect from a

responsible licence holder.

Furthermore, I have been in contact with [REDACTED] who is the chair of Best Bar None, Torbay, and, on Monday 10 January 2022, she advised me that you have not been in contact with her to sign up to Best Bar None, despite me giving you her contact details on 16 November 2021, and this constitutes a further breach of a condition contained in your premises licence.

I would take this opportunity to remind you that failing to comply with the requirements of a premises licence is an offence under Section 136 of the Licensing Act 2003, and a person found guilty of such an offence is liable on summary conviction to an unlimited fine, up to 6 months imprisonment, or to both. I therefore trust that you will address this matter immediately.

In respect of your request that I attend Jackz Bar on Friday, I am not working on Friday and Sgt Curtis has other commitments so is also unable to attend.

However, I would take this opportunity to remind you that it is the responsibility of the Premises Licence Holder (yourself in this case) to ensure that the requirements of a premises licence are complied with at all times when licensable activities take place.

Therefore, if you are satisfied that you are now able to comply with all the licence conditions, you can open and carry out licensable activities whenever you wish, but if you do not think that you can comply with the licence requirements, you should not carry out any licensable activities until you are satisfied that you can comply.

In respect of your request for Karl to attend Jackz Bar on Friday, I cannot comment on this and you should make contact with him.

Myself and Sgt Curtis would like to meet with you one day next week, and would be grateful if you could advise us of your availability as soon as possible please.

Kind regards

Julie

-----Original Message-----

From: steph shepherd [REDACTED]
Sent: 11 January 2022 15:54
To: SMART Julie 50403 [REDACTED]
Subject: Jackies

Hi Julie

Holly is booked on to a course but can't do this Thursday with the rest of us.

As she is booked on the course can she still Work or does she have to complete the course before she can work

Many thanks

Steph

Sent from my iPhone

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.

From: Steph Sheehy
To: Karl and Julie
Subject: Jack
Date: 14 January 2022 08:39:55

Dear Karl and Julie,

I have attached the following documents:

Premises licence (I still haven't got the proper yellow one, so have a printed one from the councils website)

Noise management plan

Noise logs

NHS Covid record for those who are giving proof via text message, we will also be using the app scanner.

Incident report and previous incidents have been filed in there too.

Clickers, a sharps bin, a decibel measurer, a bodily fluid spill kit/first aid box are all on site.

Conditions pending due to factors we can't control:

BIIAB certificates, 3 staff members attended the pitman centre in exeter yesterday to obtain their certificates. There was a mix up from their head office and they weren't able to complete training until Monday 17th January and 5 staff members have been booked on to the course.

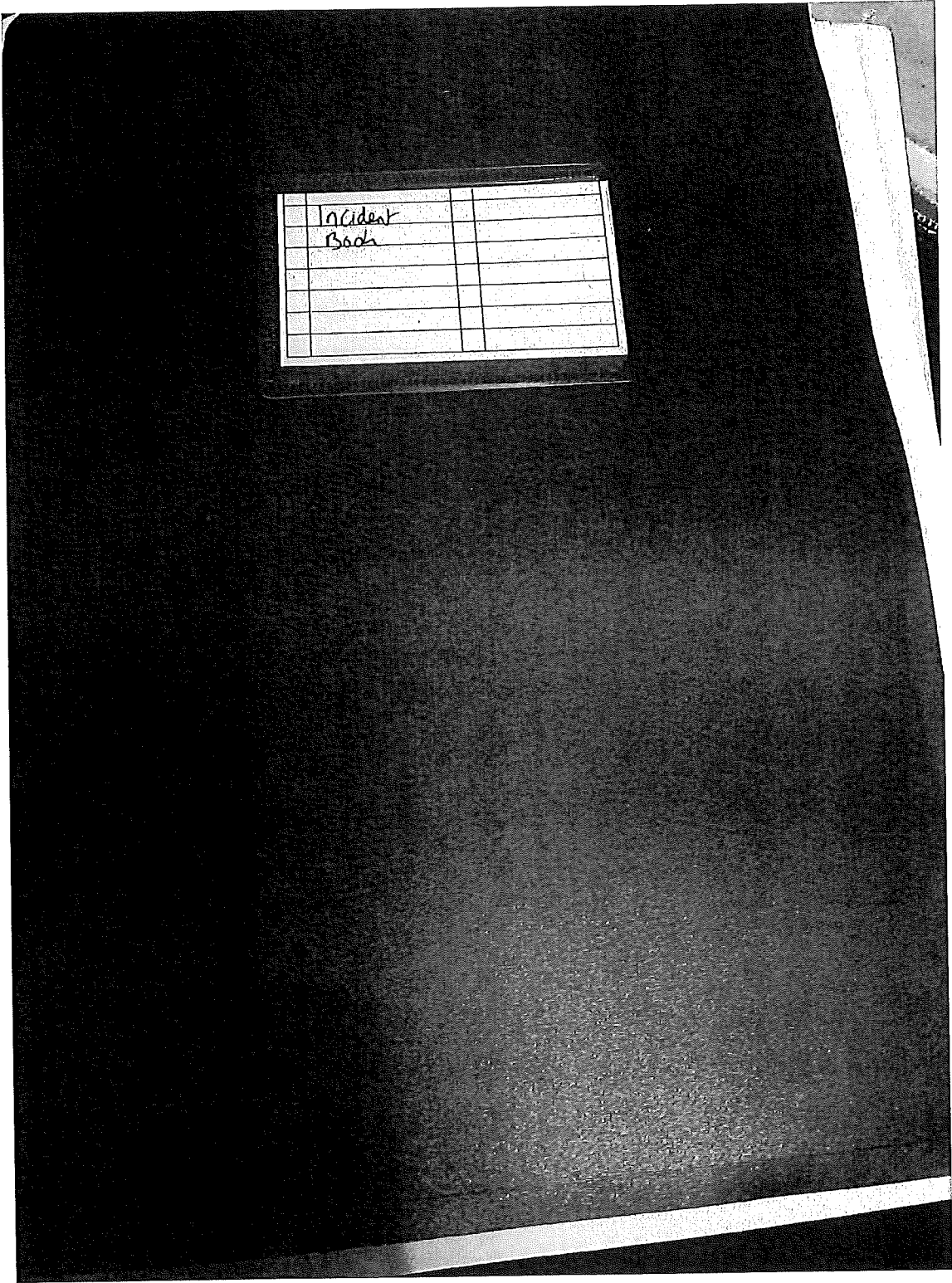
Best bar none sign up - we filled in an online form before we were due to reopen. We hadn't received a response until we reached out to [redacted] who has informed us that they aren't and have not been taking new sign ups since before Christmas, but we are on the list and they will contact us when they are ready.

Our noise limiter, although recalibrated, hasn't been checked by Karl because [redacted]. Therefore the doorman will be diligent with their monitoring and use of our decibel measurer.

Please can you confirm, wether this documentation is all acceptable.

Kind regards

Steph



Noise Management Plan

SITE DESCRIPTION

The premises is known as 'Jackz Bar' of New Road, Brixham, a fishing town in the County of Devon, England. The property fronts onto a main road with one resident adjacent (approx 5m away from the front door, and a block of flats behind the building. The premises benefits from a large overgrown garden area which helps with noise travelling to the residents behind the property. The building also contains a small unsheltered smoking area, where noise can be heard in the street if not properly managed.

The residents behind and adjacent are considered to be most at risk of noise disturbance from the operations of the premises.

General

Volume will be controlled by the installed noise limiter set by the responsible authority from Torbay Council.

All doors and windows will be closed to avoid noise from escaping the premises after 8pm.

Speakers will be positioned away from windows and doorways, thus to prevent noise from escaping.

Music shall be played at a volume where it cannot be heard more than 5m away from any point outside of the premises. Door stewards will regularly do walks around the building to identify any cases of noise pollution and will use a decibel counter to record noise levels throughout any night in which we operate as a 'nightclub.' i.e. Friday and Saturday nights.

After 2:30am noise will be reduced to background level (not distinguishable above conversational level).

Indoor noise will be monitored by the personal licence holder on shift.

All staff will be made fully aware and conversant with the noise management policy and procedures.

Prominent, clear and legible notices will be displayed at the exits requesting the public to respect residents and to leave the premises and the area quietly.

The noise management plan will be reviewed at least annually or as agreed appropriate to ensure that it is streamlined and effective. New and innovative approaches to problem solving or incidents and any lessons learnt will be incorporated accordingly. We should consider this a live document which evolves by experience in agreement with the Authority.

The outside smoking area will be monitored regularly and customers reminded that there are residents nearby.

Customers will be asked to leave swiftly and quietly, and all door stewards will remain present until customers have left the nearby vicinity.

PA Equipment used

- Ipad (spotify) - aux cable
- 3 Speakers
- Noise Limiter and controller

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You are here » Home » Licensing Act Premises Search » Detail » Application

Licensing Act 2003 - Premises Licence Register as at 13:14 on 13 January 2022.

Jackz Bar

Parkham Road, Brixham, Devon, TQ5 9BU

Premises Licence PL0878 from from 08/01/2022 to indefinite

Licence holder(s)

Full Name: Mrs Stephanie Trust

Designated Premises Supervisor

Full Name: Mrs Stephanie Trust

Permitted Activities

- 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

Premises Open Hours Granted

	Time From	Time To	
Monday to Sunday	09:00	03:00	On New Years Eve from the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day.

Activities - Times Granted

	Time From	Time To	
E. Performance of live music (Indoors)			
Monday to Sunday	20:00	00:00	Maximum of 2 performers On New Years Eve from the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day.
F. Playing of recorded music (Indoors)			
Monday to Sunday	09:00	02:30	On New Years Eve from the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day.
G. Performance of dance (Indoors)			
Monday to Sunday	20:00	00:00	On New Years Eve from the start of permitted hours on New Years Eve until the end of permitted hours on New Years Day.
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)			
Monday to Thursday			

From: SMART Julie 50403
To: steph shepherd
Cc: CURTIS David 16415
Subject: Jackz Bar Compliance with Conditions
Date: 12 January 2022 14:59:00

Good afternoon Stephanie

Sorry I didn't get back to you yesterday re the below, but I wanted some advice on the date that the new conditions imposed on your licence came into effect to ensure I provide you with the correct information. I have been advised that, as you withdrew your appeal on 22 December 2021, the conditions came into effect on that date, and therefore you were legally required to ensure that they were and are complied with whenever licensable activities take place from 22 December onwards.

In respect of the BIIAB Level 1 Award in Responsible Alcohol Retailing, the condition states that staff must attend and successfully complete this training within 2 months of employment. Therefore, all staff who were employed at Jackz Bar on 22 December 2021 have until 21 February 2021 to complete this training, and they can work at the premises whilst waiting to complete the course.

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Furthermore, I have been in contact with Tracey Pounds, who is the chair of Best Bar None, Torbay, and, on Monday 10 January 2022, she advised me that you have not been in contact with her to sign up to Best Bar None, despite me giving you her contact details on 16 November 2021, and this constitutes a further breach of a condition contained in your premises licence.

I would take this opportunity to remind you that failing to comply with the requirements of a premises licence is an offence under Section 136 of the Licensing Act 2003, and a person found guilty of such an offence is liable on summary conviction to an unlimited fine, up to 6 months imprisonment, or to both. I therefore trust that you will address this matter immediately.

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In respect of your request for Karl to attend Jackz Bar on Friday, I cannot comment on this and you should make contact with him.

Myself and Sgt Curtis would like to meet with you one day next week, and would be grateful if you could advise us of your availability as soon as possible please.

Kind regards

Julie

-----Original Message-----
From: steph shepherd [REDACTED]
Sent: 11 January 2022 15:54
To: SMART Julie 50403 [REDACTED]
Subject: Jackies

Hi Julie

Holly is booked on to a course but can't do this Thursday with the rest of us.

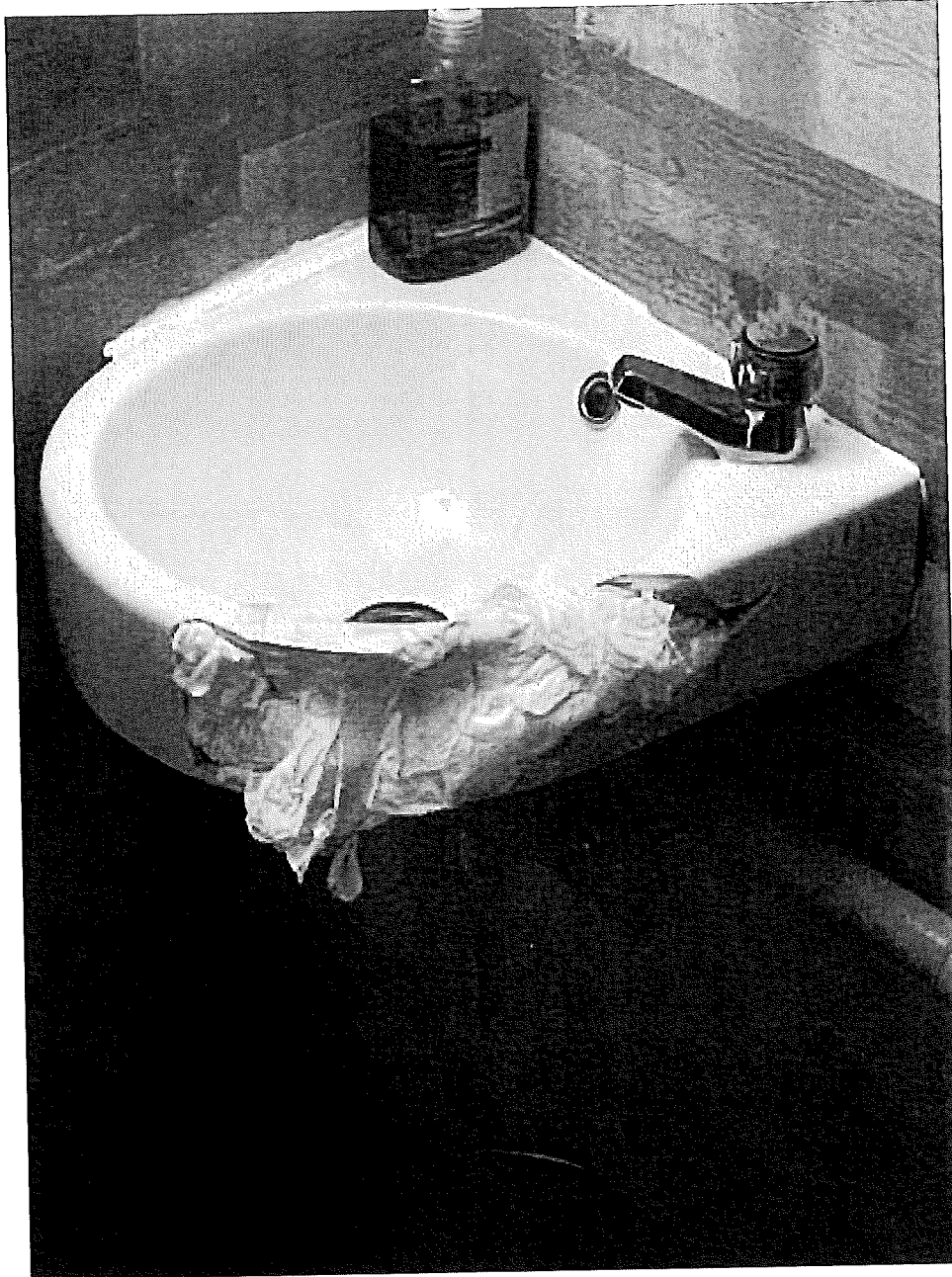
As she is booked on the course can she still Work or does she have to complete the course before she can work

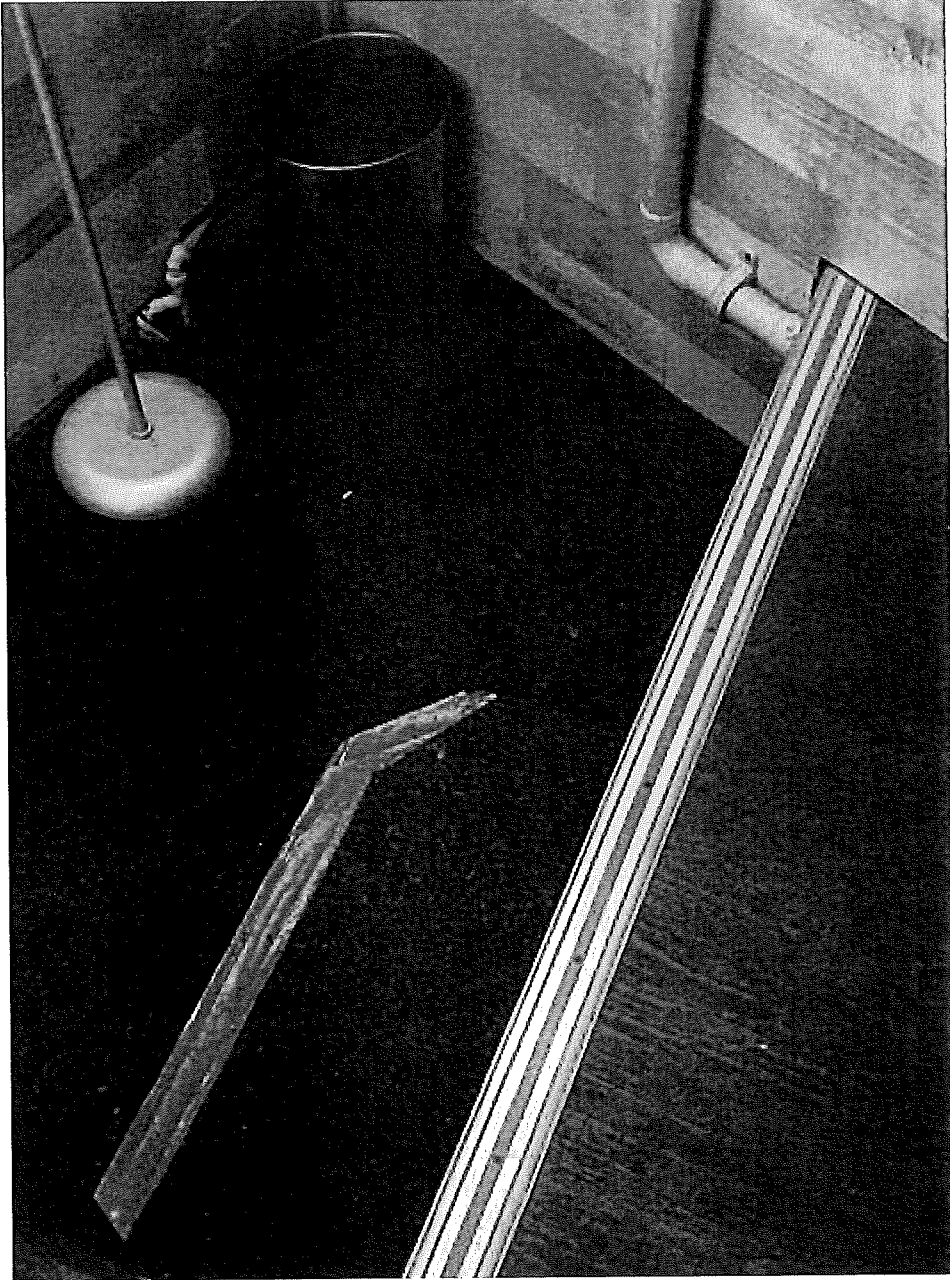
Many thanks

Steph

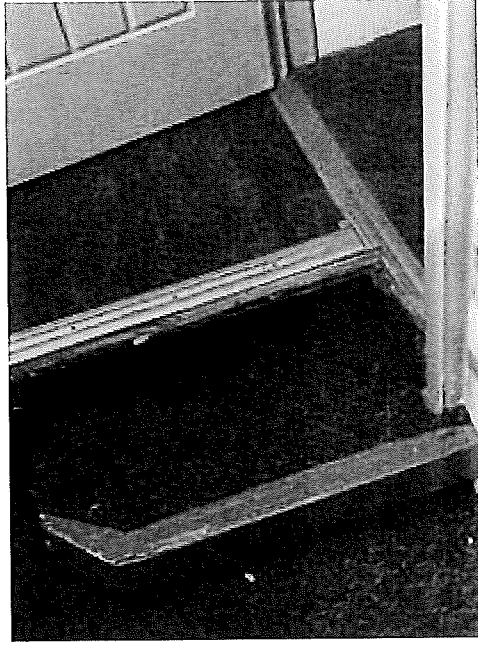
Sent from my iPhone



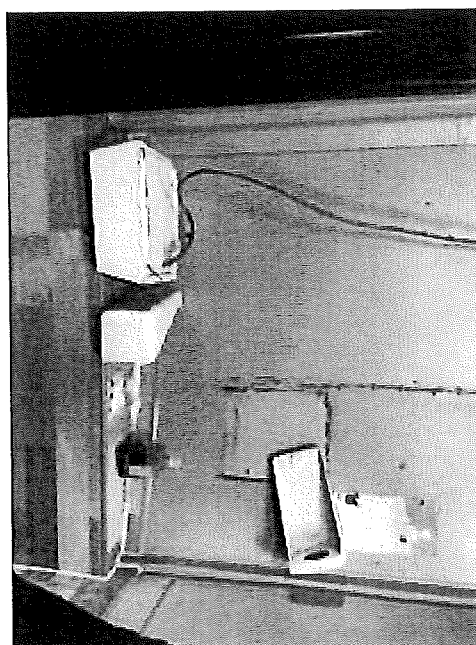








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From: SMART Julie 50403
To: TRUST Stephanie [REDACTED]
Subject: JACKZ BAR MEETING ON 21 JANUARY 2022
Date: 26 January 2022 13:20:00
Attachments: [image001.png](#)
[image005.png](#)
[image007.png](#)
[image009.png](#)

Hi Stephanie

I'm emailing you in connection with the meeting at Jackz Bar on Friday 21 January 2021 between yourself, Sgt Curtis, Mr Andy Ralph and I.

On entering the premises both myself and Sgt Curtis needed to use the toilets. You immediately advised me that there is no electric in the ladies toilets and you switched on a standard lamp, which was plugged into an extension lead and then into a socket within the main bar area with the cable running across the entrance to the ladies, thus causing a trip hazard. Within the ladies toilet the lamp was situated between the electric hand drier and the sink, meaning the portable electrical lamp could potentially come into contact with the water in the sink or wet hands. The ceramic sink was broken, with a large hole in the front which was plugged with paper towels, and held together with silver tape and cellotape. I noticed that the broken edges appeared very sharp. I also noticed that there are 2 steps within the ladies toilet and the door of one cubicle opens directly over the top of these steps. In my opinion these steps are a potential hazard, particularly if customers are wearing heels and/or under the influence of alcohol. On entering a cubicle and closing the door, the cubicle was pitch black and I was unable to see anything. There were no facilities for drying hands.

Sgt Curtis raised concerns with you in relation to the state of the male toilets. He pointed out that the cistern is not connected to the urinals and therefore no water flushes through the urinals. You indicated that the cistern has been like this for some time and prior to Mr Hennessey taking over the premises. He also showed you that the electric hand drier was hanging from the wall and lying on a shelf but still was connected to the mains electricity, and the paper towel dispenser was also on the shelf, both appearing to have been pulled from the wall, and again there were no facilities for customers to dry their hands. You indicated that you were not aware that the hand drier and towel dispenser had been removed from the wall as you had not been in the premises since the week before. There was no record of the damage being recorded in the incident records over the previous weekend.

Within the main bar area, Sgt Curtis raised concerns about the number of wires hanging from walls in at least 3 different locations, and the number of extension leads being used with sockets potentially being overloaded. He advised you that he had serious concerns about the safety of the premises and asked when you last had an electrical safety check, you indicated that you don't know. Sgt Curtis then advised you that if it was his business he would not open until things were checked electrically but that was not something he could enforce. Mr Ralph and yourself agreed it was not safe and said you would not open until an electrician had checked all the wiring to ensure it is safe, and provides you with a certificate to this effect. You agreed to stay closed until this has been completed.

I would take this opportunity to point out that our concerns in relation to the above matters sit under the Promotion of Public Safety licensing objective, which the police are not the primary



authority responsible for enforcing. However I have informed the Torbay Council Health and Safety Officers of our concerns.

We then went through the premises licence with you, and identified the below issues:

Annexe 2, Conditions Consistent with the Operating Schedule

General:

- 1. *There shall be no entry or re-entry after 1.00 am.* There is another condition on the licence in respect of this, so this condition can be removed.
- 2. *Drinks shall be served in shatterproof glasses .* You didn't seem confident that safety glasses are being used. I recommend that this condition is removed as a more specific condition is contained later within the licence.
- 3. *No bottles shall be served when open after midnight.* Again a further condition on the licence relates to this, so this condition can be removed.

The Prevention of Crime and Disorder:

- 1. *CCTV must be in good working order.* Again this condition can be removed as an updated CCTV condition is included within Annexe 3 of the licence.
- 2. *There shall be posters displayed regarding responsible drinking.* No posters about responsible drinking within premises and therefore this condition was not being complied with.
- 3. *There shall be promotions against drink driving.* No posters on display, condition not being complied with.
- 6. *SIA trained doorman shall be present at the premises.* This condition can be removed.

Public Safety:

- 1. *There must be 4 exits available in case of emergency, 3 of which are on the ground floor.* There is only one exit on the ground floor and therefore this condition cannot be complied with and should be removed. Advice was given to Ms Harley concerning this matter prior to the review hearing but it still has not been addressed.
- 2. *All safety checks and systems shall be maintained.* It is not clear what safety checks this relates to, however Sgt Curtis and I were not satisfied that a fire risk assessment was in place, and had concerns in relation to electrical safety within the premises. I recommend you remove this condition and add an additional condition to the licence that "All relevant Health and Safety requirements and legislation will be complied with".
- 3. *SIA door supervisors shall be present to control and look after customer welfare.* This can be removed as a further condition relates to door stewards.
- 4. *Accident records shall be present and maintained.* You indicated that you do not keep

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any accident records, and therefore this condition was not being complied with.

We did not discuss any conditions in relation to Public Nuisance.

The Protection of Children From Harm

2. *Identification in the form of ID cards with 'PASS' hologram must be produced by anyone who appears to be under 21.* This condition can be removed as there is a further condition re Challenge 25.

3. *There shall be no children after 9pm and no under 18's after midnight.* This condition can be removed as further conditions relate to this matter.

Annexe 3, Conditions attached after a Hearing by the Licensing Authority.

The Prevention of Crime and Disorder

2. *On every occasion that the premises sells alcohol after midnight and then closes after 12.30 am, SIA door staff shall be employed from 10.00 pm until closing.* This condition can be removed as a new condition was added to the licence on withdrawal of your appeal.

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 recording at any reasonable time.* This condition can be removed.

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.* You indicated that drinks in glass bottles are decanted into glasses, but did not appear confident that toughened/strengthened glasses are being used. I recommend you either check all glasses to determine if they are toughened, purchase new toughened glasses from a reputable supplier or serve drinks in plastic/polycarbonate vessels to ensure you can comply with this requirement.

Again we did not go through any of the public nuisance conditions.

Conditions attached after a review hearing by the Licensing Authority

General

2. *That Mr Hennessey shall not be involved in or influence the operation of these premises.* I informed you that I am aware Mr Hennessey had been requested by the police to provide CCTV in respect of an incident and that it had taken about 20 days for this to be provided. The condition on the licence in relation to CCTV requires footage to be provided "with absolute minimum of delay" and therefore 20 days is unacceptable. I also informed you that I have been advised by the Best Bar None co-ordinator that Mr Hennessey had contacted her concerning joining Best Bar None. I pointed out that Mr Hennessey is prohibited from being involved in the operation of the premises and as the part of the licence containing the conditions is referred to as the operating schedule, he should have no involvement in any matters contained within the

licence. I advised you to discuss this with Mr Hennessey and instruct him to refer any enquiries regarding CCTV or matters in respect of the licence to you.

8. *All persons employed at the premises in the sale and supply of alcohol, shall attend and successfully complete the BIIAB Level 1 Award in Responsible Alcohol Retailing within 2 months of commencing employment.* I have previously given you advice re this and I am satisfied that you are progressing this matter.

9. *All staff shall receive training regarding their responsibilities under the Licensing Act at the commencement of employment, with refresher training being provided at least once a year. Records of all training, including BIIA Certificates, shall be maintained and kept at the premises for a minimum period of 12 months. These records shall be made available to the police or Local Authority Licensing Officers for inspection on demand.* You were unable to provide any training records, although Ms Harley indicated during my visit on 9 January 2021 that training was to take place the following week. When discussing this matter, you indicated that staff were undertaking the BIIAB and I informed you that, as a minimum, we would expect all staff to be trained in relation to Challenge 25, Fire Safety, Health and Safety, and your drugs policy. I would take this opportunity to recommend that you also provide training to your staff in respect of your noise management and monitoring policy, the recording of incidents and accidents, first aid and any other matters falling under your responsibility as Premises Licence Holder.

11. *The premises shall sign up to a licensing support scheme such as Best Bar None and ensure that they meet the standards required by that scheme at all times.* We have previously discussed this matter, and the Best Bar None co-ordinator has advised me that she will meet with you before the end of February 2022 to progress this as a matter of urgency.

12. *The Premises Licence Holder shall ensure that the Regulatory Reform (Fire Safety) Order 2005 is complied with an up to date fire risk assessment shall be kept on the premises for viewing by responsible authorities at all times. The fire risk assessment shall be amended whenever any changes are made to the premises which may affect emergency evacuation.* You were unable to produce a fire risk assessment and stated that you didn't know if one had been completed, despite advice having been given to Ms Harley and Mr Hennessey during a meeting at the premises in September 2021, although I appreciate you were not responsible for the premises at that time. I asked you what fire safety training had been provided to staff, and you indicate no training has been provided. I asked you if staff know where to locate a fire extinguisher and you indicated that you didn't know if there was one at the premises and you and Mr Ralph went to look for one. Sgt Curtis thinks that Mr Ralph might've said that he found one, but I do not recall that. This condition was not being complied with.

At 2000 hrs on the evening of Saturday 15 January 2022 and 0100 hrs on the morning of Sunday 16 January 2021, PC Honeyball visited Jackz Bar and established that alcohol was being sold, with music playing and dancing taking place. Your staff/door stewards indicated that these activities would cease at 0230 hrs.

I would now draw your attention to my email of 12 January 2022 in which I state:

However, I would take this opportunity to remind you that it is the responsibility of the Premises Licence Holder (yourself in this case) to ensure that the requirements of a

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premises licence are complied with at all times when licensable activities take place. Therefore, if you are satisfied that you are now able to comply with all the licence conditions, you can open and carry out licensable activities whenever you wish, but if you do not think that you can comply with the licence requirements, you should not carry out any licensable activities until you are satisfied that you can comply.

Myself and Sgt Curtis are therefore extremely disappointed that you were open and carried out licensable activities over the weekend of 14/15/16 January 2022 when it is apparent that various conditions on the licence were not being complied with.

I would again take this opportunity to remind you that failure to comply with the terms and conditions of a premises licence is an offence under Section 136 of the Licensing Act 2003, and a person found guilty of such an offence is liable on summary conviction to an unlimited fine, up to 6 months imprisonment or to both. As you have already been served a S19 Closure Notice, we do not intend to serve you with a further notice on this occasion but I would remind you that we can seek a Closure Order from a Magistrates Court at any time within 6 months of the issue of the notice if alcohol is sold and the licence conditions are not complied with. One of the conditions outlined in the Closure Notice is in respect of training records not being produced, and this breach was again identified on Friday 21 January 2022. I must warn you that should further breaches of the premises licence come to my attention, I shall consider seeking a prosecution for any offences committed, or a review of your premises licence, but I hope that this will not be necessary.

In respect of the approved plan of the premises, as advised in my emails of 7 December 2021, 23 December 2021, and 9 January 2022, this does not reflect the layout of the premises as there are no male toilets next to the bar, and this area is now used for storage. As discussed on Friday 21 January 2022 I recommend that you apply for a variation of your premises licence to remove the conditions identified above and submit an amended plan. Please contact Carrie Carter of Torbay Council [REDACTED] if you require any advice or assistance in relation to this.

Kind regards

Julie Smart

Alcohol Licensing Officer - Torbay

Tel: [REDACTED]

Prevention Department

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

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From: [Hennessey Cocktails](#)
To: [SMART Julie 50403](#)
Subject: Jackz Bar Documents
Date: 01 February 2022 14:24:30
Attachments: [Jacks ECR.pdf](#)
[Jackz PAT testing.pdf](#)
[Jackz maintence certificate Fire.pdf](#)
[jackz fra.pdf](#)

Dear Julie,

Here are all of the in date documents you have requested from Jackz Bar regarding fire and electrics - we have made no alterations to any of the equipment or building since purchase.

Floor plan/Minor variation is being worked on this week.

Kind Regards

Andy

Hennessey Cocktail Lounge
2 King Street, Brixham, TQ5 9TF

DETAILS OF THE INSTALLATION

Contractor Reference Number (CRN): N/A
 Name: Mrs Shears
 Address: 2 The Old Orchard, Milton Street, BRIXHAM, Devon
 Postcode: TQ5 0BX Tel No: N/A

Registration No: 607581000 Branch No: 000
 Trading Title: Polarity Electricians Limited
 Address: 21 Lyles Road, Brixham, Devon
 Postcode: TQ5 9SN Tel No: 07794752932

PART 2: PURPOSE OF THE REPORT

Purpose for which this report is required: Sale of property

Date(s) when inspection and testing was carried out: 31/03/2021

Records available: (X) Previous inspection report available: (X) Previous report date: (N/A)

PART 3: SUMMARY OF THE CONDITION OF THE INSTALLATION

General condition of the installation (in terms of electrical safety):
 The condition of this consumer unit is good.

Estimated age of electrical installation: (25) years Evidence of additions or alterations: (✓)

Overall assessment of the installation is: **Satisfactory/acceptable** (delete as appropriate)

PART 4: DECLARATION

INSPECTION AND TESTING

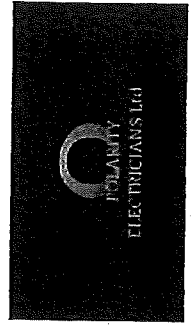
I, the person responsible for the inspection and testing of the electrical installation, particulars of which are described in PART 7, having exercised reasonable skill and care when carrying out the inspection and testing of the existing installation, hereby CERTIFY that the information in this report, including the observations (page 2) and the attached schedules, provides an accurate assessment of the condition of the electrical installation taking into account the scope of the installation and the limitations on the inspection and testing.

Name (capital): SHAUN LEVETT Signature:
 Name (capital): SHAUN LEVETT Signature:
 Date: 31/03/2021 Date: 31/03/2021

*An unsatisfactory assessment indicates that dangerous (CODE C1) and/or potentially dangerous (CODE C2) conditions have been identified in PART 6, or that Further Investigation (CODE F1) without delay is required.

This report is based on the model forms shown in Appendix 6 of BS 7671 published by Certeure LLP. Certeure LLP operates the NICEIC & ELECSA brands Marwick House, Houghton Hall Park, Houghton Regis, Dunstable, LU5 5ZX © Copyright Certeure LLP (July 2018)

Please see the 'Notes for Recipient'



This report is not valid if the serial number has been defaced or altered

23062176

IPN18C

ELECTRICAL INSTALLATION CONDITION REPORT

Issued in accordance with BS 7671:2018 - Requirements for Electrical Installations

PART 1: DETAILS OF THE CONTRACTOR, CLIENT AND INSTALLATION

DETAILS OF THE CONTRACTOR



This report is not valid if the serial number has been defaced or altered

23062176

IPN18C

ELECTRICAL INSTALLATION CONDITION REPORT

Issued in accordance with BS 7671: 2018 - Requirements for Electrical Installations

PART 7 : DETAILS AND LIMITATIONS OF THE INSPECTION AND TESTING

The inspection and testing has been carried out in accordance with BS 7671: 2018, as amended. Cables concealed within trunking and conduits, or cables and conduits concealed under floors, in inaccessible roof spaces and generally within the fabric of the building or underground, have not been visually inspected unless specifically agreed between the Client and the Inspector prior to inspection.

Details of the installation covered by this report: Visual inspection of the suppliers terminal equipment. Full test of all final circuits.

Agreed limitations including the reasons, if any, on the inspection and testing: N/A

Extent of sampling: 20% visual inspection of all final circuits; 100% visual inspection of circuits 1; 2

Operational limitations including the reasons: Insulation resistance wasn't carried out on various circuits due to unknown sensitive equipment.

Agreed with (print name): N/A

(see additional page No. N/A)

(see additional page No. N/A)

PART 8 : SUPPLY CHARACTERISTICS AND EARTHING ARRANGEMENTS

System type and earthing arrangements		Number and type of live conductors		Nature of supply parameters	
TN-C-S: <input checked="" type="checkbox"/> ()	TN-S: (N/A) ()	AC	1-phase, 2-wire: () <input checked="" type="checkbox"/> ()	Nominal line voltage, U_0 :	(N/A) V
Other (state): N/A			3-phase, 3-wire: (N/A) ()	Nominal line voltage to Earth, U_0 (1):	(230) V
Supply protective device		DC	2-wire: (N/A) ()	Nominal frequency, f (1):	(50) Hz
{BS (EN) 1361}			3-wire: (N/A) ()	Prospective fault current, I_{pf} (1)*:	(2.32) kA
Type: ()	Rated current: (100) A		Confirmation of supply polarity: () <input checked="" type="checkbox"/> ()	External loop impedance, Z_e (1)*:	(0.11) Ω
			Other sources of supply (as detailed on attached schedule)	Page No: (N/A)	

PART 9 : PARTICULARS OF INSTALLATION REFERRED TO IN THIS REPORT

Means of Earthing		Main protective conductors		Main protective bonding connections		Main switch / Switch-fuse / Circuit-breaker / RCD	
Distributor's facility: () <input checked="" type="checkbox"/> ()	(N/A) ()	Earthing conductor:	(material) Copper	Water installation pipes: () <input checked="" type="checkbox"/> ()	Gas installation pipes: () <input checked="" type="checkbox"/> ()	Type: (BS (EN) 61008)	()
Installation earth electrode: () <input checked="" type="checkbox"/> ()	()	Connection / continuity verified: () <input checked="" type="checkbox"/> ()	Connection / continuity verified: () <input checked="" type="checkbox"/> ()	Structural steel: () <input checked="" type="checkbox"/> ()	Oil installation pipes: () <input checked="" type="checkbox"/> ()	Location: (consumer unit)	()
Where an earth electrode is used, insert Type - (rod(s), tape, etc): (None)	()	Main protective bonding conductors:	(material) Copper	Lightning protection: () <input checked="" type="checkbox"/> ()	Other (state): (N/A)	No. of poles: (2)	(N/A) A
Location: (N/A)	()	Connection / continuity verified: () <input checked="" type="checkbox"/> ()	Connection / continuity verified: () <input checked="" type="checkbox"/> ()	Other (state): (N/A)		Current rating: (80)	(230) V
Electrode resistance to Earth: (N/A) () Ω	()					Where an RCD is used as the main switch	Rating / setting of device: ()
						RCD rated residual operating current, $I_{\Delta n}$:	(30) mA
						Measured operating time: () ms	() ms
						Rated time delay:	() ms

*Where the installation is supplied by more than one source, the higher or highest values of prospective fault current, I_{pf} , and external earth fault loop impedance, Z_e , must be recorded.

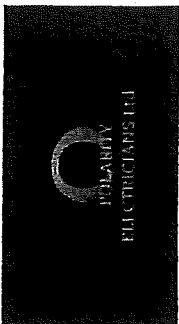
All fields must be completed. Enter either, as appropriate: if Acceptable condition; if Not applicable; if a Limitation exists; or Code appropriately - CODE 'C1', 'C2', 'C3' or 'F1' (codes to be recorded in PART 6, with additional comments (where appropriate), on attached numbered sheets)

This report is based on the model forms shown in Appendix 6 of BS 7671

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ELECTRICAL INSTALLATION CONDITION REPORT

Issued in accordance with BS 7671:2018 - Requirements for Electrical Installations

PART 10 - SCHEDULE OF ITEMS INSPECTED

1. External condition of electrical intake equipment (visual inspection only) (if inadequacies are identified with the intake equipment, it is recommended the person ordering the report informs the appropriate authority)

- 1.1 Service cable: (.....) 1.2 Service head: (.....) (.....) (.....)
 - 1.3 Earthing arrangement: (.....) 1.4 Meter tails: (.....) (.....) (.....)
 - 1.5 Metering equipment: (.....) 1.6 Isolator (where present): (.....) (.....) (.....)
2. Presence of adequate arrangements for parallel or switched alternative sources
- 2.1 Adequate arrangements where a generating set operates as a switched alternative to the public supply: (.....) (.....) (.....)
 - 2.2 Adequate arrangements where generating set operates in parallel with the public supply: (.....) (.....) (.....)
 - 2.3 Presence of alternative / additional supply arrangement warning notice(s) at or near equipment, where required: (.....) (.....) (.....)

3. Automatic disconnection of supply

- 3.1 Main earthing and bonding arrangements
 - a) Presence and condition of distributor's earthing arrangement: (.....) (.....) (.....)
 - b) Presence and condition of earth electrode arrangement, if present: (.....) (.....) (.....)
 - c) Adequacy of earthing conductor size: (.....) (.....) (.....)
 - d) Adequacy of earthing conductor connections: (.....) (.....) (.....)
 - e) Accessibility of earthing conductor connections: (.....) (.....) (.....)
 - f) Adequacy of main protective bonding conductor size(s): (.....) (.....) (.....)
 - g) Adequacy of main protective bonding conductor connections: (.....) (.....) (.....)
 - h) Accessibility of main protective bonding connections: (.....) (.....) (.....)
 - i) Accessibility and condition of other protective bonding connections: (.....) (.....) (.....)
 - j) Provision of earthing / bonding labels at all appropriate locations: (.....) (.....) (.....)

3.2 FELV

- a) Source providing at least simple separation: (.....) (.....) (.....)
- b) Plugs, socket-outlets and the like not interchangeable with those of other systems within the premises: (.....) (.....) (.....)

4. Other methods of protection

Details should be provided on separate sheets:

(N/A) (.....) (.....)

Page No. (.....)

5. Distribution equipment

- 5.1 Adequacy of working space / accessibility of equipment: (.....) (.....) (.....)
- 5.2 Security of fixing: (.....) (.....) (.....)
- 5.3 Condition of insulation of live parts: (.....) (.....) (.....)
- 5.4 Adequacy / security of barriers: (.....) (.....) (.....)
- 5.5 Condition of enclosure(s) in terms of IP rating: (.....) (.....) (.....)
- 5.6 Condition of enclosure(s) in terms of fire rating: (.....) (.....) (.....)
- 5.7 Enclosure not damaged / deteriorated so as to impair safety: (.....) (.....) (.....)
- 5.8 Presence and effectiveness of obstacles: (.....) (.....) (.....)
- 5.9 Presence of main switch(es), linked where required: (.....) (.....) (.....)
- 5.10 Operation of main switch(es) (functional check): (.....) (.....) (.....)
- 5.11 Correct identification of circuit protective devices: (.....) (.....) (.....)
- 5.12 Adequacy of protective devices for prospective fault current: (.....) (.....) (.....)
- 5.13 RCD(s) provided for fault protection - includes RCBOs: (.....) (.....) (.....)
- 5.14 RCD(s) provided for additional protection - includes RCBOs: (.....) (.....) (.....)
- 5.15 RCD(s) provided for protection against fire - includes RCBOs: (.....) (.....) (.....)
- 5.16 Manual operation of circuit-breakers and RCDs to prove disconnection: (.....) (.....) (.....)
- 5.17 Confirmation that integral test button/switch causes RCD(s) to trip when operated (functional check) (.....) (.....) (.....)
- 5.18 Presence of RCD six-monthly retest notice at or near equipment, where required: (.....) (.....) (.....)
- 5.19 Presence of diagrams, charts or schedules at or near equipment, where required: (.....) (.....) (.....)
- 5.20 Presence of non-standard (mixed) cable colour warning notices at or near equipment, where required: (.....) (.....) (.....)
- 5.21 Presence of next inspection recommendation label: (.....) (.....) (.....)
- 5.22 All other required labelling provided: (.....) (.....) (.....)
- 5.23 Compatibility of protective device(s), base(s) and other components: (.....) (.....) (.....)

- 5.24 Single-pole switching or protective devices in line conductors only: (.....) (.....) (.....)
 - 5.25 Protection against mechanical damage where cables enter equipment: (.....) (.....) (.....)
 - 5.26 Protection against electromagnetic effects where cables enter ferrimagnetic enclosures: (.....) (.....) (.....)
- ### 6. Distribution / final circuits
- 6.1 Identification of conductors: (.....) (.....) (.....)
 - 6.2 Cables correctly supported throughout their length: (.....) (.....) (.....)
 - 6.3 Condition of insulation of live parts: (.....) (.....) (.....)
 - 6.4 Non-sheathed cables protected by enclosures in conduit, ducting or trunking: (.....) (.....) (.....)
 - 6.5 Suitability of containment systems for continued use (including flexible conduit): (.....) (.....) (.....)
 - 6.6 Cables correctly terminated in enclosures (indicate extent of sampling in PART 7 of report): (.....) (.....) (.....)
 - 6.7 Indication of SPD(s) continued functionality confirmed: (.....) (.....) (.....)
 - 6.8 Adequacy of AFDD(s), where specified: (.....) (.....) (.....)
 - 6.9 Confirmation that conductor connections, including connections to busbars are correctly located in terminals and are tight and secure: (.....) (.....) (.....)
 - 6.10 Examination of cables for signs of unacceptable thermal and mechanical damage / deterioration: (.....) (.....) (.....)
 - 6.11 Adequacy of cables for current-carrying capacity with regard to the type and nature of installation: (.....) (.....) (.....)
 - 6.12 Adequacy of protective devices; type and rated current for fault protection: (.....) (.....) (.....)
 - 6.13 Presence and adequacy of circuit protective conductors: (.....) (.....) (.....)
 - 6.14 Co-ordination between conductors and overload protective devices: (.....) (.....) (.....)
 - 6.15 Cable installation methods / practices appropriate to the type and nature of installation and external influences: (.....) (.....) (.....)
 - 6.16 Cables where exposed to direct sunlight, of a suitable type or adequately protected against solar radiation: (.....) (.....) (.....)
 - 6.17 Cables adequately protected against damage and abrasion: (.....) (.....) (.....)

All fields must be completed. Enter either, as appropriate: ✓ If Acceptable condition; N/A if Not applicable; LIM if a Limitation exists; or Code appropriately - CODE 'C1', 'C2', 'C3' or 'F1' (codes to be recorded in PART 6, with additional comments (where appropriate) on attached numbered sheets)



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23062176

IPN18C

ELECTRICAL INSTALLATION CONDITION REPORT

Issued in accordance with BS 7671: 2018 - Requirements for Electrical Installations

Original (to the person ordering the work)

PART 10 - SCHEDULE OF ITEMS INSPECTED

6.18 Provision of additional protection by an RCD not exceeding 30 mA	(.....)
a) For all socket-outlets with a rated current not exceeding 32 A, unless exempt	(.....) (✓)
b) Supplies for mobile equipment with a rated current not exceeding 32 A for use outdoors	(.....) (✓)
c) For cables concealed in walls / partitions at a depth of less than 50 mm:	(.....) (✓)
d) For cables concealed in walls / partitions containing metal parts regardless of depth:	(.....) (✓)
e) Circuits supplying luminaires within domestic (household) premises:	(.....) (✓)
Note: Older installations designed prior to BS 7671: 2018 may not have been provided with RCDs for additional protection.	
6.19 Provision of fire barriers, sealing arrangements and protection against thermal effects:	(.....) (✓)
6.20 Band II cables segregated / separated from Band I cables:	(.....) (N/A)
6.21 Cables segregated / separated from non-electrical services:	(.....) (N/A)
6.22 Termination of cables at enclosures (indicate extent of sampling in PART 7 of report)	(.....) (✓)
a) Connections under no undue strain:	(.....) (✓)
b) No basic insulation of a conductor, visible outside an enclosure:	(.....) (✓)
c) Connections of live conductors adequately enclosed:	(.....) (✓)
d) Adequacy of connection at point of entry to enclosure:	(.....) (✓)
6.23 Temperature rating of cable insulation adequate:	(.....) (✓)
6.24 Condition of accessories including socket-outlets, switches and joint boxes satisfactory:	(.....) (✓)
6.25 Suitability of accessories for external influences:	(.....) (✓)

6.26 Single-pole switching or protective devices in line conductors only:	(.....) (✓)
6.27 Adequacy of connections, including spcs, within accessories and to fixed and stationary equipment:	(.....) (✓)
7. Isolation and switching	
7.1 Isolators	(.....) (✓)
a) Presence and condition of appropriate devices:	(.....) (✓)
b) Acceptable location (local / remote):	(.....) (✓)
c) Capable of being secured in the OFF position:	(.....) (✓)
d) Correct operation verified:	(.....) (✓)
e) Clearly identified by position and / or durable markings:	(.....) (✓)
f) Warning label posted in situations where live parts cannot be isolated by the operation of a single device:	(.....) (N/A)
7.2 Switching off for mechanical maintenance	(.....) (✓)
a) Presence and condition of appropriate devices:	(.....) (✓)
b) Acceptable location:	(.....) (✓)
c) Capable of being secured in the OFF position:	(.....) (✓)
d) Correct operation verified:	(.....) (✓)
e) Clearly identified by position and / or durable marking(s):	(.....) (✓)
7.3 Emergency switching off / stopping	(.....) (✓)
a) Presence and condition of appropriate devices:	(.....) (N/A)
b) Readily accessible for operation where danger might occur:	(.....) (N/A)
c) Correct operation verified:	(.....) (✓)
7.4 Functional switching	(.....) (✓)
a) Presence and condition of appropriate devices:	(.....) (✓)
b) Correct operation (functionality) verified:	(.....) (✓)

8. Current-using equipment (permanently connected)	
8.1 Condition of equipment in terms of IP rating:	(.....) (✓)
8.2 Equipment does not constitute a fire hazard:	(.....) (✓)
8.3 Enclosure not damaged / deteriorated so as to impair safety:	(.....) (✓)
8.4 Suitability for the environment and external influences:	(.....) (✓)
8.5 Security of fixing:	(.....) (✓)
8.6 Cable entry holes in ceiling above luminaires, sized or sealed so as to restrict the spread of fire:	(.....) (✓)
List number and location of luminaires inspected on a separate page:	Page No. (N/A)
8.7 Recessed luminaires (e.g. downlighters)	(.....) (N/A)
a) Correct type of lamps fitted:	(.....) (N/A)
b) Installed to minimise build-up of heat:	(.....) (N/A)
c) No signs of overheating to surrounding building fabric:	(.....) (N/A)
d) No signs of overheating to conductors / terminations:	(.....) (N/A)
9. List all special installations or locations covered by this report:	(.....) (N/A)
N/A	(.....) (N/A)
Indicate if the relevant requirements of Part 7 are satisfied and append results of inspection on a separate numbered page.	

PART 11 - SCHEDULES AND ADDITIONAL PAGES

Schedule of Inspections	(.....) (4 & 5)	Page No(s):	(6)
Schedule of Circuit Details and Test Results for the installation	(.....)	Page No(s):	(6)
Additional pages, including data sheets for additional sources	(.....)	Page No(s):	(None)
Special installations or locations (indicated in item 9, above)	(.....)	Page No(s):	(None)
Continuation sheets	(.....)	Page No(s):	(None)

SCHEDULE OF ITEMS INSPECTED BY

Name (capital): SHAUN LEVETT Date: 31/03/2021

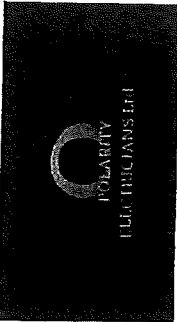
Signature: _____

The pages identified are an essential part of this report (see Regulation 653.2)

All fields must be completed. Enter either, as appropriate: ✓ if Acceptable condition; N/A if Not applicable; LIM if a Limitation exists; or Code appropriately - CODE 'C1', 'C2', 'C3' or 'F' (codes to be recorded in PART 6, with additional comments (where appropriate) on attached numbered sheets)

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IPN18C

ELECTRICAL INSTALLATION CONDITION REPORT

Issued in accordance with BS 7671:2018 - Requirements for Electrical Installations

PART 12 - SCHEDULE OF CIRCUIT DETAILS AND TEST RESULTS

Circuit number	Circuit description	Type of wiring (BS 7671)	Reference Method (BS 7671)	Number of points served	Circuit conductor csa		Max. disconnection time (BS 7671) (s)	Protective device			RCD Operating current I _{Δn} (mA)	Max. permitted Z _s for installed protective device* (Ω)	Circuit impedances (Z)			Insulation resistance		RCD operating time (ms)	Test buttons		
					Live (mm ²)	CPC (mm ²)		Type	Rating (A)	Short-circuit capacity (kA)			Ring-final circuits only (measured end to end)	Neutral (Z _n)	CPC (Z _c)	All circuits (complete at least one column)	Live/ Live (MΩ)		Live/ Earth (MΩ)	Test voltage DC (V)	RCD (✓)
1	lounge aircon	A	B	1	2.5	1.5	0.4	60898	B	16	6	30	2.73	N/A	N/A	N/A	N/A	32	✓	✓	
2	bar aircon	A	B	1	2.5	1.5	0.4	60898	B	20	6	30	2.19	N/A	N/A	N/A	N/A	32	✓	N/A	
3	emergency lights	A	B	4	1	0.75	0.4	60898	B	6	6	30	7.28	N/A	N/A	N/A	N/A	32	✓	N/A	
4	smokes	A	B	1	1	0.75	0.4	60898	B	6	6	30	7.28	N/A	N/A	N/A	N/A	32	✓	N/A	
5	Unknown	N/A	N/A	N/A	2.5	1.5	0.4	60898	B	20	6	30	2.19	N/A	N/A	N/A	N/A	N/A	32	✓	N/A

DISTRIBUTION BOARD (DB) DETAILS DB designation: DB4 Location of DB: Starwell
 (to be completed in every case)

TESTED BY Name (capital): SHAUN LEVETT Position: QS
 Signature: Date: 31/03/2021

TO BE COMPLETED ONLY IF THE DB IS NOT CONNECTED DIRECTLY TO THE ORIGIN OF THE INSTALLATION

Supply to DB is from: () Nominal voltage: () V No. of phases: ()
 Overcurrent protection device for the distribution circuit Type: (BS EN N/A) Rating: () A
 Associated RCD (if any) Type: (BS EN N/A) No. of poles: () mA Operating time () ms
 Characteristics at this DB Confirmation of supply polarity: () Phase sequence confirmed (where appropriate): () Z_s () Ω I_{pf} () kA

TEST INSTRUMENTS (enter serial number against each instrument used)
 Multi-function: (101864479) Continuity: (101864479)
 Insulation resistance: (101864479) Earth fault loop impedance: (101864479)
 Earth electrode resistance: () RCD: (101864479)

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Original (to the person ordering the work)

NOTES FOR RECIPIENT

THIS CONDITION REPORT IS AN IMPORTANT AND VALUABLE DOCUMENT WHICH SHOULD BE RETAINED FOR FUTURE USE

The purpose of periodic inspection is to determine, so far as is reasonably practicable, whether an electrical installation is in a satisfactory condition for continued service. This report provides an assessment of the condition of the electrical installation identified overleaf at the time it was inspected and tested, taking into account the stated extent of the installation and the limitations of the inspection and testing.

This report has been issued in accordance with the national standard for the safety of electrical installations, BS 7671:2018 - *Requirements for Electrical Installations*.

The report identifies any damage, deterioration, defects and/or conditions found by the inspector which may give rise to danger (see PART 6), together with any items for which improvement is recommended. If you were the person ordering this report, but not the user of the installation, you should pass this report, or a full copy of it including these notes, the schedules and additional pages (if any), immediately to the user.

This report should be retained in a safe place and shown to any person inspecting or undertaking further work on the electrical installation in the future. If you later vacate the property, this report will provide the new user with an assessment of the condition of the electrical installation at the time the periodic inspection was carried out.

Where the installation incorporates a residual current device (RCD) there should be a notice at or near the device stating that it should be tested every six months. For safety reasons it is important that this instruction is followed.

For safety reasons, the electrical installation should be re-inspected at appropriate intervals by a skilled person or persons, competent in such work. NICEIC* recommends that you engage the services of an NICEIC Approved Contractor for the inspection.

The recommended date by which the next inspection should be carried out is stated in PART 5 of this report. There should also be a notice at or near the main switchboard or distribution board/consumer unit indicating when the next inspection of the installation is due.

Only an NICEIC Approved Contractor or Conforming Body is authorised to issue this NICEIC Electrical Installation Condition Report. You should have received the report marked 'Original' and the Approved Contractor should have retained the report marked 'Duplicate'.

This report form is intended to be issued only for the purpose of reporting on the condition of an existing electrical installation and must not be issued to certify new electrical installation work including the replacement of a distribution board or consumer unit.

The report consists of at least six numbered pages. Additional numbered pages may have been provided to permit further relevant information relating to the installation to be recorded. For installations having more than one distribution board or more circuits than can be recorded on PART 12, one or more additional *Schedules of Circuit Details and Test Results* should form part of the report. The report is invalid if any of the schedules identified in PART 10 are missing. The report has a printed serial number, which is traceable to the Contractor to which it was supplied.

PART 7 (Details and limitations) should identify fully the extent of the installation covered by this report and any limitations on the inspection and testing. The inspector should have agreed these aspects with the person ordering the report and with other interested parties (licensing authority, insurance company, mortgage provider and the like) before the inspection was carried out.

Operational limitations may have been encountered during the inspection such as inability to gain access to parts of the installation or to an item of equipment. The inspector should have noted any such limitations in PART 7. It should be noted that the greater the limitations applying to a report, the less its value from the safety aspect.

A declaration should have been given by the inspector in PART 4 of the report. The declaration must reflect the statement given in PART 3, which summarises the observations and recommendations made in PART 6. Where one or more observations have been made in PART 6, the Classification code given to each by the inspector indicates the degree of urgency with which remedial action needs to be taken to restore the installation to a safe working condition.

Where the inspector has indicated an observation as code C1 (danger present) the safety of those using the installation is at risk. Wherever practicable, items classified as (C1) should be made safe on discovery, and it is recommended that a skilled person(s) competent in electrical installation work undertakes the necessary remedial work immediately.

Where the inspector has indicated an observation as code C2 (potentially dangerous) the safety of those using the installation may be at risk, and it is recommended that a skilled person(s) competent in electrical installation work undertakes the necessary remedial work as a matter of urgency.

Where the inspector has indicated that an item requires further investigation (FI), the investigation should be carried out without delay to determine whether danger or potential danger exists. For further guidance on the Classification codes, please see the reverse of page 2.

Where the installation can be supplied by more than one source, such as the public supply and a standby generator or microgenerator, this should be identified in PART 8 *Supply Characteristics and Earthing Arrangements*, and the *Schedules of Circuit Details and Test Results* (PART 12) compiled accordingly.

Where inadequacies in the intake equipment have been observed (Item 1 of PART 10), the person ordering the inspection should inform the distributor and/or supplier as appropriate.

Should the person ordering this report have reason to believe that it does not reasonably reflect the condition of the electrical installation reported on, that person should in the first instance raise the specific concerns in writing with the Approved Contractor. If the concerns remain unresolved, the person ordering this report may make a formal complaint to NICEIC, for which purpose a complaint form is available on request.

The complaints procedure offered by NICEIC is subject to certain terms and conditions; full details of which are available upon application. NICEIC does not investigate complaints relating to the operational performance of electrical installations (such as lighting levels), or to contractual or commercial issues (such as time or cost). *NICEIC is operated by Certsure LLP, a partnership between the Electrical Contractors' Association and the charity, Electrical Safety First. NICEIC maintains and publishes registers of electrical contractors that it has assessed against particular scheme requirements (including the technical standard of electrical work).

For further information about electrical safety and how NICEIC can help you, visit www.niceic.com

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GUIDANCE FOR RECIPIENTS ON THE CLASSIFICATION CODES

Only one Classification code should be given for each recorded Observation

Classification code C1 (Danger present)

Where an observation has been given a Classification code C1, the safety of those using the installation is at risk and immediate remedial action is required.

The person responsible for the maintenance of the installation is advised to take action without delay to remedy the observed deficiency in the installation, or to take other appropriate action (such as switching off and isolating the affected part(s) of the installation) to remove the danger. The NICEIC Approved Contractor issuing this report will be able to provide further advice.

NICEIC makes available 'Electrical Danger Notification' forms to enable inspectors to record, and then to communicate to the person ordering the report, any dangerous condition discovered.

Classification code C2 (Potentially dangerous)

Classification code C2 indicates that, whilst those using the installation may not be at immediate risk, urgent remedial action is required to remove potential danger. The NICEIC Approved Contractor issuing this report will be able to provide further advice.

It is important to note that the recommendation given at PART 5 of this report (Next inspection) for the maximum interval until the next inspection is conditional upon all items which have been given a Classification code C1 and code C2 being remedied immediately and as a matter of urgency, respectively. It would not be reasonable for the inspector to indicate that the installation is in a satisfactory condition if any observation in this report has been given a code C1 or code C2 classification.

Classification code C3 (Improvement recommended)

Where an observation has been given a Classification code C3, the inspection and/or testing has revealed a non-compliance with the current safety standard which, whilst not presenting immediate or potential danger, would result in a significant safety improvement if remedied. Careful consideration should be given to the safety benefits of improving these aspects of the installation. The NICEIC Approved Contractor issuing this report will be able to provide further advice.

Code FI (Further investigation required without delay)

It should usually be possible for the inspector to attribute a Classification code to each observation without indicating a need for further investigation.

However, where 'FI' has been entered against an observation the inspector considers that further investigation of that observation is likely to reveal danger or potential danger that, due to the agreed extent or limitations of the inspection and/or testing, could not be fully identified at the time.

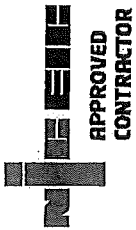
It would not be appropriate for the inspector to indicate that the installation is in a satisfactory condition if there is reasonable doubt as to whether danger or potential danger exists. Consequently, where the inspector has indicated 'Further investigation required without delay' (FI) the overall assessment of the installation (PART 3) should be marked as 'Unsatisfactory'.

If the inspector has indicated that an observation requires further investigation without delay, the person ordering this report is advised to arrange for the NICEIC Approved Contractor issuing the report (or another skilled person or persons competent in such work) to undertake further examination of that aspect of the installation as a matter of urgency, to determine whether or not danger or potential danger exists.

Further information

Further information on the application of Classification codes, primarily aimed at inspectors but of possible interest to persons ordering condition reports, can be found in Electrical Safety First's Best Practice Guide No 4, *Electrical installation condition reporting: Classification Codes for domestic and similar electrical installations*. The guide can be viewed or downloaded free of charge from www.electricalsafetyfirst.org.uk

For further information about electrical safety and how NICEIC can help you, visit www.niceic.com



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23061954

DVN18C

DOMESTIC VISUAL CONDITION REPORT

Small installations up to 100 A single phase supply

Original (to the person ordering the work)

PART 1 : DETAILS OF THE CONTRACTOR, CLIENT AND THE INSTALLATION

DETAILS OF THE CONTRACTOR

Registration No: 607581000 Branch No: 000
Trading Title: Polarity Electricians Limited
Address: 21 Lytes Road, Brixham, Devon
Postcode: TQ5 9SN Tel No: 07794752932

DETAILS OF THE CLIENT

Contractor Reference Number (CRN): N/A
Name: Mrs Shears
Address: 2 The Old Orchard, Milton Street, BRXHAM,
Devon
Postcode: TQ5 9BX Tel No: N/A

DETAILS OF THE INSTALLATION

Occupier: Mrs Shears
Address: Jackz Corner Club, Parkham Road, BRXHAM,
Devon
Postcode: TQ5 9BU Tel No: N/A

PART 2 : SUMMARY OF THE CONDITION OF THE INSTALLATION

General condition of the installation: The upstairs bar has had a visual inspection. There are two consumer units which I recommend to be upgraded. Most of the circuits couldn't be identified. I recommend the upstairs installation to be partially, if not fully renewed/rewired.

Estimated age of electrical installation: { 25 } years Evidence of additions or alterations: { }

PART 3 : NEXT INSPECTION

I/We (as indicated in PART 1) recommend that a ~~visual~~ **formal periodic inspection and test*** is carried out after an interval of not more than 5 years ~~XXXXXX~~*/k*
Give reason for recommendation: Dependant on remedial work being carried out.

PART 4 : DECLARATION

I being the person responsible for the visual-only inspection of the electrical installation (as indicated by my signature below), particulars of which are described in PART 1, having exercised reasonable skill and care when carrying out the inspection, hereby declare that the information in this report, including the observations and any attached pages, provides an accurate assessment of the condition of the electrical installation taking into account the limitations of a visual-only inspection

Results reviewed by *Qualified Supervisor* for the Approved Contractor
Name (capital): SHAUN LEVETT Signature: Date: 31/03/2021
Name (capital): SHAUN LEVETT Signature: Date: 31/03/2021

PART 5 : CONSUMER UNIT

Main switch / Switch-fuse / Circuit-breaker / RCD	RCD: (BS (EN) N/A)	Labelling	Label for RCD protection: (N/A)	Absence of labelling (please state) details for the top bar consumer units.
Main switch type: (BS (EN) LJM)	(N/A) mA		Label for mixed wiring: (N/A)	
Circuit-breakers: (BS (EN) 60898)	(N/A)		Label for next inspection: (N/A)	
Schedule of Circuit Details:				

*Delete as appropriate

** The proposed date for the next inspection should take into consideration the frequency and quality of maintenance that the installation can reasonably be expected to receive during its intended life, and the period should be agreed between relevant parties.

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DOMESTIC VISUAL CONDITION REPORT
Small installations up to 100 A single phase supply

PART 6 : ORIGIN OF THE INSTALLATION

System type
 TN-C-S: (✓) TN-S: (N/A) TT: (N/A)
 Primary supply overcurrent protective device
 Type: BS (EN) 1361 No. of poles: (2)
 Current rating: (100) A Rated short-circuit capacity: (16.5) kA
 Means of earthing
 Distributor's facility: (✓)
 Installation earth electrode: (N/A)
 Earthing system
 Earthing conductor condition: (✓)
 Where electrode is used, state
 Type (rod(s), tape, etc): (N/A)
 Location: (N/A)
 Main protective bonding connections
 Water installation pipes: (✓)
 Gas installation pipes: (N/A)
 Oil installation pipes: (N/A)
 Other: (N/A)

PART 7 : OBSERVATIONS AND RECOMMENDATIONS FOR ACTIONS TO BE TAKEN

CODES: One of the following Codes, as appropriate, has been allocated to each of the observations made below to indicate to the person(s) responsible for the electrical installation the degree of urgency for remedial action:

CODE C1 'Danger Present'	CODE C2 'Potentially Dangerous'	CODE C3	CODE F
Risk of injury. Immediate remedial action required	Urgent remedial action required	Improvement Recommended	Further Investigation Required
There are no items adversely affecting electrical safety (.....), OR The following observations and recommendations for action are made:			
Item No	Circuit	Observation(s) including location reference, as appropriate	Code
(1)	{ Top Bar CU }	{ Upgrade consumer unit }	{ }
(2)	{ Various circuits }	{ Unsupported cables }	{ C2 }
(3)	{ Top Bar CU }	{ No Rcd Protection }	{ C3 }
(4)	{ Top Bar CU }	{ unidentified circuits }	{ C2 }
(5)	{ supply to bar CU }	{ single insulated tails }	{ C3 }
(6)	{ Top Bar CU }	{ undersized cpc }	{ C2 }
(7)	{ Various circuits }	{ identification sleeving }	{ C3 }
(8)	{ Various circuits }	{ no cpc sleeving }	{ C3 }
(9)	{ Top Bar CU }	{ loose socket fixtures }	{ C3 }
(10)	{ Top Bar CU }	{ heat damage on socket line conductors }	{ C3 }
{ }	{ }	{ }	{ }
{ }	{ }	{ }	{ }
Additional pages? (None) State page numbers: (N/A)			
Immediate action required for items: (N/A)		Improvement recommended for items: (2,4,6,7,8,9,10)	
Urgent remedial action required for items: (1,3,5)		Further investigation required for items: (N/A)	

PART 8 : LOCATION CONTAINING A BATH OR SHOWER

Additional protection by RCD not exceeding 30 mA provided for
 Final circuits: (N/A) and Circuits passing through zones 1 and 2 not serving the location: (N/A)
 Supplementary equipotential bonding provided: (N/A)
 List of all other special installations or locations, if any, present:
 None

NOTES FOR RECIPIENT

THIS DOMESTIC VISUAL CONDITION REPORT IS IMPORTANT AND VALUABLE DOCUMENT WHICH SHOULD BE RETAINED FOR FUTURE USE

The purpose of a visual-only inspection of a domestic electrical installation is to determine, so far as is reasonably practicable, whether the installation has any visually-evident defects or has suffered any damage or deterioration which may affect safety. This domestic visual condition report provides an assessment of the condition of the electrical installation identified overleaf at the time it was inspected, taking into account the limitations of a visual-only inspection.

Whilst a visual-only inspection may reveal defects, damage or deterioration which may present electrical safety hazards, such an inspection alone cannot fully determine whether an installation is safe for continued use.

Visual-only inspection does not include items that can only be checked with test instruments, such as the adequacy of earthing arrangements. Due to such limitations, it is not appropriate to report that an installation is in a satisfactory condition on the basis of visual-only inspection.

The NICEIC* Approved Contractor performing the visual inspection will recommend that a full inspection and testing be performed if it is suspected that the installation is in an unsafe condition.

Also for safety reasons, the electrical installation will need to be re-inspected at appropriate intervals by a skilled person(s) competent in such work. The recommended maximum time interval to the 'Next Inspection' and the type of inspection is stated overleaf in PART 3. The recommendation for the interval to the next inspection is conditional on all items which have attracted a Classification code C1 and code C2 in PART 7 'Observations and recommendations for actions to be taken' being remedied immediately and as a matter of urgency respectively.

There should be a notice at or near the consumer unit indicating the latest date by which a full periodic inspection and test of the installation is due. NICEIC recommends that you engage the services of an NICEIC Approved Contractor for this purpose.

Where the installation incorporates a residual current device (RCD), there should be a notice at or near each device stating that it should be tested at six-monthly intervals. For safety reasons, it is important that you carry out the test regularly.

Note that consumer units fitted with cartridge or rewirable fuses may be suitable for continued use provided the consumer unit is in a satisfactory condition and each fuse is correctly rated.

** NICEIC, is operated by Certsure LLP, a partnership between the Electrical Contractors' Association and the charity, Electrical Safety First. NICEIC maintains and publishes registers of electrical contractors that it has assessed against particular scheme requirements (including the technical standard of electrical work).*

For further information about electrical safety and how NICEIC can help you, visit www.niceic.com

GUIDANCE FOR RECIPIENT ON THE CLASSIFICATION CODES

Only one Classification code should have been given for each recorded observation.

Classification code C1 (Danger present). Where an observation has been given a Classification code C1, the safety of those using the installation is at risk and immediate remedial action is required. The person responsible for the safety of the installation is advised to take action without delay to remedy the observed deficiency in the installation, or to take other appropriate action (such as switching off and isolating the affected part(s) of the installation) to remove the danger. The NICEIC Approved Contractor issuing this report will be able to provide further advice.

Classification code C2 (Potentially dangerous). This indicates that, whilst those using the installation may not be at immediate risk, urgent remedial action is required to remove potential danger. The NICEIC Approved Contractor issuing this report will be able to provide further advice.

Classification code C3 (Improvement recommended). Where an observation has been given a Classification code C3, the inspection and/or testing has revealed a non-compliance with the current safety standard which, whilst not presenting immediate or potential danger, would result in an improvement if remedied. Careful consideration should be given to the safety benefits of improving these aspects of the installation. The NICEIC Approved Contractor issuing this report will be able to provide further advice.

It is important to note that the recommendation given in PART 3 'Next Inspection' section of this report for the maximum interval until the next inspection is conditional upon all items which have been given a Classification code C1 and code C2 being remedied immediately and as a matter of urgency respectively.

Code F1 (Further investigation required without delay). It should usually be possible for the inspector to attribute a Classification code to each observation without indicating a need for further investigation.

However, where 'Further investigation required' has been noted in the 'Observations and recommendations for actions to be taken' section, the inspector considers that further investigation of that observation is likely to reveal danger or potential danger that, due to the limitations of the inspection, could not be fully identified at the time.

If the inspector has indicated that an observation requires further investigation, the person ordering this report is advised to arrange for the NICEIC Approved Contractor issuing the report (or another person competent in such work) to undertake further examination of that aspect of the installation as a matter of urgency, to determine whether or not danger or potential danger exists.

NOTES FOR RECIPIENT (continued)

Further information

Further information on the application of Classification codes, primarily aimed at inspectors, but of possible interest to persons ordering condition reports, can be found in the Electrical Safety First's Best Practice Guide, entitled *Electrical Installation condition reporting: Classification Codes for domestic and similar electrical installations*. The guide can be viewed or downloaded free of charge from www.electricalsafetyfirst.org.uk

The visual-only inspection report

This report is intended to be issued only for the purpose of reporting on the visual condition of an existing electrical installation. The report should identify, so far as is reasonably practicable, any damage, deterioration and visually-evident defects which:

- mean that danger is present,
- are potentially dangerous,
- require improvement, or
- require further investigation

The report consists of at least two numbered pages. Additional numbered pages may have been provided to permit further relevant information concerning the installation to be reported. The report is invalid if any of the identified pages are missing. The report form has a printed serial number which is traceable to the Contractor to which it was supplied.

The report should not have been issued to certify a new electrical installation, or in replace of a full formal periodic inspection and test.

Only an NICEIC Approved Contractor is authorised to issue this NICEIC Domestic Visual Condition Report. You should have received the report marked 'Original' and the Approved Contractor should have retained the report marked 'Duplicate'.

If you were the person ordering the work, but not the user of the installation, you should pass this report, or a full copy of it including these notes and additional pages (if any), immediately to the user.

The 'Original' report form should be retained in a safe place and shown to any person inspecting or undertaking further work on the electrical installation in the future. If you later vacate the property, this report will provide the new user with an assessment of the condition of the electrical installation at the time the inspection was carried out.

Understanding the report

Page 1

In PART 2 'Summary of the condition of the installation', the inspector should have put a brief summary of the overall condition of the installation, taking into account the specific observations made.

In PART 3 'Next Inspection' the inspector should have made a recommendation as to the time interval to the next inspection and the type of inspection, such as a **visual inspection** or a **full periodic inspection**. This recommendation will depend on circumstances such as the age of the installation or if it is subject to more rapid deterioration. The reason for the interval and the type of inspection recommended should be stated.

In PART 4 'The Declaration' should reflect the observations and recommendations made. A list of observations and recommendations for remedial work and corrective action(s) necessary to restore the installation to a satisfactory condition should be given in PART 7. But, given the limitations of a visual-only inspection, these recommendations may be incomplete and a full electrical installation condition report may be necessary to determine the full extent of the required remedial action.

For further guidance on the Classification codes, please see the reverse of page 1.

All fields should have been completed either by insertion of the relevant details or by entering:

A '✓' meaning a particular inspection has been carried out and the result, as far as can be ascertained from a visual-only inspection, is **not unacceptable**

or

A 'X' meaning a particular inspection has been carried out and the result is **unacceptable**

or

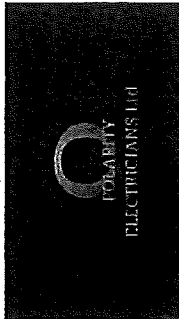
'N/A' meaning '**Not Applicable**', where appropriate.

Note that for every 'X' meaning 'unsatisfactory', an observation should have been made in PART 7 'Observations and recommendations for actions to be taken'.

Should the person ordering the domestic visual condition inspection (e.g. the person/organisation responsible for the safety of the electrical installation, as identified in PART 1 of this report), have reason to believe that the report issued by the Approved Contractor does not reasonably reflect the condition of the electrical installation reported on given the limitations of a visual only inspection, the person should in the first instance raise the specific concerns in writing with the Approved Contractor. If the concerns remain unresolved, the client may make a formal complaint to NICEIC, for which purpose a standard complaint form is available on request.

The complaints procedure offered by NICEIC is subject to certain terms and conditions, full details of which are available upon application. NICEIC does not investigate complaints relating to the operational performance of electrical installations (such as lighting levels), or to contractual or commercial issues (such as time or cost).

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23062218

IPN18C

ELECTRICAL INSTALLATION CONDITION REPORT

Issued in accordance with BS 7671: 2018 - Requirements for Electrical Installations

PART 1: DETAILS OF THE CONTRACTOR, CLIENT AND INSTALLATION

DETAILS OF THE CONTRACTOR

Registration No: 607581000 Branch No: 000
Trading Title: Polarity Electricians Limited
Address: 21 Lytes Road, Brixham, Devon
Postcode: TQ5 9SN Tel No: 07794752932

DETAILS OF THE CLIENT

Contractor Reference Number (CRN): N/A
Name: Mrs Shears
Address: 2 The Old Orchard, Milton Street, BRIXHAM,
Devon
Postcode: TQ5 9BX Tel No: N/A

DETAILS OF THE INSTALLATION

Occupier: Mrs Shears
Address: Jackz Corner Club, Parkham Road, BRIXHAM,
Devon
Postcode: TQ5 9BU Tel No: N/A

PART 2: PURPOSE OF THE REPORT

Purpose for which this report is required: Sale of property

Date(s) when inspection and testing was carried out: 25/05/2021 - 31/03/2021

Records available:

Previous inspection report available:

Previous report date: { N/A }

PART 3: SUMMARY OF THE CONDITION OF THE INSTALLATION

General condition of the installation (in terms of electrical safety):

The downstairs bar and kitchen area with the required upgrades that have been carried out together with the test results is in a good condition.

Estimated age of electrical installation: 25 (.....) years

Evidence of additions or alterations:

Overall assessment of the installation is: **Satisfactory/Unsatisfactory*** (delete as appropriate)

PART 4: DECLARATION

INSPECTION AND TESTING

I, being the person responsible for the inspection and testing of the electrical installation, particulars of which are described in PART 7, having exercised reasonable skill and care when carrying out the inspection and testing of the existing installation, hereby CERTIFY that the information in this report, including the observations (page 2) and the attached schedules, provides an accurate assessment of the condition of the electrical installation taking into account the stated extent of the installation and the limitations on the inspection and testing.

Name (capital): SHAUN LEVETT

Signature:

Date: 31/03/2021

REVIEWED BY THE REGISTERED QUALIFIED SUPERVISOR FOR THE APPROVED CONTRACTOR

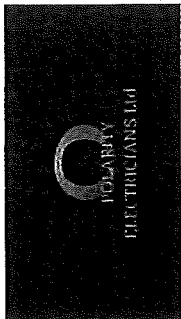
Name (capital): SHAUN LEVETT

Signature:

Date: 31/03/2021

*An unsatisfactory assessment indicates that dangerous (CODE C1) and/or potentially dangerous (CODE C2) conditions have been identified in PART 6, or that Further Investigation (CODE F1) without delay is required.

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APPROVED CONTRACTOR

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ELECTRICAL INSTALLATION CONDITION REPORT

Issued in accordance with BS 7671:2018 - Requirements for Electrical Installations

PART 7: DETAILS AND LIMITATIONS OF THE INSPECTION AND TESTING

The inspection and testing has been carried out in accordance with BS 7671:2018, as amended. Cables concealed within trunking and conduits, or cables and conduits concealed under floors, in inaccessible roof spaces and generally within the fabric of the building or underground, have not been visually inspected unless specifically agreed between the Client and the Inspector prior to inspection.

Visual inspection of the suppliers terminal equipment. Full test of all final circuits.

Details of the installation covered by this report: N/A (see additional page No. N/A)

Agreed limitations including the reasons, if any, on the inspection and testing: N/A

Extent of sampling: 20% visual inspection of all final circuits except the kitchen which was 100% visual inspection. Agreed with (print name): N/A (see additional page No. N/A)

Operational limitations including the reasons: Insulation resistance wasn't carried out on various circuits due to unknown sensitive equipment. (see additional page No. N/A)

PART 8: SUPPLY CHARACTERISTICS AND EARTHING ARRANGEMENTS

System type and earthing arrangements		TN-C-S: (✓) TN-S: (N/A) TT: (N/A)	
Other (state): N/A		AC 1-phase, 2-wire: (N/A) 2-phase, 3-wire: (N/A) 3-phase, 4-wire: (N/A) Other: (N/A)	
Supply protective device (BS (EN) LIM) Type: (N/A)		DC 2-wire: (N/A) 3-wire: (N/A) Confirmation of supply polarity: (✓) Other sources of supply (as detailed on attached schedule) Page No: (N/A)	
Rated current: (LIM) A		Nature of supply parameters	
Nominal line voltage, U ₀ : (N/A) V		Nominal line voltage to Earth, U _p : (230) V	
Nominal frequency, f: (50) Hz		Prospective fault current, I _{pf} : (1.82) kA	
External loop impedance, Z _e : (0.1) Ω		By enquiry, measurement, or by calculation	

PART 9: PARTICULARS OF INSTALLATION REFERRED TO IN THIS REPORT

Means of Earthing	(✓) Distributor's facility: (N/A)	Main protective conductors	Earthing conductor: (material) Copper	Main protective bonding connections	Water installation pipes: (✓) Gas installation pipes: (✓) Structural steel: (N/A) Oil installation pipes: (N/A) Lightning protection: (N/A) Other (state): N/A	Main switch / Switch-fuse / Circuit-breaker / RCD	Type: (BS (EN) LIM) Location: (consumer unit) No. of poles: (2) Current rating: (LIM) A
Installation earth electrode:	(N/A)	Connection / continuity verified: (✓)	Connection / continuity verified: (✓)	Where an RCD is used as the main switch	RCD rated residual operating current, I _{Δn} : (30) mA	Rating / setting of device: (N/A) A	Voltage rating: (N/A) V
Where an earth electrode is used insert	Type - rod(s), tape, etc: (None)	Main protective bonding conductors:	(material) Copper	Measured operating time: (33) ms	Rated time delay: (N/A) ms		
Location: (N/A)	Electrode resistance to Earth: (N/A) Ω	Connection / continuity verified: (✓)	Connection / continuity verified: (✓)				

*Where the installation is supplied by more than one source, the higher or highest values of prospective fault current, I_{pf}, and external earth fault loop impedance, Z_e, must be recorded.

All fields must be completed. Enter either, as appropriate: '✓' if Acceptable condition; 'N/A' if Not applicable; 'LIM' if a Limitation exists; or Code appropriately - CODE 'C1', 'C2', 'C3' or 'F' (codes to be recorded in PART 6 with additional comments (where appropriate) on attached numbered sheets)

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IPN18C

ELECTRICAL INSTALLATION CONDITION REPORT

Issued in accordance with BS 7671:2018 - Requirements for Electrical Installations



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CONTRACTOR

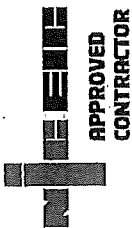
PART 10 - SCHEDULE OF ITEMS INSPECTED

1. External condition of electrical intake equipment (visual inspection only) (If inadequacies are identified with the intake equipment, it is recommended the person ordering the report informs the appropriate authority.)		(N/A)	(✓)
1.1 Service cable:	1.2 Service head:	(✓)	(✓)
1.3 Earthing arrangement:	1.4 Meter tails:	(✓)	(✓)
1.5 Metering equipment:	1.6 Isolator (where present):	(✓)	(✓)
2. Presence of adequate arrangements for parallel or switched alternative sources		(N/A)	(N/A)
2.1 Adequate arrangements where a generating set operates as a switched alternative to the public supply:		(N/A)	(N/A)
2.2 Adequate arrangements where generating set operates in parallel with the public supply:		(N/A)	(N/A)
2.3 Presence of alternative/additional supply arrangement warning notice(s) at or near equipment, where required:		(N/A)	(N/A)
3. Automatic disconnection of supply		(N/A)	(N/A)
3.1 Main earthing and bonding arrangements		(✓)	(✓)
a) Presence and condition of distributor's earthing arrangement:		(✓)	(✓)
b) Presence and condition of earth electrode arrangement, if present:		(N/A)	(N/A)
c) Adequacy of earthing conductor size:		(✓)	(✓)
d) Adequacy of earthing conductor connections:		(✓)	(✓)
e) Accessibility of earthing conductor connections:		(✓)	(✓)
f) Adequacy of main protective bonding conductor size(s):		(✓)	(✓)
g) Adequacy of main protective bonding conductor connections:		(✓)	(✓)
h) Accessibility of main protective bonding connections:		(✓)	(✓)
i) Accessibility and condition of other protective bonding connections:		(✓)	(✓)
j) Provision of earthing / bonding labels at all appropriate locations:		(✓)	(✓)
3.2 FELV		(N/A)	(N/A)
a) Source providing at least simple separation:		(N/A)	(N/A)
b) Plugs, socket-outlets and the like not interchangeable with those of other systems within the premises:		(✓)	(✓)

4. Other methods of protection Details should be provided on separate sheets:		(N/A)	(✓)
5. Distribution equipment		(N/A)	(✓)
5.1 Adequacy of working space / accessibility of equipment:		(✓)	(✓)
5.2 Security of fixing:		(✓)	(✓)
5.3 Condition of insulation of live parts:		(✓)	(✓)
5.4 Adequacy / security of barriers:		(✓)	(✓)
5.5 Condition of enclosure(s) in terms of IP rating:		(✓)	(✓)
5.6 Condition of enclosure(s) in terms of fire rating:		(C3)	(✓)
5.7 Enclosure not damaged / deteriorated so as to impair safety:		(✓)	(✓)
5.8 Presence and effectiveness of obstacles:		(✓)	(✓)
5.9 Presence of main switch(es), linked where required:		(✓)	(✓)
5.10 Operation of main switch(es) (functional check):		(✓)	(✓)
5.11 Correct identification of circuit protective devices:		(✓)	(✓)
5.12 Adequacy of protective devices for prospective fault current:		(✓)	(✓)
5.13 RCD(s) provided for fault protection - includes RCBOs:		(✓)	(✓)
5.14 RCD(s) provided for additional protection - includes RCBOs:		(✓)	(✓)
5.15 RCD(s) provided for protection against fire - includes RCBOs:		(✓)	(✓)
5.16 Manual operation of circuit-breakers and RCDs to prove-disconnect:		(✓)	(✓)
5.17 Confirmation that integral test button/switch causes RCD(s) to trip when operated (functional check)		(✓)	(✓)
5.18 Presence of RCD six-monthly retest notice at or near equipment, where required:		(✓)	(✓)
5.19 Presence of diagrams, charts or schedules at or near equipment, where required:		(✓)	(✓)
5.20 Presence of non-standard (mixed) cable colour warning notices at or near equipment, where required:		(✓)	(✓)
5.21 Presence of next inspection recommendation label:		(✓)	(✓)
5.22 All other required labelling provided:		(✓)	(✓)
5.23 Compatibility of protective device(s), base(s) and other components:		(✓)	(✓)

5.24 Single-pole switching or protective devices in line conductors only:	(✓)
5.25 Protection against mechanical damage where cables enter equipment:	(C3)
5.26 Protection against electromagnetic effects where cables enter ferromagnetic enclosures:	(✓)
6. Distribution / final circuits	
6.1 Identification of conductors:	(C3)
6.2 Cables correctly supported throughout their length:	(C3)
6.3 Condition of insulation of live parts:	(✓)
6.4 Non-sheathed cables protected by enclosures in conduit, ducting or trunking:	(✓)
6.5 Suitability of containment systems for continued use (including flexible conduit):	(✓)
6.6 Cables correctly terminated in enclosures (indicate extent of sampling in PART 7 of report):	(✓)
6.7 Indication of SPD(s) continued functionality confirmed:	(N/A)
6.8 Adequacy of AFDD(s), where specified:	(N/A)
6.9 Confirmation that conductor connections, including connections to busbars are correctly located in terminals and are tight and secure:	(✓)
6.10 Examination of cables for signs of unacceptable thermal and mechanical damage / deterioration:	(✓)
6.11 Adequacy of cables for current-carrying capacity with regard to the type and nature of installation:	(✓)
6.12 Adequacy of protective devices; type and rated current for fault protection:	(✓)
6.13 Presence and adequacy of circuit protective conductors:	(✓)
6.14 Co-ordination between conductors and overload protective devices:	(✓)
6.15 Cable installation methods / practices appropriate to the type and nature of installation and external influences:	(✓)
6.16 Cables where exposed to direct sunlight, of a suitable type or adequately protected against solar radiation:	(C3)
6.17 Cables adequately protected against damage and abrasion:	(✓)

All fields must be completed. Enter either, as appropriate: ✓ if Acceptable condition; N/A if Not applicable; LIM if a Limitation exists; or Code appropriately - CODE 'C1', 'C2', 'C3' or 'FI' (codes to be recorded in PART 6, with additional comments (where appropriate) on attached numbered sheets)



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IPN18C

ELECTRICAL INSTALLATION CONDITION REPORT

Issued in accordance with BS 7671:2018 - Requirements for Electrical Installations

PART 10 - SCHEDULE OF ITEMS INSPECTED

6.18 Provision of additional protection by an RCD not exceeding 30 mA	(.....)
a) For all socket-outlets with a rated current not exceeding 32 A, unless exempt:	(.....) ✓
b) Supplies for mobile equipment with a rated current not exceeding 32 A for use outdoors:	(.....) ✓
c) For cables concealed in walls / partitions at a depth of less than 50 mm:	(.....) ✓
d) For cables concealed in walls / partitions containing metal parts regardless of depth:	(.....) ✓
e) Circuits supplying luminaires within domestic (household) premises:	(.....) ✓
<i>Note: Older installations designed prior to BS 7671:2018 may not have been provided with RCDs for additional protection.</i>	
6.19 Provision of fire barriers, sealing arrangements and protection against thermal effects:	(.....) ✓
6.20 Band II cables segregated / separated from Band I cables:	(.....) N/A
6.21 Cables segregated / separated from non-electrical services:	(.....) N/A
6.22 Termination of cables at enclosures (indicate extent of sampling in PART 7 of report)	(.....) ✓
a) Connections under no undue strain:	(.....) ✓
b) No basic insulation of a conductor, visible outside an enclosure:	(.....) ✓
c) Connections of live conductors adequately enclosed:	(.....) ✓
d) Adequacy of connection at point of entry to enclosure:	(.....) ✓
6.23 Temperature rating of cable-insulation adequate:	(.....) ✓
6.24 Condition of accessories including socket-outlets, switches and joint boxes satisfactory:	(.....) ✓
6.25 Suitability of accessories for external influences:	(.....) ✓

6.26 Single-pole switching or protective devices in line conductors only:	(.....) ✓
6.27 Adequacy of connections, including cpss, within accessories and to fixed and stationary equipment:	(.....) ✓
7. Isolation and switching	
7.1 Isolators	(.....) ✓
a) Presence and condition of appropriate devices:	(.....) ✓
b) Acceptable location (local / remote):	(.....) ✓
c) Capable of being secured in the OFF position:	(.....) ✓
d) Correct operation verified:	(.....) ✓
e) Clearly identified by position and / or durable markings:	(.....) ✓
f) Warning label posted in situations where live parts cannot be isolated by the operation of a single device:	(.....) N/A
7.2 Switching off for mechanical maintenance	(.....) ✓
a) Presence and condition of appropriate devices:	(.....) ✓
b) Acceptable location:	(.....) ✓
c) Capable of being secured in the OFF position:	(.....) ✓
d) Correct operation verified:	(.....) ✓
e) Clearly identified by position and / or durable marking(s):	(.....) ✓
7.3 Emergency switching off / stopping	(.....) ✓
a) Presence and condition of appropriate devices:	(.....) N/A
b) Readily accessible for operation where danger might occur:	(.....) N/A
c) Correct operation verified:	(.....) ✓
7.4 Functional switching	(.....) ✓
a) Presence and condition of appropriate devices:	(.....) ✓
b) Correct operation (functionality) verified:	(.....) ✓

8. Current-using equipment (permanently connected)	
8.1 Condition of equipment in terms of IP rating:	(.....) ✓
8.2 Equipment does not constitute a fire hazard:	(.....) ✓
8.3 Enclosure not damaged / deteriorated so as to impair safety:	(.....) ✓
8.4 Suitability for the environment and external influences:	(.....) ✓
8.5 Security of fixing:	(.....) ✓
8.6 Cable entry holes in ceiling above luminaires, sized or sealed so as to restrict the spread of fire:	(.....) ✓
List number and location of luminaires inspected on a separate page:	Page No. (N/A.....)
8.7 Recessed luminaires (e.g. downlighters)	(.....) ✓
a) Correct type of lamps fitted:	(.....) ✓
b) Installed to minimise build-up of heat:	(.....) ✓
c) No signs of overheating to surrounding building fabric:	(.....) ✓
d) No signs of overheating to conductors / terminations:	(.....) ✓
9. List all special installations or locations covered by this report	
N/A	(N/A.....)
<i>Indicate if the relevant requirements of Part 7 are satisfied and append results of inspection on a separate numbered page.</i>	

PART 11 - SCHEDULES AND ADDITIONAL PAGES

Schedule of Inspections	Schedule of Circuit Details and Test Results for the installation	Additional pages, including data sheets for additional sources	Special installations or locations (indicated in item 9. above)	Continuation sheets
Page No(s): (.....) 4 & 5 (.....)	Page No(s): (.....) (6, 7-10) (.....)	Page No(s): (None) (.....)	Page No(s): (None) (.....)	Page No(s): (None) (.....)

SCHEDULE OF ITEMS INSPECTED BY

Name (capital): SHAUN LEVETT Date: 31/03/2021
 Signature:

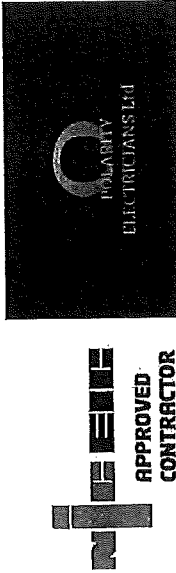
The pages identified are an essential part of this report (see Regulation 653.2).

All fields must be completed. Enter either, as appropriate: ✓ if Acceptable condition; N/A if Not applicable; LIM if a Limitation exists; or Code appropriately - CODE C1, C2, C3 or FF (codes to be recorded in PART 6, with additional comments (where appropriate) on attached numbered sheets)

This report is based on the model forms shown in Appendix 6 of BS 7671
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23062218

IPN18C

ELECTRICAL INSTALLATION CONDITION REPORT

issued in accordance with BS 7671:2018 - Requirements for Electrical Installations

PART 12: SCHEDULE OF CIRCUIT DETAILS AND TEST RESULTS												Circuits/equipment vulnerable to damage when testing: N/A								
Circuit number	Circuit description	Type of wiring (see Codes)	Reference Method (BS 7671)	Number of points served	Circuit conductor csa		Max. disconnection time (BS 7671)	Protective devices			RCD Operating current I _n (mA)	Maximum permitted Z _s for installed protective device* (Ω)	Circuit impedances (Ω)			Insulation resistance		RCD operating time (ms)	Test buttons	
					Live (mm ²)	epc (mm ²)		Type	Rating	Short-circuit capacity (kA)			Ring final circuits only (measured end to end)	All circuits (completed least one column)	Live/ Live (MΩ)	Live/ Earth (MΩ)	Test voltage DC (V)		RCD Polarity	Max. measured earth fault loop impedance Z _s (Ω)
1	Front outside lights and sign lights	A	C	7	1	0.75	0.4	B	6	6	30	7.28	0.01	N/A	Lim	N/A	N/A	33	✓	N/A
2	meter cupboard light	A	C	1	1	0.75	0.4	B	6	6	30	7.28	0.01	N/A	>999	>999	500	33	✓	N/A
3	fruit machine socket	A	C	1	2.5	1.5	0.4	B	16	6	30	2.73	N/A	0.21	>999	>999	500	33	✓	N/A
4	Bar spots	A	C	2	1	0.75	0.4	B	6	6	30	7.28	N/A	0.05	Lim	Lim	N/A	33	✓	N/A
5	lights	A	C	9	1	0.75	0.4	B	6	6	30	7.28	N/A	1.41	Lim	Lim	N/A	33	✓	N/A
6	sockets	A	C	6	2.5	1.5	0.4	B	32	6	30	1.37	0.87	N/A	Lim	Lim	N/A	33	✓	N/A

DISTRIBUTION BOARD (DB) DETAILS (to be completed in every case)
 DB designation: Downstairs Bar
 Name (capital): SHAUN LEVETT
 Location of DB: Meter cupboard
 Signature: _____
 Position: QS
 Date: 31/03/2021

TEST INSTRUMENTS (enter serial number against each instrument used)

Multi-function: (101864479) Continuity: (101864479)
 Insulation resistance: (101864479) Earth fault loop impedance: (101864479)
 Earth electrode resistance: (N/A) RCD: (101864479)

TO BE COMPLETED ONLY IF THE DB IS NOT CONNECTED DIRECTLY TO THE ORIGIN OF THE INSTALLATION

Supply to DB is from: (N/A) Nominal voltage: (N/A) V No. of phases: (N/A)
 Overcurrent protection device for the distribution circuit Type: (BS EN N/A) Rating: (N/A) A
 Associated RCD (if any) Type: (BS EN N/A) No. of poles: (N/A) I_{Δn} (N/A) mA Operating time: (N/A) ms
 Characteristics at this DB Confirmation of supply polarity: (N/A) Phase sequence confirmed (where appropriate): (N/A) Z_s (N/A) Ω I_{pr} (N/A) kA

*Where figure is not taken from BS 7671, state source: (N/A)
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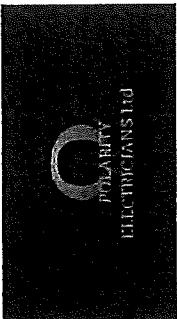
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ISN18C

CONTINUATION SHEET:
ELECTRICAL INSTALLATION CERTIFICATES & ELECTRICAL INSTALLATION CONDITION REPORTS
Issued in accordance with BS 7671: 2018 - Requirements for Electrical Installations

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Circuit number	Circuit description	SCHEDULE OF CIRCUIT DETAILS AND TEST RESULTS				Circuits/equipment vulnerable to damage when testing: N/A																				
		(A) Thermoplastic insulated / sheathed cables		(B) Thermoplastic cables in metallic conduit		(C) Thermoplastic cables in non-metallic conduit		(D) Thermoplastic cables in metallic trunking		(E) Thermoplastic cables in non-metallic trunking		(F) Thermoplastic / SWA cables		(G) Thermoplastic / SWA cables		(H) Mineral-insulated cables		(I) other - state:								
		Type of wiring (see Codes)	Reference Method (BS 7671)	Number of points served	Live (mm ²)	Caps (mm ²)	Max. disconnection time (BS 7671) (s)	BS (EN)	Type	Rating	Short-circuit capacity (kA)	RCD Operating I _{pn} (mA)	Maximum permitted Z _s for installed protective device* (Ω)	Ring final circuits only (measured end to end)	Circuit impedances (Ω)		All circuits (complete at least one column)		Live / Live (MΩ)	Live / Earth (MΩ)	Test voltage DC (V)	Polarity	Max. measured earth fault loop impedance, Z _s (Ω)	RCD operating time (ms)	Test buttons	
1	Kitchen	A	C	1	16	10	5	60269-2	GG	80	16	N/A	30	(Line) Z _f N/A	(Neutral) Z _n N/A	(cap) Z _c N/A	(R ₁ +R ₂) 1.02	R ₂ N/A	422	>999	500	✓	19	N/A	N/A	N/A

DISTRIBUTION BOARD (DB) DETAILS DB designation: DB2 DB: Meter cupboard
 (to be completed in every case) Location of DB: Meter cupboard
TESTED BY Name (capital): SHAUN LEVETT Signature: _____
 Position: QS Date: 31/03/2021

TEST INSTRUMENTS (enter serial number against each instrument used)

Multi-function: { 101864479 } Continuity: { 101864479 }
 Insulation resistance: { 101864479 } Earth fault loop impedance: { 101864479 }
 Earth electrode resistance: { N/A } RCD: { 101864479 }

TO BE COMPLETED ONLY IF THE DB IS NOT CONNECTED DIRECTLY TO THE ORIGIN OF THE INSTALLATION

Supply to DB is from: (N/A) Nominal voltage: (N/A) V No. of phases: (N/A)
 Overcurrent protection device for the distribution circuit Type: (BS EN) N/A Rating: (N/A) A
 Associated RCD (if any) Type: (BS EN) N/A No. of poles: (N/A) I_{Δn} (N/A) mA Operating time (N/A) ms
 Characteristics at this DB Confirmation of supply polarity: (N/A) Phase sequence confirmed (where appropriate): (N/A) Z_s (N/A) Ω I_{pr} (N/A) kA

*Where figure is not taken from BS 7671, state source: (.....)
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CONTINUATION SHEET: ELECTRICAL INSTALLATION CERTIFICATES & ELECTRICAL INSTALLATION CONDITION REPORTS

Issued in accordance with BS 7671:2018 - Requirements for Electrical Installations

Circuit number	Circuit description	Type of wiring (see Codes)	Reference Method (BS 7671)	Number of points served	Circuit conductor csa		Max. disconnection time (BS 7671)	Protective device			RCD Operating current, I _{Δn} (mA)	Maximum permitted Z _s for installed protective device* (Ω)	Circuit impedances (Ω)			Insulation resistance		RCD operating time (ms)	Test buttons		
					Live (mm ²)	ncs (mm ²)		Type	Rating	Short-circuit capacity (kA)			Ring final circuits only (measured end to end)	All circuits (complies at least one column)	Live / Live (MΩ)	Live / Earth (MΩ)	Test voltage DC (V)		RCD (✓)	APDD (✓)	
1	Kitchen sockets	A	B	8	2.5	1.5	0.4	B	32	6	30	1.37	.31	.33	.52	N/A	LIM	N/A	39	✓	N/A
2	Kitchen lights	A	C	5	1.5	1	0.4	B	6	6	30	7.28	N/A	N/A	N/A	N/A	LIM	N/A	39	✓	N/A
3	double fryers	A	B	1	6	2.5	0.4	B	32	6	30	1.37	N/A	N/A	N/A	N/A	>999	>999	39	✓	N/A
4	pizza oven	A	B	1	6	2.5	0.4	B	32	6	30	1.37	N/A	N/A	N/A	N/A	>999	>999	39	✓	N/A
5	sani flow	A	C	1	2.5	1.5	0.4	B	16	6	30	2.73	N/A	N/A	N/A	1.21	LIM	N/A	29	✓	N/A
6	toilet light	A	C	1	1	0.75	0.4	B	6	6	30	7.28	N/A	N/A	N/A	1.29	LIM	N/A	29	✓	N/A
7	griddle	A	B	1	6	2.5	0.4	B	32	6	30	1.37	N/A	N/A	N/A	.13	>999	>999	29	✓	N/A

DISTRIBUTION BOARD (DB) DETAILS (to be completed in every case)
 DB designation: Kitchen
 Location of DB: Kitchen
TESTED BY Name (capital): SHAUN LEVETT
 Signature: _____
 Position: QS
 Date: 31/03/2021

TO BE COMPLETED ONLY IF THE DB IS NOT CONNECTED DIRECTLY TO THE ORIGIN OF THE INSTALLATION
 Supply to DB is from: (DB2 - 1) Nominal voltage: (230) V No. of phases: (2)
 Overcurrent protection device for the distribution circuit Type: (BS EN 60269-2) Rating: (80) A Operating time (N/A) ms
 Associated RCD (if any) Type: (BS EN N/A) No. of poles: (N/A) I_{Δn} (N/A) mA Z_s (N/A) Ω I_{pr} (1.82) kA
 Characteristics at this DB Confirmation of supply polarity: (✓) Phase sequence confirmed (where appropriate): (N/A) Z_s (0.19) Ω I_{pr} (1.82) kA
TEST INSTRUMENTS (enter serial number against each instrument used)
 Multi-function: (101864479) Continuity: (101864479)
 Insulation resistance: (101864479) Earth fault loop impedance: (101864479)
 Earth electrode resistance: (N/A) RCD: (101864479)



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CONTINUATION SHEET: ELECTRICAL INSTALLATION CERTIFICATES & ELECTRICAL INSTALLATION CONDITION REPORTS
Issued in accordance with BS 7671:2018 - Requirements for Electrical Installations

XX / IPV - SCHEDULE OF CIRCUIT DETAILS AND TEST RESULTS

Circuit number	Circuit description	Type of wiring (see Codes)	Reference Method (BS 7671)	Number of points served	Circuit conductor size		Max disconnection time (BS 7671) (s)	Protective device			RCD Operating current, I _{pn} (mA)	Maximum permitted Z _s for installed protective device (Ω)	Circuit impedances (Ω)						Insulation resistance		RCD operating time (ms)	Test buttons					
					Live (mm ²)	cpc (mm ²)		Type	Rating (A)	Short-circuit capacity (kA)			Ring final circuits only (measured end to end)		All circuits (completa at least one column)		Live / Live (MΩ)	Live / Earth (MΩ)	Test voltage DC (V)	RCD (✓)		RPDD (✓)	Fault loop impedance, Z _s (Ω)	Polarity (✓)	Max measured earth fault loop impedance, Z _s (Ω)		
													(Line) f ₁	(Neutral) f _n	(Line) f ₁	(Line + R ₂) R ₂											
1	Toilet	A	C	1	16	6	0.4	1361	II	60	16	30	47	N/A	N/A	N/A	N/A	1.06	>999	>999	500	✓	✓	22.2	47	✓	N/A

DISTRIBUTION BOARD (DB) DETAILS DB designation: DB 3 **TESTED BY** Name (capital): SHAUN LEVETT Position: CS
 (to be completed in every case) Location of DB: Meter cupboard Signature: Date: 31/03/2021

TO BE COMPLETED ONLY IF THE DB IS NOT CONNECTED DIRECTLY TO THE ORIGIN OF THE INSTALLATION

Supply to DB is from: (N/A) Nominal voltage: (N/A) V No. of phases: (N/A) Continuity: (101864479)

Overcurrent protection device for the distribution circuit Type: (BS EN N/A) Rating: (N/A) A Operating time (N/A) ms Earth fault loop impedance: (101864479)

Associated RCD (if any) Type: (BS EN N/A) No. of poles: (N/A) I_{Δn} (N/A) mA Phase sequence confirmed (where appropriate): (N/A) Z_s (N/A) Ω I_{pr} (N/A) kA Insulation resistance: (101864479)

Characteristics at this DB Confirmation of supply polarity: (N/A) Phase sequence confirmed (where appropriate): (N/A) Z_s (N/A) Ω I_{pr} (N/A) kA Earth electrode resistance: (N/A) RCD: (101864479)

This form is based on the model forms shown in Appendix 6 of BS 7671 Enter a (✓) or value in the respective fields, as appropriate. * Where figure is not taken from BS 7671, state source: (N/A)

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NOTES FOR RECIPIENT

THIS CONDITION REPORT IS AN IMPORTANT AND VALUABLE DOCUMENT WHICH SHOULD BE RETAINED FOR FUTURE USE

The purpose of periodic inspection is to determine, so far as is reasonably practicable, whether an electrical installation is in a satisfactory condition for continued service. This report provides an assessment of the condition of the electrical installation identified overleaf at the time it was inspected and tested, taking into account the stated extent of the installation and the limitations of the inspection and testing.

This report has been issued in accordance with the national standard for the safety of electrical installations, *BS 7671: 2018 - Requirements for Electrical Installations*.

The report identifies any damage, deterioration, defects and/or conditions found by the inspector which may give rise to danger (see PART 6), together with any items for which improvement is recommended. If you were the person ordering this report, but not the user of the installation, you should pass this report, or a full copy of it including these notes, the Schedules and additional pages (if any), immediately to the user.

This report should be retained in a safe place and shown to any person inspecting or undertaking further work on the electrical installation in the future. If you later vacate the property, this report will provide the new user with an assessment of the condition of the electrical installation at the time the periodic inspection was carried out.

Where the installation incorporates a residual current device (RCD) there should be a notice at or near the device stating that it should be tested every six months. For safety reasons it is important that this instruction is followed.

For safety reasons, the electrical installation should be re-inspected at appropriate intervals by a skilled person or persons competent in such work. NICEIC* recommends that you engage the services of an NICEIC Approved Contractor for the inspection.

The recommended date by which the next inspection should be carried out is stated in PART 5 of this report. There should also be a notice at or near the main switchboard or distribution board/consumer unit indicating when the next inspection of the installation is due.

Only an NICEIC Approved Contractor or Conformity Body is authorised to issue this NICEIC Electrical Installation Condition Report. You should have received the report marked 'Original' and the Approved Contractor should have retained the report marked 'Duplicate'.

This report form is intended to be issued only for the purpose of reporting on the condition of an existing electrical installation and must not be issued to certify new electrical installation work including the replacement of a distribution board or consumer unit.

The report consists of at least six numbered pages. Additional numbered pages may have been provided to permit further relevant information relating to the installation to be recorded. For installations having more than one distribution board or more circuits than can be recorded on PART 12, one or more additional *Schedules of Circuit Details and Test Results* should form part of the report. The report is invalid if any of the schedules identified in PART 10 are missing. The report has a printed serial number, which is traceable to the Contractor to which it was supplied.

PART 7 (Details and limitations) should identify fully the extent of the installation covered by this report and any limitations on the inspection and testing. The inspector should have agreed these aspects with the person ordering the report and with other interested parties (licensing authority, insurance company, mortgage provider and the like) before the inspection was carried out.

Operational limitations may have been encountered during the inspection such as inability to gain access to parts of the installation or to an item of equipment. The inspector should have noted any such limitations in PART 7. It should be noted that the greater the limitations applying to a report, the less its value from the safety aspect.

A declaration should have been given by the inspector in PART 4 of the report. The declaration must reflect the statement given in PART 3, which summarises the observations and recommendations made in PART 6. Where one or more observations have been made in PART 6, the Classification code given to each by the inspector indicates the degree of urgency with which remedial action needs to be taken to restore the installation to a safe working condition.

Where the inspector has indicated an observation as code C1 (danger present) **the safety of those using the installation is at risk**. Wherever practicable, items classified as (C1) should be made safe on discovery, and it is recommended that a skilled person(s) competent in electrical installation work undertakes the necessary remedial work immediately.

Where the inspector has indicated an observation as code C2 (potentially dangerous) **the safety of those using the installation may be at risk**, and it is recommended that a skilled person(s) competent in electrical installation work undertakes the necessary remedial work as a matter of urgency.

Where the inspector has indicated that an item requires further investigation (FI), the investigation should be carried out without delay to determine whether danger or potential danger exists. For further guidance on the Classification codes, please see the reverse of page 2.

Where the installation can be supplied by more than one source, such as the public supply and a standby generator or microgenerator, this should be identified in PART 8 *Supply Characteristics and Earthing Arrangements*, and the *Schedules of Circuit Details and Test Results* (PART 12) compiled accordingly.

Where inadequacies in the intake equipment have been observed (Item 1 of PART 10), the person ordering the inspection should inform the distributor and/or supplier as appropriate.

Should the person ordering this report have reason to believe that it does not reasonably reflect the condition of the electrical installation reported on, that person should in the first instance raise the specific concerns in writing with the Approved Contractor. If the concerns remain unresolved, the person ordering this report may make a formal complaint to NICEIC, for which purpose a complaint form is available on request.

The complaints procedure offered by NICEIC is subject to certain terms and conditions, full details of which are available upon application. NICEIC does not investigate complaints relating to the operational performance of electrical installations (such as lighting levels), or to contractual or commercial issues (such as time or cost).

* NICEIC is operated by Certsure LLP, a partnership between the *Electrical Contractors' Association* and the *Charity, Electrical Safety First*. NICEIC maintains and publishes registers of electrical contractors that it has assessed against particular scheme requirements (including the technical standard of electrical work).

For further information about electrical safety and how NICEIC can help you, visit www.niceic.com

GUIDANCE FOR RECIPIENTS ON THE CLASSIFICATION CODES

Only one Classification code should be given for each recorded Observation

Classification code C1 (Danger present)

Where an observation has been given a Classification code C1, the safety of those using the installation is at risk and immediate remedial action is required.

The person responsible for the maintenance of the installation is advised to take action without delay to remedy the observed deficiency in the installation, or to take other appropriate action (such as switching off and isolating the affected part(s) of the installation) to remove the danger. The NICEIC Approved Contractor issuing this report will be able to provide further advice.

NICEIC makes available 'Electrical Danger Notification' forms to enable inspectors to record, and then to communicate to the person ordering the report, any dangerous condition discovered.

Classification code C2 (Potentially dangerous)

Classification code C2 indicates that, whilst those using the installation may not be at immediate risk, urgent remedial action is required to remove potential danger. The NICEIC Approved Contractor issuing this report will be able to provide further advice.

It is important to note that the recommendation given at PART 5 of this report (Next inspection) for the maximum interval until the next inspection is conditional upon all items which have been given a Classification code C1 and code C2 being remedied immediately and as a matter of urgency, respectively. It would not be reasonable for the inspector to indicate that the installation is in a satisfactory condition if any observation in this report has been given a code C1 or code C2 classification.

Classification code C3 (Improvement recommended)

Where an observation has been given a Classification code C3, the inspection and/or testing has revealed a non-compliance with the current safety standard which, whilst not presenting immediate or potential danger, would result in a significant safety improvement if remedied. Careful consideration should be given to the safety benefits of improving these aspects of the installation. The NICEIC Approved Contractor issuing this report will be able to provide further advice.

Code FI (Further investigation required without delay)

It should usually be possible for the inspector to attribute a Classification code to each observation without indicating a need for further investigation.

However, where 'FI' has been entered against an observation the inspector considers that further investigation of that observation is likely to reveal danger or potential danger that, due to the agreed extent or limitations of the inspection and/or testing, could not be fully identified at the time.

It would not be appropriate for the inspector to indicate that the installation is in a satisfactory condition if there is reasonable doubt as to whether danger or potential danger exists. Consequently, where the inspector has indicated 'Further investigation required without delay' (FI) the overall assessment of the installation (PART 3) should be marked as 'Unsatisfactory'.

If the inspector has indicated that an observation requires further investigation without delay, the person ordering this report is advised to arrange for the NICEIC Approved Contractor issuing the report (or another skilled person or persons competent in such work) to undertake further examination of that aspect of the installation as a matter of urgency, to determine whether or not danger or potential danger exists.

Further information

Further information on the application of Classification codes, primarily aimed at inspectors but of possible interest to persons ordering condition reports, can be found in Electrical Safety First's Best Practice Guide No 4 *Electrical installation condition reporting: Classification Codes for domestic and similar electrical installations*. The guide can be viewed or downloaded free of charge from www.electricalsafetyfirst.org.uk

For further information about electrical safety and how NICEIC can help you, visit www.niceic.com

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**Portable
Appliance
Testing**

Certificate of Electrical Appliance Testing

This is to certify that the electrical appliances available on the day of test on the premises below have been inspected and tested for electrical safety to the requirements of the Electricity at Work Regulations. This is valid for 12 months.

Name and Address of Premise: **JACK'Z
PARKHAM ROAD
BRIXHAM**

No. of appliances tested: **59** (Please refer to invoice for result)

Date of Testing: **17/03/21**

Certificate No.: **PAT / 11122**

Testing carried out by:

PROTEC-FIRE

20 Belmont Road, Brixham, Devon TQ5 9JH
Tel: (01803) 858 048
Mobile: (07977) 056 536
e-mail: sales@protecfire.co.uk

[Handwritten Signature]

Signed: _____



Certificate of Maintenance

This is to certify that the portable fire-fighting equipment on the premises named below
Has been maintained in accordance with BS5306 - Part 3 - 2017
A detailed report of the service carried out is available on request.

Name of Premise: **JACKZ BAR**
PARKHAM ROAD
BRIXHAM

Valid until: **31ST MARCH 2022**

Service Date: **17/03/21**

Certificate No.: **11122**

Signed:

For and on behalf of:

PROTEC-FIRE

20 Belmont Road, Brixham, Devon TQ5 9JH

Tel: (01803) 858 048

Mobile: (07977) 056 536

e-mail: sales@protecfire.co.uk

Jackz Bar

Fire Risk Assessment Date: 2021



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Assessment Ref: FRA01

FIRE RISK ASSESSMENT

Premises Covered By This Assessment Jackz Bar

Location 1 New Road, Brixham, TQ5 9BU

Assessors Name J. [redacted] S. [redacted]

Date Of Assessment 29th March 2021

DESCRIPTION OF PREMISES

- 2 storeys built with brick and block walls.
 The internal areas are structured as follows:
- First floor: bar, boiler room, 2 toilets, cellar area, smoking area
 - Ground floor: bar, kitchen, toilet, storeroom
 - Outdoor rear: Cellar / beers storage

The kitchen is disconnected and not in use. This fire risk assessment **DOES NOT** cover the kitchen activities

A: SIGNIFICANT HAZARDS

1. Sources of Ignition. Electrical installation and appliances.
 Kitchen NB kitchen is disconnected and not considered in this assessment
 Arson
 Smoking
2. Sources of Fuel. Furniture and soft furnishings
 Alcohol
 Stored materials
 Building structure
3. Work Processes. Bar activities
 No industrial processes are conducted within these areas.
 Kitchen activities: NB kitchen is **disconnected** and not considered in this assessment

B: PEOPLE AFFECTED

1. Numbers. 100 clients upstairs (approx. 115m²)
 40 clients downstairs (70m²)
 Maximum 10 bar staff and doorman
2. Type. Employees and clients.
3. Distribution. As above

C: MEANS OF ESCAPE

1. Description. First floor: Escape to external areas via three escape routes:
 - Stairs to ground floor and exit (Fire Exit)
 - Fire exit to rear of drinking area leading leftwards to an external exit (Fire Exit)
 - Exit to LHS of bar area leading leftwards to an external exit (staff exit)
 Ground floor: Escape to external areas via two escape routes, both exiting onto street.
2. Maximum travelling distance within room. First floor = 17m, although there are multiple exits that reduce this distance
 Ground floor = 7 m
3. Maximum travel to stairwell, storey exit or final exit. 12m

4. Number of floors to travel to reach final exit to place of safety. 1

D: EXISTING CONTROLS

- 1. Fire Detection
 - Heat detectors in kitchen linked to a fire alarm
 - There are no call points
 - No detection is present in ground floor or first floor bars
 - Alarm system in place is maintained under contract
- 2. Signage and Emergency Lighting
 - Fire escape signage is located at exit points
 - Emergency lighting is in place in various locations. This is flick tested monthly.
- 3. Training
 - A Fire Warden has been designated. Employees have been trained in fire in responsibilities at company induction.
- 4. Procedures
 - Fire procedures are documented and displayed in the bar areas.
 - Fire evacuation practice is not carried out.
- 5. Housekeeping
 - General housekeeping in most areas is adequate.
 - Housekeeping in the various stores and externally needs some attention.
- 6. Fire Appliances
 - Currently, on each floor 1 x 2kg CO₂, 1 x 3l AFFF
 - 1 x wet chemical in kitchen
 - All extinguishes are in inspection dates.
- 7. Smoke Containment
 - A full review of fire doors is required, especially if the kitchens are to be reinstated.
- 8. Smoking
 - No smoking building. However, there is a smoking area external to the upstairs bar.

Overall Fire Risk Category	LOW <input type="checkbox"/>	MEDIUM <input checked="" type="checkbox"/>	HIGH <input type="checkbox"/>
The risk category of the building is designated as Medium due to the number of persons, presence of alcohol and smoking area.			

F: Required Remedial Actions

It is recommended that the following points are considered. These will reduce the risk of fire occurring and ensure the safety of personnel in the event of a fire.

Training and Procedures

- Ensure that Fire Wardens have been trained in the use of extinguishes.
- Muster point for staff to be defined.

Detection and Appliances

- A full detection and alarm system should be installed both on the ground floor and first floor with appropriately located call points. This should be maintained under contract and sounded weekly.
- Monthly checks of extinguishers should be conducted and recorded for issues such as accessibility, damage, located correctly etc.

Smoking Area

- Adequate, safe cigarette butt containment and signage should be provided.
- Regular visits to the area by staff during the evening and after clientele have left to ensure it is in a safe condition and all cigarettes are extinguished.

Kitchen

- If the kitchen is to be used again, this fire risk assessment **must be reviewed and updated** considering these activities and include a review of the fire detection, extinguishes, fire training, fire doors, fire stopping, kitchen fire procedures, LEV cleaning etc.

Housekeeping and Escape Routes



- Storeroom on first floor should be cleared of flammable materials
- All fire escape routes, including external, should be cleared of trip hazards
- External escape routes should be clearly lit, clear of trip hazards and signed as to the direction to take
- External door to street, located outside should open outwards with push bar style furniture

Electrical in Bar Areas

- Confirm 5 yearly fixed electrical safety inspection is in place
- Ensure all portable appliances are appropriately tested and results recorded.

Boiler

- Install a CO detector *completed*

Date of next review		March 2022	
Signature (Assessor)		Date	March 2021
Name		Date	March 2021

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Final Details for Order #205-9845156-6125931

Print this page for your records.

Order Placed: 29 March 2021
Amazon.co.uk order number: 205-9845156-6125931
Order Total: £59.98

Dispatched on 30 March 2021

Items Ordered	Price
2 of: <i>X-Sense 10-Year Battery Combination Smoke and Carbon Monoxide Detector Alarm with Large Silence Button, XP01</i> Sold by: X-SENSE UK (seller profile) Condition: New	£29.99

Shipping Address:
[Redacted]

Shipping Speed:
Premium Delivery

Payment information

Payment Method: Visa/Delta/Electron Last digits: [Redacted]	Item(s) Subtotal: £49.98
	Postage & Packing: £0.00

Invoice Address: [Redacted]	Total Before VAT: £49.98
	VAT: £10.00

	Total: £59.98

	Grand Total: £59.98

Credit Card transactions Visa ending in 6014: 30 March 2021: £59.98

To view the status of your order, return to [Order Summary](#).
Please note: this is not a VAT invoice.

From: steph.shepherd
To: SMART Julie 50403
Subject: Jackz
Date: 01 February 2022 14:50:50

Hi Julie,

Further to our phone call yesterday I would just like to clarify that I didn't attend the meeting Andy and Ross did instead, although Ross cannot influence the upstairs licence, the building still has a whole bar downstairs and a large kitchen area which are separate to Jackz Bar.

There were no immediate risks or dangers, upon purchasing the leasehold, the building had an up to date electrics certificate done before the purchase (8 months ago) and an up to date fire risk assessment was done too - we have made no changes since the previous owner of 15 years, not even decoration yet.

There were minor issues, like the fire doors had bolted locks on - however as long as these are opened when customers are present, and the bolts are removed then these doors aren't an issue.

The emergency lighting was all up to date, the fire extinguishers were serviced in May of last year and the fire alarm was tested and is sufficient.

They did make some small recommendations, like adjusting the door widths to increase our capacity, however after going away and discussing with the landlord - all of these characteristics, including the windows, the staircase etc are all covered under our listed building status - which fire regulations do not override.

Gary said that he isn't an electrician so doesn't deal with the electrics, but as we had an up to date certificate on our electrics and hadn't made any changes whatsoever upstairs - then this is still valid.

The lights in the toilets had only happened in the week before you visited (and we hadn't opened to the general public, this lamp was used when staff were going to the toilet when it was being cleaned the night before you arrived.) If you would like to speak to Emma, the lady who cleaned on the Thursday night before your arrival then we can give you her number.

The lights had only just been cut accidentally due to the building works happening below. We have had an electrician in to fix the lights, and there are minor complications as the building has 4 different fuse boards (due to the ever changing use of the building) so it isn't a simple fix.

However, he is due back in this week and will be sorted before we reopen. The hand dryer in the men's toilets has been repaired and all wired have been concealed.

Gary has said to give him a call before we open and he will come back to give us the go ahead - however no action was taken on the day and they have stated that our upstairs capacity in its current format would be 110, by making these changes it would only increase our capacity.

Kind regards,
Steph

Sent from my iPhone

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

Stephanie Trust

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**

Stephanie TRUST

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. PA2740

Issued by Torbay

Steve Cox
Environmental Health Manager (Commercial)
16 March 2022

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.

CONDITIONS ATTACHED AFTER A REVIEW HEARING BY THE LICENSING AUTHORITY**General**

1. That Mr Ross Hennessey be prohibited from entering the premises during operational hours.
2. That Mr Ross Hennessey shall not be involved in or influence the operation of these premises.

The prevention of crime and disorder

1. The premises shall install, operate and maintain comprehensive digital colour CCTV. All public areas of the licensed premises including entry and exit points will be covered, including any outside areas under the control of the premises licence holder. The system must record clear images permitting the identification of individuals, and in particular enable facial recognition images (a clear head and shoulder image) of every person entering and leaving in any light condition. The CCTV system will continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises. All equipment must have a constant and accurate time and date generation. All recordings will be stored for a minimum period of 28 days with date and time stamping. Viewable copies of recordings will be provided on request to the Police or local authority officers as soon as is reasonably practicable and in accordance with the Data Protection Act 2018 (or any replacement legislation) 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. This staff member must be able to provide an authorised officer of a responsible authority, copies of recent CCTV images or data with absolute minimum of delay when requested in accordance with the Data Protection Act 2018 (or any replacement legislation). The CCTV system will be capable of downloading images to a recognisable viewable format. There will be security measures in place to ensure the integrity of the system to prevent the tampering with or deletion of images. Any identified defect in the CCTV system shall be logged at the premises and remedied as soon as reasonably practical. The Police Licensing Officer or Police Licensing Team shall be notified by email of all defects, the action required to rectify the situation and the time frame for such action within 24 hours of the defect being identified.
2. On Friday and Saturday nights SIA door stewards shall be employed from 2200 hrs until all customers have left the vicinity of the premises, at a ratio of 2 SIA door stewards for the first 100 customers and one additional steward for each 100 persons thereafter. This condition shall also apply to Christmas Eve, Boxing Day and New Years Eve when

ANNEXES continued ...

they do not fall on a Friday or Saturday. On all other occasions the Premises Licence Holder shall risk assess the need for SIA door stewards, taking into account the layout of the premises and the activity to be provided, and employ these in such numbers and at such times determined by that risk assessment.

3. On all other occasions when door stewards are not required in accordance with the above condition, the Premises Licence Holder shall assess the requirement for door supervisors and employ such door supervisors, if at all, in such numbers and at such times determined by that risk assessment.
4. After the premises close, staff and door stewards shall ensure that customers leave the area in a quiet and orderly manner.
5. When door supervisors are on duty they shall carry out random searches of individuals to promote the premises drugs policy and identify individuals in possession of items that could be used as a weapon, ie knives. The Premises Licence Holder shall provide a metal detector wand for this purpose.
6. The Premises Licence Holder/DPS shall ensure that an Incident Book is kept on the premises and that all incidents are recorded therein on a daily basis and as soon as practicable after the incident has occurred. This record shall include the full names of all person(s) involved, if possible or practical to do so. If the person(s) details are not available or known, then the time, date and CCTV camera number which captures the person(s) images are to be recorded in the incident book instead. The incident Book shall be made available for inspection by a police officer, a police licensing officer or Officers of the local authority on demand, and such records shall be kept at the premises for a minimum of 12 months.
7. The premises shall have a zero tolerance to controlled drugs and have a written drugs policy outlining what action will be taken in respect of individuals found in possession of drugs. A copy of this policy shall be retained on the premises and shall be made available for inspection by a police officer, a police licensing officer or officers of the local authority on demand.
8. All persons employed at the premises in the sale and supply of alcohol, shall attend and successfully complete the BIIAB Level 1 Award in Responsible Alcohol Retailing within 2 months of commencing employment.
9. All staff shall receive training regarding their responsibilities under the Licensing Act at the commencement of employment, with refresher training being provided at least once a year. Records of all training, including BIIA Certificates, shall be maintained and kept at the premises for a minimum period of 12 months. These records shall be made available to the police or Local Authority Licensing Officers for inspection on demand.
10. A Personal Licence holder shall be on duty at all times the premises sell or supply alcohol after midnight.
11. The premises shall sign up to a licensing support scheme such as Best Bar None and ensure that they meet the standards required by that scheme at all times.
12. The Premises Licence Holder shall ensure that the Regulatory Reform (Fire Safety) Order 2005 is complied with and an up to date fire risk assessment shall be kept on the premises for viewing by responsible authorities at all times. This fire risk assessment shall be amended whenever any changes are made to the premises which may affect emergency evacuation.
13. The Premises Licence Holder shall ensure that at all times there are adequate First Aid arrangements. The arrangements for First Aid provision include a First Aid Box, an adequate and appropriate supply of First Aid equipment and materials to be used by customers. Suitable protective equipment shall be provided to deal with hypodermic needles, blood spillages and other body fluids. Procedures shall be in place to ensure that body fluids are dealt with in a safe manner to avoid the risk of communicable diseases.
14. Staff will ensure that regular glass collection takes place within the premises.

The prevention of public nuisance

1. The volume of recorded music must not be audible above background levels at 5m or more from the frontage of the building.
2. The PLH must maintain a written noise management plan which must include procedures for but not limited to: -
 - a. Noise management policy
 - b. Arrangements and procedures to ensure the noise limited is used and maintain.
 - c. List of PA equipment used.

ANNEXES continued ...

- d. Records of complaints from residents or business.
- e. Relevant staff/SIA noise monitoring log sheets.
- f. Procedures for ensuring windows and doors are closed during regulated entertainment.
- g. Employee/SIA staff training records and procedures in relation to noise management.
- h. Procedures for monitoring and controlling noise from customers using the outside designated smoking area.
- i. Dispersal policy.

3. A noise limiter shall be installed and used at the premises, with set levels agreed by Torbay Council's Licensing Team.
4. The noise limiter shall be made tamper proof and any adjustments to sound levels shall only be made in consultation with the responsible authority for public nuisance.
5. No alterations or modifications to the existing PA and or any structural changes to the premises must take place without written approval from Torbay Council's Licensing Team.
6. A written noise management plan must contain procedures to ensure the lobby is used in additions to the ensuring windows are kept closed during regulated entertainment.
7. Patrons shall be asked not to stand around talking in the street outside the premises shall be asked to leave the vicinity quickly and quietly.
8. On calling last orders and at the end of Regulated Entertainment an announcement shall be made requesting patrons to leave the area as quickly and quietly as possible.
9. The licensee shall ensure that staff leaving the premises after the premises has closed will conduct themselves in a manner as not to disturb nearby residents.

The protection of children from harm

1. The premises shall operate a Challenge 25 Policy and any individual who appears to be under the age of 25 will be required to produce an approved form of photographic identification.
2. No persons under the age of 18 years shall be permitted in the premises after 2200 hrs. Any under 18's allowed entry to the premises before this time must be accompanied by a responsible adult and shall be required to leave the premises at 2200 hrs.
3. Challenge 25 posters shall be prominently displayed within the premises.

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

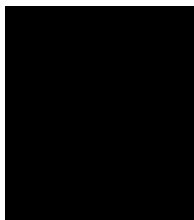
Stephanie Trust

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**

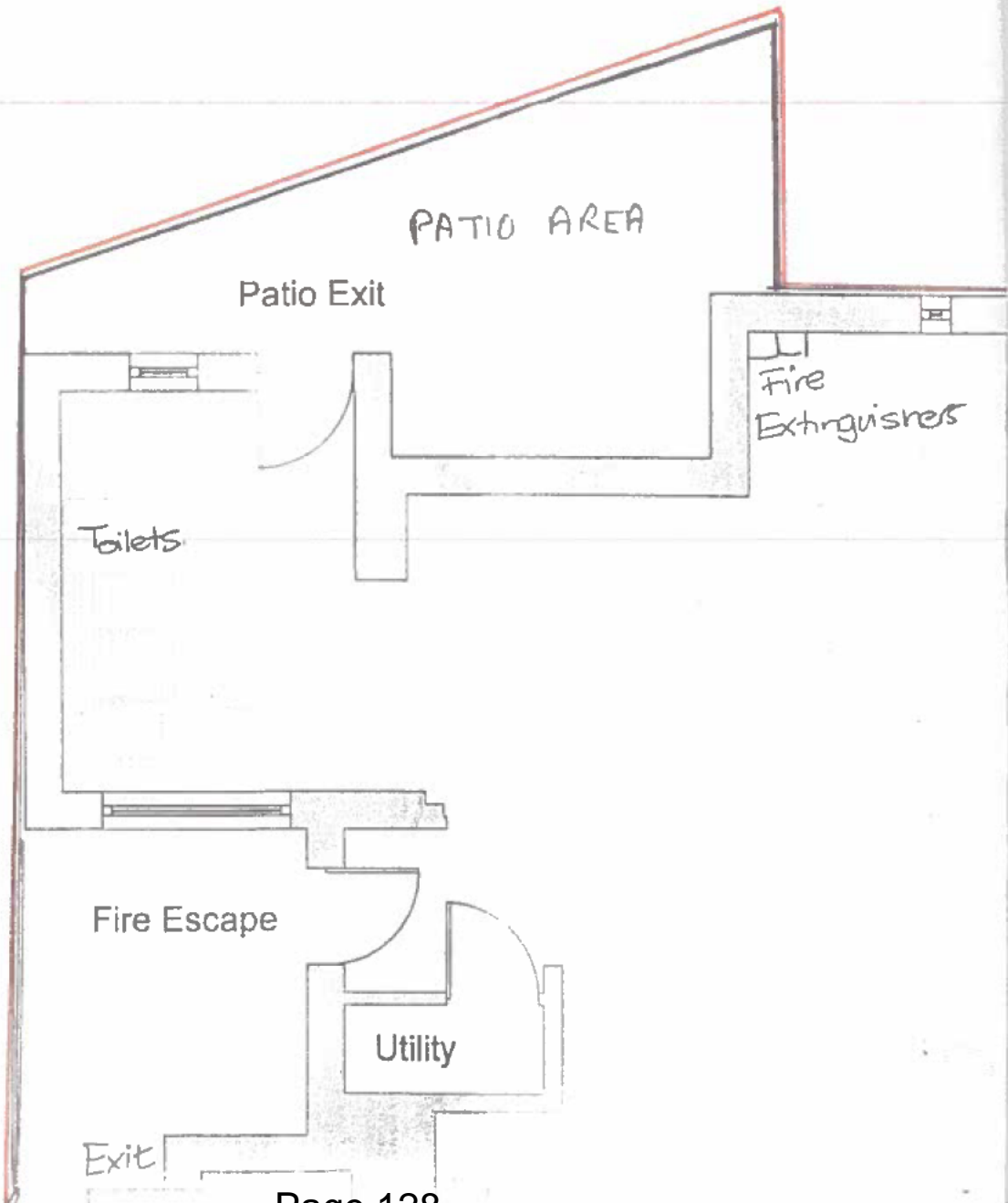
Stephanie TRUST

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)
16 March 2022



First Floor

Author:

William-Johann Litherland BSc MSc

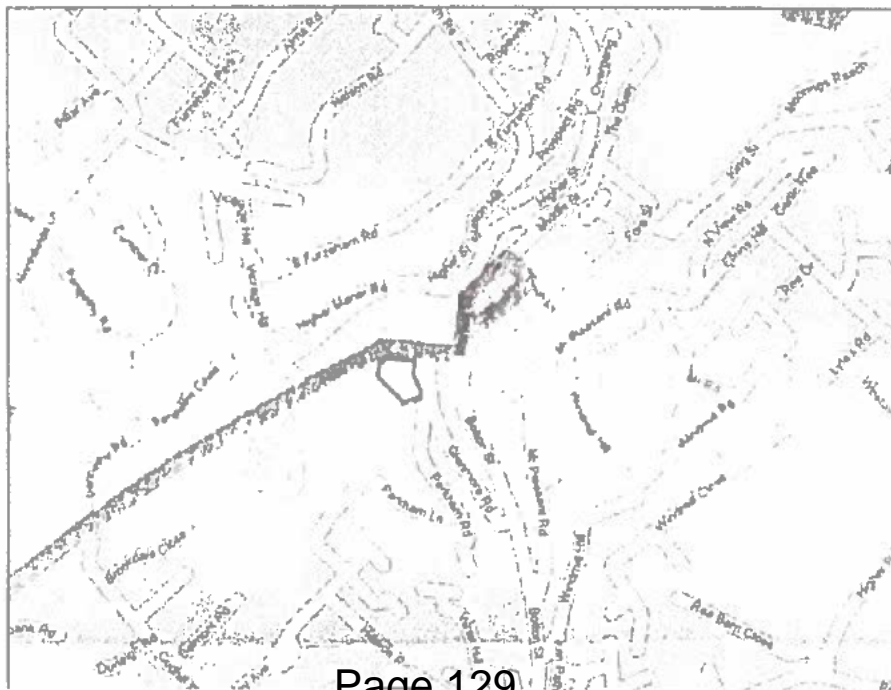
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Devon
TQ3 3JS

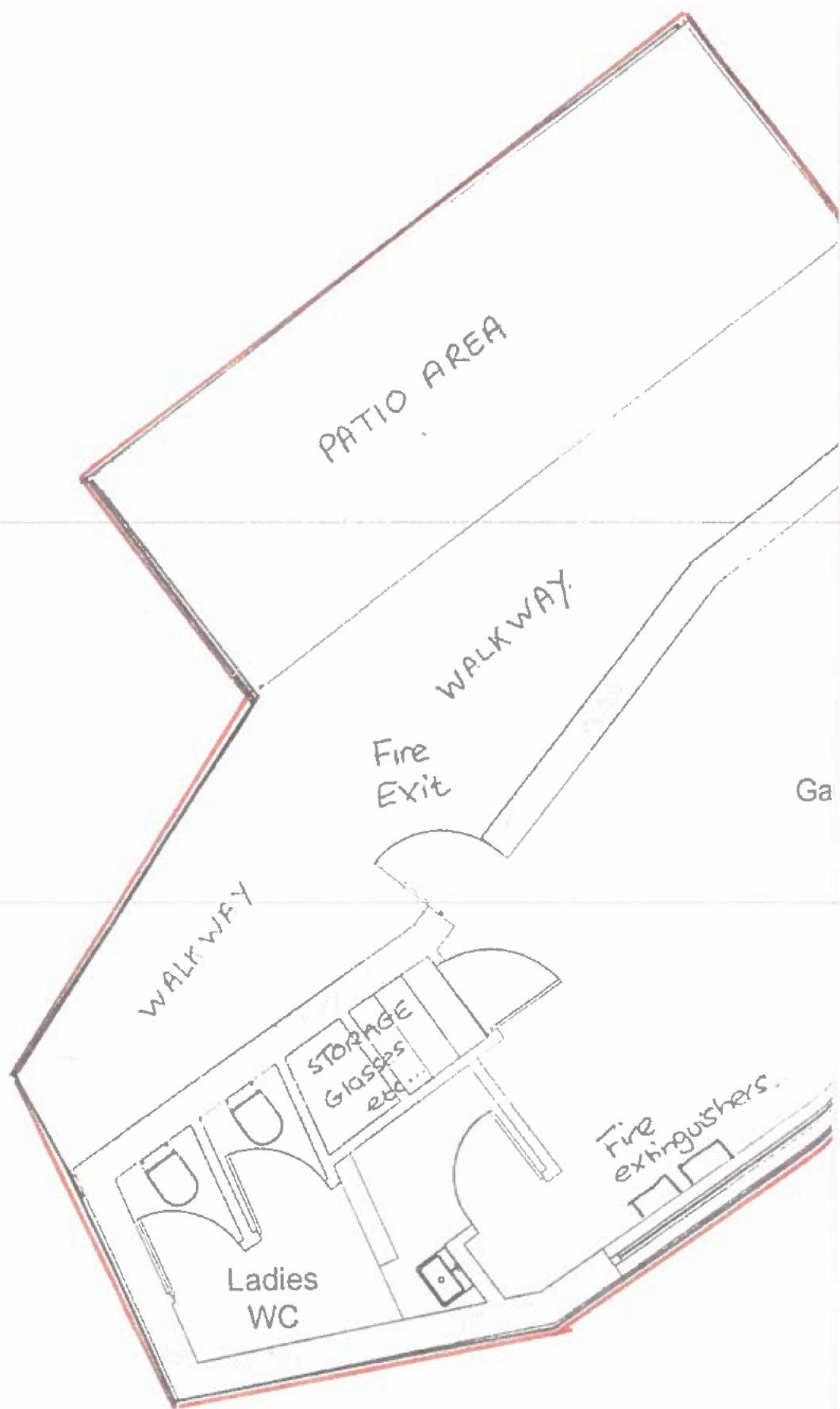
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Tel: 01803 550613
Fax: 01803 550613

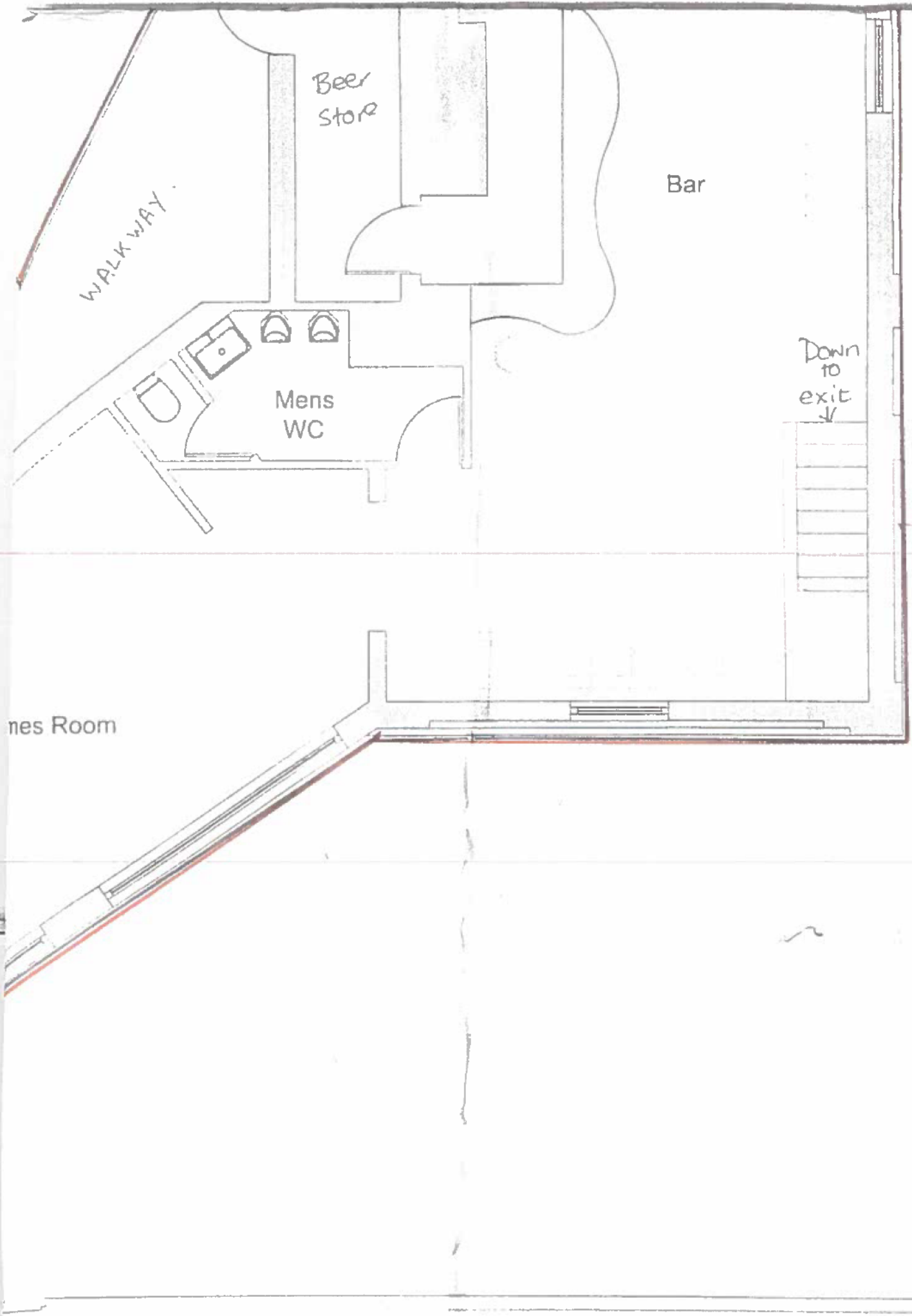
Client: [REDACTED]

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.

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Signed: 

4. On the evening of the 8th January 2022 the Public Protection Officer accompanied Mrs Julie Smart, Devon and Cornwall Police Licensing Officer to a visit of the premises. The review application gives a full and detailed account and therefore not reproduced in this representation. Except for the following additional comments: -

- i. The Public Protections observations and conclusion are the same as Mrs Smart in relation to the Door Stewards checking for Vaccine Passports, a legal requirement at the time. On the balance of probabilities, it is unlikely the Door Stewards were making appropriate checks as once we had made ourselves know the 'checks' appeared to take much longer.

This not a criticism of the stewards as it was felt they had not been clearly informed of exactly what they should be asking and checking. For example, they accepted a photograph of a negative LFT believing this was an acceptable means of proving a negative result.

The door stewards were also not using door clickers and therefore unable with any accuracy beyond a best guess know what the capacity is at any given time. Without this knowledge the licence holder is in dark and may not be able to comply with a licensing condition requiring an additional door steward once capacity is at 100 or greater.

- ii. What became evident very quickly during the visit was the premises had opened to the public the night before, but very little paperwork was available to confirm the suite of conditions added at the review hearing on the 7th October 2021 where being complied with. This was very disappointing as a reason for the suspension of the licence was to give time to the PLH to organise herself so the premises could trade without contravention of licensing conditions.
- iii. On Monday 10th January 2022 Mr Julie Smart informed the Council a closure notice had been served on the premises in respect of non-compliance with Licensing condition following the visit to the premises on the 7th January 2022.

5. I refer members of the Licensing Sub-committee to events detailed in the review application that took place at visit to the premise by Mrs Julie Smart and Sgt Curtis on the 21st January 2022.

The primary legislation in matters relating safety is the Health and Safety Act and Polices findings were referred to the Council as the Council in case of nightclub is the enforcing body of the Health and Safety at Work Act 1974.

However, the 'Promotion of Public Safety' is one of the four Licensing objectives. In short, Mrs Trust in her capacity as the PLH allowed the nightclub to open to the public when the premises was not fit for purpose.

This was a serious error of judgement to believe it was acceptable that members of the public should use toilets where the conditions present on the 21st January 2022 could result in serious injury.

Had the premises not voluntarily closed a Health and Safety at Work Act 1974 Prohibition notice would have been served on the Premises owner, Mr Hennessey.

6. In the past nightclubs have been associated with fire related incidents resulting in preventable loss of life. For this reason there was a special licensing scheme know as Public entertainment Licence (PEL) and on the introduction of the Licensing Act in 2004 the PEL regime was effectively incorporated into the Licensing Act. The point being made is the nightclub owners/operators are a responsible for a type of premises which is high risk in relation to emergency situations. Jackz Bar is not a large club but the risk and need to plan for emergency is no less than a club 10 times the size.

During the visit on the 21st January 2022 Mrs trust was asked about staff training in relation to emergency. Mrs Trust replied no training had been given. Mrs Trust did not know where the fire extinguishers were. Should she know as the PLH the location of each fire extinguisher is debatable but what can safely be inferred from the conversation between Mrs Smart, Sgt Curtis and Mrs Trust is that no thought, planning or even a basic awareness exists on how they might deal with a potential emergency which could, as in the past in the UK, led to the loss of life in nightclub settings.

7. Regrettable as argued by the Responsible Authorities and accepted by members of the Licensing Sub-committee on the 7th Octobers 2021 the confidence in the owner, management and employees to manage these premises remains low, as it was in October 2021. The 3 month suspension has not been used wisely by either the owners or those operating the premises on his behalf. To open premise on the 7th January in breach of licensing conditions and parts of the premises in an unsafe condition was irresponsible and this reinforces the view of the Responsibility Authority that those charged to run the premises are unable to do so without undermining the Licensing Objectives.

At the time of writing the premises is closed to the public whilst necessary remedial works are undertaken to comply with the owners duty of care under Section 2 and 3 duties of the Health and Safety at Work Act 1974. A Council Environmental Health Officer is working with Mr Ralph to ensure the works are completed.

8. Please note the following condition of the premises Licence has not fully been complied with at this time as it requires co-ordination between the operator and the Responsible Authority: -

'A noise limiter shall be installed and used at the premises, with set levels agreed by Torbay Council's Licensing Team.'

During the visit on the 7th January 2022 it was noted low frequency noise (ie bass) was breaking out the premises. It should not be if noise nuisance complaints are to be prevented. In email from Mrs Trust on the 11th January 2022 she offered reassurance the limiter has been recalibrated and the breakout resolved. This cannot be independently verified at this time and the limiter still needs to be signed by the Reasonability Authority.

9. The Responsible Authority will withhold making recommendations to the Licensing Sub-committee at this time as it appropriate for the respondent to make their oral and written representation that might offer a reasonable defence to the statements in the Review application and those contained in this representation.



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



**DEVON &
SOMERSET**
FIRE & RESCUE SERVICE

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

**Protection Delivery
Torquay Headquarters
Newton Road
Torquay
TQ2 7AD**

Your Ref:
Our Ref: BL969366/645429
Website: www.dsfire.gov.uk

Date: 04 February 2022
Please ask for: Gary Steer
Email: [REDACTED]

Telephone: [REDACTED]

Dear Sir or Madam

**Licensing Act 2003
Fire and Rescue Authority Response to Police Representation
Premises: Jackz Bar, Parkham Road, Brixham, TQ5 9BU**

I refer to the application received on 02 February 2022 for the above premises, in this regard the Fire Authority would offer the following observations: -

At the request of the Police, who raised concerns in relation to fire safety matters at the above premises, I telephoned Stephanie Trust to arrange a fire safety audit. No contact was made so I telephoned Mr Ross Hennessey and made an appointment to conduct a short notice audit.

On Friday 28th January 2022 at 1100hrs, I attended the property with my colleague Watch Manager (WM) Roger Williams. We met with Ross Hennessey, the owner, and a gentleman called Andy.

We explained our reason for the visit and were informed by Mr Hennessey that the building was closed and would not be trading for about 8 weeks.

As the building was closed and the ground floor area was under refurbishment myself and WM Williams decided that an audit was not appropriate at this time as the Regulatory Reform (Fire Safety) Order 2005, enforced by the Fire Authority, was not applicable.

Instead, to assist Mr Hennessey and work with him to achieve compliance, we chose to conduct a brief inspection of the premises and provide suitable advice and guidance as to the steps necessary to meet the requirements of the legislation.

Tel. [REDACTED]

Chief Fire Officer Lee Howell QFSM FIFireE

Our inspection highlighted the following issues: -

- A suitable and sufficient fire risk assessment should be undertaken to include a capacity for the premises. The existing assessment not being appropriate due to the change of ownership and interim measures would have needed to be taken into consideration with regards to the refurbishment taking place at the property. This assessment should evaluate the travel distances to a final exit, the external exit route (as the gate opens inward). This assessment should take into account both the width and the direction of opening of the final exit doors and the available floor space for safe occupancy on each level. The first-floor exit routes merge together externally and this needs to be addressed within the assessment. The access stair would also need to be assessed due to the low head clearance.
- The escape route to the rear of the first floor should be maintained and kept clear of all storage and the damage to the steps repaired.
- With no door being present to the ground floor bar that was under refurbishment at the time of our visit, steps needed to be taken to prevent unauthorised access. Building materials were present and parts of the ceiling in the ground floor bar area were missing as the floorboards were clearly visible. A fire in the ground floor bar area would spread quickly into the stair and through the ceiling.
- An appropriate fire detection and warning system should be provided for the premises. Such system to provide a suitable sounder to alert persons present in the first-floor garden area of the property.
- A management procedure to be introduced for the removal of all draw bolts from the first-floor exit doors whilst the public are on the premises.
- Consideration within the fire risk assessment should be taken regarding reducing the risk from extension leads and cables.
- All staff to be trained in procedures to be taken in the event of a fire.

The above list of works was not exhaustive and was provided verbally to Mr Hennessey at the time of the inspection. Discussions were had regarding the remedial works needed but, as the premises was not trading, no consideration was given to issuing a formal Notice regarding immediate closure of the building. For your information neither myself or WM Williams are authorised to make that decision and it would require the attendance of a Group Manager. It was agreed that a full inspection of the premises would take place during the week prior to re-opening at which time a formal letter or Notice would be provided detailing any requirements.

Tel. [REDACTED]

Chief Fire Officer Lee Howell QFSM FIFireE

On Tuesday 01 February I received an e mail from Andy, who was present at our inspection, advising me that it was not possible to alter the doorways for the premises as it had listed status and it would be deemed to be altering the look of the building, which is protected, I was also asked if I could visit the property and conduct another inspection as it was intended that the premises would be re-opening this weekend (04 February 2022).

I telephoned Andy and advised him that due to the current workload I would not be in a position to attend as I had been told that the premises is closed and would not be re-opening for 8 weeks. During the call to him I confirmed the matters raised from our previous visit which are listed above and he wrote them down for his reference.

The timeframes Andy has now introduced are not ones that can be fulfilled by us. We are unable to check on any works carried out before the premises may reopen. The licensee will be able to confirm with you what works, if any, have been undertaken.

Yours faithfully



Gary Steer
Business Safety Officer

c.c. Julie.SMART@devonandcornwall.pnn.police.uk

Tel. 

Chief Fire Officer Lee Howell QFSM FIFireE

From: [Rod Matheson](#)
To: [Licensing](#)
Subject: Jackz Bar, Brixham - Representation.
Date: 24 February 2022 16:06:38

Dear Sir/Madam.

I live at [REDACTED] The property is situated immediately above the named premises, approx 50 yards distance. I am the Chair, of the Leaseholders Association, and have been tasked, on behalf of ALL the residents, to lodge an appeal against the granting of a licence to Jackz Bar.

In the past, especially during summer period, residents have had to endure excessive anti social behaviour, well in to the early hours, shouting, swearing, litter, and the occasional fight. This means that we are unable to have our windows open on warm nights, due to the disturbance caused.

When the licence was withdrawn last year, for the same reasons as above, the quality of life for all the residents, was far better.

With that in mind, I would now like to formally lodge an objection to the granting of a licence to Jackz Bar.

Roderick Matheson

[REDACTED]

From: [SMART Julie 50403](#)
To: [steph.shepherd](#); [apralph](#) [REDACTED]
Subject: Re: Jackz
Date: 04 March 2022 08:31:54

Morning Stephanie & Andy

As you're probably aware I've been on leave and I'm now trying to catch up.

Myself and Sgt Curtis could meet with you and Andy at 1.00pm on Wednesday 9 March at Jackz if that is convenient for you.

We also need to discuss a matter with Andy in respect of Hennessey's so would like to go there after.

Please let me know if this is convenient to you both.

Thanks
Julie

Get [Outlook for Android](#)

From: steph.shepherd [REDACTED]
Sent: Monday, February 21, 2022 5:36:25 PM
To: SMART Julie 50403 [REDACTED]
Subject: Jackz

Dear Julie,

Me and Andy have been working tirelessly over the past few weeks to go above and beyond recommendations from yourselves, the fire department and environmental health.

We would appreciate it if you and Sargeant curtis could meet with us on Thursday or Friday this week to come and have an inspection, and if required you are welcome to bring any other relevant authorities along too.

Kind regards
Steph



-----Original Message-----

From: TREGASKES Martin 15499



Sent: 01 March 2022 09:51

To: SMART Julie 50403



Subject: FW:

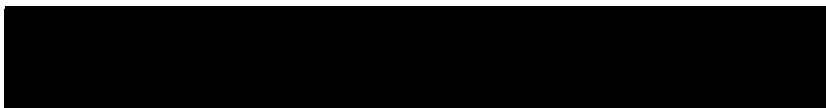
Julie - below is the most up to date email chain. Would you be able to update me after the hearing on Thursday please? I have a meeting with [redacted] in my diary for Monday 7th.

Martin

Martin Tregaskes

Inspector 15499

Force Drug/Alcohol Harm Reduction Lead



World Class Sustainable Policing
Prevention Dept

HQ Middlemoor, Exeter, Devon, EX2 7HQ

-----Original Message-----

From: [REDACTED]

Sent: 09 February 2022 15:20

To: TREGASKES Martin 15499

[REDACTED]

Subject: Re:

Sorry for the confusion, the point I was trying to make was the reason why we have had to come to you personally.

7th March is great.

Many thanks

[REDACTED]

Sent from my iPhone

On 9 Feb 2022, at 14:59, TREGASKES Martin 15499

[REDACTED]

wrote:

Mr [REDACTED]

Your original email stated:

'Hi Martin it's [REDACTED] - further to my email this morning, and the subsequent review of my premises - I would really appreciate a meeting with myself and my general manager Andy, and DPS [REDACTED] at your nearest convenience. Andy has spoken to Mrs smart today about the review and she has shrugged it off as saying 'my boss called it, it's nothing to do with me' therefore we are asking you to talk to us about it.'

Your further email stated:

' In the supporting evidence for the review, Mrs smart writes the following: As a result of the recent visits by Mrs SMART, Sgt CURTIS and the Fire Safety Officers, Sgt CURTIS discussed the concerns identified at this premises with Inspector Martin TREGASKIS, who instructed him to apply for a review of the premises licence. Therefore I would like to communicate with yourself on the 3rd March.'

I'm not going to get into semantics but you requested a

meeting in relation to the review of your premises and not about how you are responded to by the licensing department.

If you wish to meet to talk about how we interact then I am agreeable to that. I would state though that I will not go over old ground in relation to the previous complaint about Julie Smart which has been resolved, the recent complaint you have made about Sgt Curtis, the current review of Jackz bar or the review and subsequent removal of licence for Hennesseys Cocktail Lounge. I do think it would be beneficial to talk about how we interact going forward however and to discuss expectations with your DPS and manager.

Unfortunately I now have commitments on the 3rd March but how does the 7th March suit? I am free most of the morning at the moment.

Martin

Martin Tregaskes

Inspector 15499

Force Drug/Alcohol Harm Reduction Lead

[REDACTED]

World Class Sustainable Policing
Prevention Dept
HQ Middlemoor, Exeter, Devon, EX2 7HQ

-----Original Message-----

From: [REDACTED]

Sent: 09 February 2022 14:44

To: TREGASKES Martin 15499

[REDACTED]

Subject: Re:

Hi Martin,

Thanks for your email.

I was trying to arrange a meeting to discuss how we have all been treated by the licensing department, not to do with how one of the premises operates.

I am also the leaseholder of 2 other premises of which I am not banned, 'the lounge bar, Brixham' and 'Hennessey

cocktail lounge, brixham' to which a new application is currently in place.

Furthermore, the ban only came into place on the 20th December (give or take a few days) and it was to discuss how I had been treated before this date, however if this is not possible then I would like to know who we are able to speak to to get this resolved.

Do you have a supervisor/line manager?

Kind regards

[REDACTED]

Sent from my iPhone

On 9 Feb 2022, at 14:14, TREGASKES Martin 15499

[REDACTED]

wrote:

Mr [REDACTED]

I've had the opportunity to refresh myself with the licence conditions applicable to Jackz bar. I note in particular the following:

'That Mr [REDACTED] shall not be involved in or influence the operation of these premises.'

I consider this email communication about the review of Jackz to be contrary to the above conditions and therefore this line of communication can't continue. I should also clarify that these emails may be submitted as further evidence in the review.

As I have already advised if there are any aspects of the review that are unclear to your DPS or manager then they should contact either Sgt Curtis or Julie Smart. I will not be involved in the review itself and therefore these are the best people to contact.

Regards

Martin Tregaskes

Inspector 15499
Force Drug/Alcohol Harm Reduction Lead

[REDACTED]

World Class Sustainable Policing
Prevention Dept
HQ Middlemoor, Exeter, Devon, EX2 7HQ

-----Original Message-----

From: [REDACTED]

Sent: 07 February 2022 19:47

To: TREGASKES Martin 15499

[REDACTED]

Subject: Re:

Hi Martin,

In the supporting evidence for the review, Mrs smart writes the following:

As a result of the recent visits by Mrs SMART, Sgt CURTIS and the Fire Safety Officers, Sgt CURTIS discussed the

concerns identified at this premises with Inspector Martin TREGASKIS, who instructed him to apply for a review of the premises licence.

Therefore I would like to communicate with yourself on the 3rd March.

Kind regards

[REDACTED]

Sent from my iPhone

On 7 Feb 2022, at 19:27, TREGASKES Martin 15499

[REDACTED]

wrote:

Mr [REDACTED]

Thank you for your email.

I am aware that Sgt Curtis has submitted paperwork with reference to a review. He discussed this with me and I agreed with his rationale.

I am unsure what specific issues you are referring to however I'm sure either Sgt Curtis can discuss this with you or Julie Smart would be able to. If it is with reference to the complaint you have made I'd refer you to my previous email.

My portfolio goes wider than alcohol licensing and unfortunately my diary fills up rather quickly. Due to a mixture of work commitments and annual leave I am not available until the 3rd March at the earliest. As such it really is much easier for you to communicate directly with your licensing officer and/or Sgt Curtis.

Kind regards

Martin Tregaskes
Inspector 15499
Force Drug/Alcohol Harm Reduction Lead



World Class Sustainable Policing
Prevention Dept
HQ Middlemoor, Exeter, Devon, EX2 7HQ

-----Original Message-----

From: [REDACTED]
Sent: 07 February 2022 12:23
To: TREGASKES Martin 15499

[REDACTED]
Subject:

Hi Martin,

Here is a copy of a text message I sent you last Thursday.

Hi Martin it's [REDACTED] - further to my email this morning, and the subsequent review of my premises - I would really appreciate a meeting with myself and my general manager Andy, and DPS [REDACTED] at your nearest convenience.

Andy has spoken to Mrs smart today about the review and she has shrugged it off as saying 'my boss called it, it's nothing to do with me' therefore we are asking you to talk to us about it.

We can come to you wherever you are, to save time and

costs travelling - but we really need to sort whatever issues there are ASAP.

Kind regards

[Redacted]

Sent from my iPhone

*

*

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LICENSING SUB-COMMITTEE

BETWEEN

JACKZ BAR

-v-

TORBAY COUNCIL

Statement of Anthony Peter Ralph and exhibits

Hearing Date: 24th March 2022

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A. Statement of Anthony Peter Ralph ["Andy"]

JACKZ BAR

-v-

TORBAY COUNCIL

STATEMENT OF ANTHONY PETER RALPH

I, Mr Anthony Peter Ralph ["Andy"], Area Manager for Hennessey Sports Bar Limited (incorporating both bars) will say as follows:

Background and history in the licensing industry

1. I am making this statement in relation to the premises licence review of Jackz Bar, due to be heard on 24 March 2022,
2. I am 66 years and have around 20 years experiencing in the licencing industry. I am used to running bars with a history of doing so in a brewery backed environment and a corporate environment.
3. In 2003, my wife and I ran the Tern Inn, in Chipping Sodbury. I was named as DPS for a second pub between around 2004 and 2007, namely the Woodbine in Cirencester. I Acquired BIIAB Level 2 NCL 02/05/2003, this was a 3 day Pub Management course covering all aspects of pub management. A copy of the certificate is attached and marked as exhibit **APR/1**.
4. did the personal licence qualification course and enjoyed around 3 years running two pubs. My wife and I then moved on in or around 2007 after the introduction of the smoking ban had an immediate impact on business.
5. After a short while out of the industry, I returned to a role as a bar manager and duty manager at the Esplanade Hotel in Paignton. Whilst I was not named DPS on this licence I effectively held the role of a DPS. I had responsibility for a large number of staff and guests (45 staff and 144 guests). I received a lot of on job training, to include fore safety, health and safety,

COSHH, ALPS (Award for Licenced Premises Staff, Risk Assessments for Licenced Premises. I believe that this environment was an invaluable part of my education in the licensing trade. We were very often subject to snap inspections from internally employed Environmental Health Officers who held us to extremely high standards. This has taught me to work to an extremely high standard. I enjoyed 10 years working at the Esplanade. The impact of Covid 19 led to the closure of the Esplanade. Given that we lived in the staff accommodation we had to find alternative accommodation and alternative employment.

6. We were introduced to the owner of the Buller's Arms, in Brixham, by a mutual friend. I was appointed as General Manager. I was not initially named as DPS, my wife was. She, however, left the role after around 6 months and the owners neglected to nominate me as the DPS. I effectively took that responsibility until leaving in January 2022.
7. I implemented a number of systems and procedures during my time there. I ensured that I undertook regular refresher training and produce the following certification:
 - a) E-learning course certification in Age Verification (dated 14 April 2021) – marked as exhibit APR/2;
 - b) E-learning course certification in Allergen Awareness (dated 10 May 2021) – marked as exhibit APR/3;
 - c) E-learning course certification in Drugs Awareness (dated 11 April 2021) – marked as exhibit APR/4;
 - d) E-learning course certification in Fire Safety Awareness (dated 28 March 2021) – marked as exhibit APR/5;
 - e) E-learning course certification in Health and Safety (dated 28 March 2021) – marked as exhibit APR/6;
 - f) E-learning course certification in Manual Handling (dated 11 April 2021) – marked as exhibit APR/7, and
 - g) E-learning course certification in Slips, Trips and Falls (dated 29 March 2021) – marked as exhibit APR/8.

Involvement with Jackz Bar to date

8. My daughter, [REDACTED], is friends with Ross' [REDACTED]. I have known of him for a number of years although I have only recently got to know him. After my shift at the Buller's Arms, my wife and I would often go to Jackz for a night cap. It was there that I met Ross and got to know him.
9. When Ross told me of his first problems back in the summer of 2021, I agreed to help him out. I was happy to move on from the Buller's Arms and saw that Ross needed my help. At first I became involved to try and help out with Hennessy Cocktails. I attended the premises

licence review hearing for that bar as a witness. I stated that I was prepared to leave my job there and then to step in for Ross as DPS should that assist, such is my faith in him. The Sub-Committee did not accept this assertion after hearing from my then employer, [REDACTED], owner of the Buller's Arms, who stated that "I had to work 28 days notice". This was a false statement as I had no written terms of employment, I was paid weekly. I had only worked for him for a year and a half and no verbal agreement for notice period. I was not made aware that this notice period was given as evidence until after the hearing and feel that this false statement heavily impacted on the decision of refusal of me becoming the DPS for Hennessey's.

10. I feel that Ross has been unfairly treated and was happy to share my expertise. I always found Ross very receptive to the advice I was able to offer given my decades of experience in the industry. I believe him to be a genuine businessman who seeks to do things the right way. I also feel comfortable in the knowledge that he respects my opinion and accepts my judgement in relation to matters that I am more experienced than him with. I am not scared to tell him when I feel he is overstepping. I am aware that he is to have no active part in the management of the licence.
11. A major part of the reason I was eager to help Ross was because, in my view, Jackz has improved since Ross took over. Ross has engaged with the local authority and all relevant authorities to ensure compliance. My vision for Jackz is to push this customer base towards an older demographic. I firmly believe that there is the relevant customer base there to be catered for by Jackz and that moving towards this customer base brings with it less disorder.
12. After leaving the Buller's Arms I started working with Ross on or around 14 January 2022. I have played a big role in overseeing the renovations. I have worked alongside Ross in his capacity as leaseholder and business owner. He has not made any decisions about the licence since I came on board.
13. My role was initially to be involved as an 'Area Manager' of both Hennessey Cocktails and of Jackz Bar. [REDACTED] was to continue as DPS and licensee of Jackz with me offering my support and experience in a management role. I have worked with [REDACTED] since 14 January 2022 until she recently made the difficult decision to step away from her role as DPS. Given that the decision was made to keep the bar closed until the refurbishments and corrective actions were resolved, [REDACTED] has had to find alternative employment. She will remain as a member of staff but will no longer have the capacity to act as DS and licensee.
14. I did not hesitate to agree to being out forward as licensee and DPS in [REDACTED] absence. That is not a decision I would take unless I was absolutely confident in the establishment, its

systems and in the ownership. I am confident that I will have full responsibility in relation to how the bar is run and Ross is confident in my ability to do so.

15. I have recently applied to be DPS and Licence holder on a new application for Hennessey Cocktails and as recently as 21 March 2022, I submitted an application for the same responsibilities with Jackz Bar.
16. I believe that these are roles that can co-exist and my capacity will not be stretched. Whilst these are separate establishments, they open at different times and share a lot of staff resources. My overall aim is to be supported by a strong management team beneath me with a view to training them to the extent that they could eventually apply to replace me as DPS.
17. I have discussed the possibility of me being named as DPS for both places with Julie Smart, licensing officer, who was very enthusiastic and suggested there would be no issue with this.
18. I have had a very recent meeting on 7 March 2022 with Inspector Martin Tregaskis. I felt that it was a very productive meeting and we were together at the premises of Jacks Bar for around 1 and half hours and we discussed the history of the issues with the premises. Ross was present with me at the meeting with me. Ross is the business owner of Jackz and of Hennessey Cocktails and felt it was appropriate to provide a history to Martin Tregaskis given he had not been involved up until that point. This was for context only and not an indication of Ross' ongoing involvement with the management of the licence. We discussed the history of licensing issues relating to Hennessey Cocktails and Jackz Bar and overall, I felt that it was a very positive meeting and felt energised and confident that I could enjoy a good working relationship moving forwards.
19. My understanding from Ross' approach as a business owner is that he does not cut corners and that if something needs to be dealt with then it will be. If the licensing officers had informed Ross that restorative and corrective works needed to be done of a closure notice would be issued then the works would have been done. I understand that Ross was reliant on safety inspections relating to the electrics and previous visits failing to raise any serious concerns as reassurance that the building was safe. That said, I also know that it was always part of Ross' business plan to redevelop the building and that would have addressed many of the issues that appear to have been longstanding issues from the time of the previous owner of Jackz Bar.

Renovation work carried out

20. Much has been done to renovate the property to deal with the concerns outlined with respect to health and safety. I engaged a local contractor to oversee the works and I have assisted where necessary. I have a history as a sound engineer and a general builder. An example of the works carried out is outlined below:

- a. We have ripped out over a mile of old cables that have been there since the previous owner. It is apparent that over the years new cables were put in but old ones left unremoved. Although it should be stressed that they were not live wires, it should be said that this issue has been rectified;
- b. The lights in the male and female toilets have been restored, with each cubicle being fitted with safety lights;
- c. Hot running water has been added to the male and female bathrooms;
- d. The sink has been replaced in the female bathroom;
- e. Old ceramic urinals have been removed from the male bathroom and replaced with stainless steel urinals;
- f. A noise pollution system has been installed. There is a default setting to cut off the power in the event that the sound exceeds a certain level;
- g. The emergency exit door has been widened. Push bars have been fitted to allow the doors to open outwards;
- h. An old jukebox has been removed and minor works carried out to restore the wall behind it;
- i. We have re-situated a fuse board and ensured it is concealed;
- j. We have completed secondary glazing to the windows outside. Laminate glass is now in place;
- k. We have dug out and removed a concrete step outside to extend the width of our fire exit;
- l. We have re-concreted external steps in our fire exit; and
- m. We have replaced and renewed the hand dryers in both toilets.

21. Whilst continued improvements are ongoing, I am content that the bar is in a much better condition and is certainly in a safe state to be opened to the public.

Alleged breaches

22. I understand that some of the reasons of the Review application being made relate to alleged breaches of agreed conditions to include the following:
- a. Continued involvement of Ross Hennessey in the control and management of the premises licence. I can categorically say that since I started in place on 14 January 2022, all decisions and management relating to the premises licence have been dealt with by [REDACTED] and me, until [REDACTED] very recently stepped away from that role. Ross has been on hand to assist with practical issues relating to restorative works, given his responsibility as a leaseholder and business owner. He has not overruled any of my efforts and has largely afforded me the authority to deal with all matters related to the licence;

- b. All staff that are returning now have BIIA certificates. I understand that Ross had misunderstood the timescales involved with ensuring those were in place. I exhibit a copy of those to this statement marked as APR/9.
- c. We are in the process of obtaining accreditation by Best Bar None. I understand that there is a waiting period pending the relaunch of the organisation at the end of March 2022. That will be followed up as soon as allowable; and
- d. Posters regarding responsible drinking and challenging ages were apparently not properly displayed. I can assure the licensing authority that they will be properly displayed under my tenure.

My involvement moving forward:

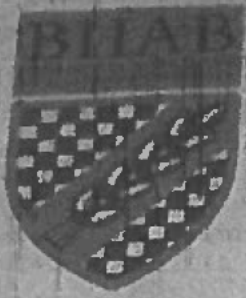
23. I have reassured Ross that I will be available for Jackz Bar for as much as is needed. I have an appetite and desire to ensure the smooth operation of Jackz Bar and have the capacity to do what is needed. I will likely be on site between 5 and 7 nights a week if needed. I am 5 – 7 minutes away by car. We have cameras to assess what is going on when I am not there. I am very confident that I can exercise proper control of the management of the licence.

I certify that the contents of this statement, consisting of 5 pages, are true and I understand that it will be used as evidence in the case.

SIGNED: 
Anthony Peter Ralph

DATED: 22/03/22

B. Exhibit APR/1



QUALIFICATIONS For Licensed Retail

This is to certify that

ANTHONY RALPH

has been awarded

**BIAB Level 2
National Certificate for Licensees
(On-Licence)**

Qualification Accreditation Number:
100165273

Date Achieved:
02 May 2003

John McNamara, Chief Executive
BIAB, Wesser House, 80 Park Street, Camberley, Surrey GU15 3PT



This certificate does not ensure the granting of a licence as issues, other than knowledge, have to be taken into account.
The details of this Certificate are recorded at BIAB

B-1

C. Exhibit APR/2



Age Verification

This is to certify that

Anthony Ralph

completed an e-learning course in the above subject

The key areas covered:

- The law on age verification for public sales
- Age verification policy and procedure
- Acceptable forms of ID
- Refusal of service on ID age verification
- Managing a minor and handling age verification

Date: 14/04/2021

Signed:

Martin Hilton

Director of Learning & Education

Fellow, Higher Education Academy



The CPD Standards Office
CPD PROVIDER 50050
2019 - 2021



This certificate is valid until 14/04/2022. CPD Provider 50050. All rights reserved. CPD Provider 50050. All rights reserved. CPD Provider 50050. All rights reserved.

D. Exhibit APR/3



Allergen Awareness

This is to certify that

Anthony Ralph

completed an e-learning course in the above subject.

- The key areas covered:**
- Identify the 14 allergens and what foods contain them
 - Understand the characteristics and consequences of food allergies and intolerances
 - Understand the importance of providing accurate allergen information for consumers
 - Aware of control measures put in place to protect consumers from harm

Date: 10/05/2021

Signed:

Martin Hilton
Director of Learning & Education
Faculty Higher Education Academy



This award requires 11 hours of CPD. This will contribute to your CPD record and can be used as evidence of CPD within a professional institute or regulator.

E. Exhibit APR/4



Drugs Awareness

This is to certify that

Anthony Ralph

completed an e-learning course in the above subject:

The key areas covered:

- Drugs - Identification and use of drugs
- Drug - use and treatment of drugs
- Effects and side-effects of drugs
- What can you do if you are using a drug?
- What can you do if you are using a drug?

Date: 11/04/2021

Signed:

Martin Hilton

Director of Learning & Education

Edinburgh Health Education Academy



The CPD Standards Office
CPD PROVIDER 2005-2021



F. Exhibit APR/5



Fire Awareness

This is to certify that

Anthony Ralph

completed an e-learning course in the above subject.

The key areas covered:

- Fire prevention and fire hazards
- Fire evacuation and fire alarm
- Fire fighting and fire extinguishers
- Fire investigation
- Fire insurance
- Fire safety signs
- Fire safety notices
- Fire safety certificates

Date: 28/03/2021

Signed:

Martin Hilton
Director of Learning & Education
Retail Finance Education Academy



G. Exhibit APR/6



Health & Safety

This is to certify that

Anthony Ralph

completed an e-learning course in the above subject:

The key areas covered:

- 1. Roles & responsibilities of staff in health and safety
- 2. Incident & liability
- 3. Health & safety risk assessment
- 4. Procedures to follow when accidents or injury occur
- 5. Health & safety in the work

Date 28/03/2021

Signed *Martin Hilton*

Martin Hilton
Director of Learning & Education
Egton Health Education Academy



THE OFFICE OF THE ATTORNEY GENERAL

H. Exhibit APR/7



Manual Handling

This is to certify that

Anthony Ralph

completed an e-learning course in the above subject

The key areas covered:

- Progression from the Manual Handling (M) course
- The importance of manual handling in the workplace
- The correct use of lifting techniques

Date 11/04/2021

Signed

Martin Hilton

Director of Learning & Education

Fuller Hotels/Emirates Academy



I. Exhibit APR/8



Slips, Trips and Falls

This is to certify that

Anthony Ralph

completed an e-learning course in the above subject:

The key areas covered:

- 1. What is a Slips, Trips and Falls accident and how to prevent it
- 2. How to prevent Slips, Trips and Falls accidents
- 3. The importance of reporting a Slips, Trips and Falls accident
- 4. The importance of reporting a Slips, Trips and Falls accident

Date 29/03/2021

Signed *Martin Hilton*

Martin Hilton
Director of Learning & Education
Fellow, Health & Education Academy



J. Exhibit APR/9

JACKZ BAR

-v-

TORBAY COUNCIL

STATEMENT OF [REDACTED]

I, Mr [REDACTED], Owner of Walls 2 Floors Limited ('the Company') of [REDACTED], Torquay, [REDACTED], will state as follows:

I am making this statement in relation to the review of the premises licence for Jackz Bar, Parkham Road, Brixham, TQ5 9JR ('the Premises').

Background

The Company has been trading for three years and provides building maintenance services through contracts with regular longstanding customers. The Company has a particular focus on maintenance services for guest houses, restaurants, bars, retirement homes and hotels.

The Company currently employs five employees.

Prior to establishing the Company, I was a partner in CVS Property Services Limited which also provided general maintenance services to our customers. It was when this partnership ended that I opted to set up the Company.

Jackz Bar ('the Bar')

The Bar is situated in Brixham. Ross Hennessy is the Owner of the Bar and Andy Ralph is the Manager who runs the Bar.

I was familiar with Mr Hennessy prior to completing any building works at the Bar as I had done some maintenance work at his personal property. I was also familiar with Mr Ralph as he worked for me approximately 30 years ago as a general labourer before he went into the hospitality industry.

In early January 2022, I was contacted by Mr Ralph in relation to building maintenance works to be completed on the upper level at the Bar. Over the weeks to follow, the Company completed the following building maintenance works at the Bar.

In the male and female bathrooms, there was no power supply to the lights which were fitted in to the ceiling. Instead, the bathrooms had another set of lights which were powered by batteries. We removed the lights in both bathrooms and fitted a new LED lighting system with emergency lights in each cubicle.

Both the male and female bathrooms did not have hot running water and so we installed new taps which have a feature which provides hot running water.

In the female bathroom, we replaced a sink which had been cracked with a new sink.

In the male bathroom, we removed the old ceramic urinals and replaced them with a new stainless-steel trough which was connected to the water supply and which flushed properly.

In the bar area, there was a large number of cables. We identified that most of the cables were either not live or not being used and so we removed all those cables.

There was a fuse board at a low level which was situated in the bar area. We boxed in the fuse board and the other remaining cables in the bar area, which are now all fully concealed.

We installed a noise pollution system in the Bar. This system ensures that if the noise goes beyond a certain level, the power to the Bar's sound system is shut off. This is detected through a microphone which is situated in the bar area.

The emergency exit door was previously quite narrow and so we installed a 900cm door which is much wider. Mr Ralph and myself did some work to the emergency exit and so the doors now open outwards and can be opened with a push bar which was not there previously.

We removed an old jukebox which was situated on a wall in the bar area. This had no wires to it and so we removed the jukebox and completed minor remedial work to the wall.

We have installed secondary glazing with laminated glass on the inside of the Bar. We are now currently waiting for the glaziers to come in and replace the broken panes of glass outside of the Bar.

I would say that the Bar is situated in an old building. While the Bar was looking quite tired initially, it is coming together quite nicely and it is looking much tidier. I would say that this is an ongoing project but Mr Ralph and Mr Hennessy have demonstrated a willingness to invest and improve the Bar.

I understand that the plan is to completely refurbish the lower level of the premises in the Bar before completing a full refurbishment of the upper level. The refurbishment of the lower level has already started, with the work to be completed within 6 – 8 weeks.

I certify that the contents of this statement, consisting of 3 pages, are true and I understand that it will be used as evidence in the case.

SIGNED: 

DATED:23-03-2022.....

JACKZ BAR

-v-

TORBAY COUNCIL

STATEMENT OF [REDACTED]

I, Mr [REDACTED], Owner of CutLeaf Productions of [REDACTED] Brixham, [REDACTED], will state as follows:

I am making this statement in relation to the review of the premises licence for Jackz Bar, Parkham Road, Brixham, TQ5 9JR ('the Premises').

On 15 March 2022, I was contacted by [REDACTED] of Stephenson Solicitors LLP who requested that I attend the Premises to take photographs of the repair work completed by the Owner of the Premises, Mr Ross Hennessy ('the Owner'), collate the photographs and prepare physical bundles of any photographs taken.

On Friday 18 March 2022 I attended the Premises and was met by the Owner, who directed me to the repair work completed at the Premises which I photographed.

An electronic copy of the photographs taken were provided to [REDACTED] of Stephenson Solicitors LLP via email on Monday 21 March 2022. Physical copies of the bundles were also finalised and made available for collection on the same day. A copy of one of the physical bundles I prepared can be found at Exhibit SR/01.

I certify that the contents of this statement, consisting of 1 page, are true and I understand that it will be used as evidence in the case.

SIGNED [REDACTED]

DATED: 21 MARCH 2022

JACKZ BAR

-v-

TORBAY COUNCIL

STATEMENT OF ROSS HENNESSEY

I, Mr Ross Hennessey, owner of Jackz Bar will, state as follows:

Background

1. I am making this statement in relation to the review of the premises licence for Jackz Bar, Parkham Road, Brixham, TQ5 9JR ('the Premises').
2. I make this statement in my capacity as leaseholder of the building housing the Premises and as the business owner. I am aware of the current conditions in place to ensure that I am prohibited from entering the premises during operational hours and that I shall not be involved in or influence the operation of these premises. I confirm that any reference to my involvement with the premises is restricted to my role as business owner and leaseholder of the property from which the premises licence operates from. I confirm that I do not attend the property during operational hours.
3. I make this statement in an effort to assist the sub-committee in its understanding of my input ongoing and intended moving forward.

Background to licensing history

4. By way of background, I think it is important to outline my licensing history. In October 2018 I opened Hennessey Cocktails ["Hennessey's"]. I was DPS and Licence holder. I applied for a Temporary Event Notice ["TEN"] for the opening weekend. This allowed me to stay open until 3am. I became quickly aware that this upset the local residents. Immediately, within a week of opening another local business canvassed the local area with a petition encouraging complaints to the Licensing authorities. The Licensing authorities received around 6 or 7

complaints over 5 to 6 months following that one TEN. I was very co-operative with the licencing authorities. I accept that it was a mistake to obtain a TEN that weekend but did so with good intentions and without intention of appearing inconsiderate to the local residents.

5. I worked together with the local authority to try to resolve any issues. I upgraded my analogue noise limiter to a digital noise limiter at a cost of £2000. In March 2019 I received my last noise complaint. I did not receive another noise complaint after that relating to Hennessey's.
 6. We traded well until the onset of Covid-19 when we, like every other business of that type were forced to close. We were then able to reopen on the basis of 'tier two' restrictions allowing service of alcohol as long as table service was accompanied with a substantial meal. We trialled this for two weeks but it wasn't profitable. We decided to halt the whole thing and closed because we were not making money.
 7. I then made an error in judgement that led to me receiving a fixed penalty for a breach of Covid-19 regulations by serving alcohol drinks to two of my friends. On the day in question, two of my friends spotted my car outside Hennessey's and spotted me cleaning inside. The bar was not open however the door was unlocked. They came in with some lunch they had bought from a local fish and chip shop. I locked the door behind them. I was cleaning and foolishly served them two drinks each, without charging, whilst I continued to clean. The bar was shut to the public but it is apparent that a passer-by reported the meeting and I received a fixed penalty for a Covid-19 breach.
 8. I then did something even more stupid. When the local authority/Police visited, they didn't sanitise their hands or wear PPE. I put up a two minute video of this on Facebook to highlight how the people fining you, were actually not following the rules. The video went viral. I deeply regret doing that.
-
9. In my view, this fuelled the licencing authorities to look for any possible issue. I believe that I was then on the radar of the licencing authorities. Hennessey's was ultimately subject to a Review of the Premises Licence on 24 June 2021 on the grounds of 'Public Safety', 'The Prevention of Public Nuisance' and 'The Prevention of Crime and Disorder'.
 10. Crime and disorder was not an issue of concern. In the 3 ½ years at Hennessey's there was 1 recorded incident that resulted in no further action being taken after an initial police investigation. Any other times the police were called related to the welfare of people outside the premises. I recall there being a total of 4 phone calls to the police in 3 and half years.

11. The premises licence was revoked and I then appealed and was allowed to stay open ending the outcome of the appeal. Ultimately the appeal was unsuccessful and I was ordered to pay £21,277 in costs.
12. The decision was based on a finding that, on three occasions I did not comply with conditions to provide CCTV footage when requested. I argued that, on two occasions, I provided the evidence in the format the system recorded in albeit a format that would not play on the local authority systems. The CCTV request came from a concern raised by a member of the public about a lock-in. I made an off-the-cuff comment that maybe my staff played music after hours and that was taken to be an admission. The licensing officer then opted not to send the version of the footage to the video processing team because of this comment being considered to be an admission.
13. Following the Covid-19 breach, the licensing officer suggested that they would send an officer to seize the hard drive given the issue with compatibility of the footage and by the time they attended to collect the footage, it had re-written over itself. Notwithstanding the fact that the officers had already viewed the footage, they suggested I tried to circumnavigate the conditions of my licence and try and get out of my Covid fine.
14. There was also a lot of weight attributed to the Covid-19 breach. It was deemed to be a lock-in. I deeply regret this. I deny that I have acted dishonestly in any way and aim to be co-operative with the licencing authority in complying with the conditions of my licence. I regret not having the appropriate awareness of the public mood of the impact of not strictly complying with Covid-19 regulatory requirements.
15. At the subsequent appeal hearing in December 2022, I had by that time established a working relationship with Anthony Peter Ralph ["Andy"]. He had agreed to come and work for me and supported me through the appeal process. He attended the hearing with me. Prior to the hearing we had agreed a consent order agreeing to Andy being DPS. However, the local authority then withdrew it without giving a reason.
16. A few days before the hearing Andy spoke with licensing officer named Julie Smart and her boss, over a phone conversation. Julie Smart confirmed to Andy that she had no issues with him. She explained that the reason she withdrew from the consent agreement was that she had heard that he was employed and that he was not willing to leave. Andy said he was willing to and would leave with immediate effect. The local authority relied on evidence at the appeal hearing from Andy's then employer, [REDACTED] owner of the Bulmer's Arms, who stated that Andy was subject to a month's notice and that he was not prepared to allow him to leave without serving that notice period. The committee ultimately considered that Andy would not be able to immediately assist with the licence. The appeal was unsuccessful.

Involvement with Jackz Bar

17. I purchased Jackz Bar ["the Premises"] in May 2021. It was already an established bar in Brixham and the only bar with a 3am licence.
18. My initial plan was to turn Jackz into a Sports Bar but I did not follow through with those plans.
19. A week before the purchase went through I got an email saying Hennessey's was up for review. They had the Hennessey's hearing and the Premises hearing to consider my application to be DPS all in the same day.
20. The building that houses the Premises has an upstairs and downstairs. Each floor has a different licence. It is the upstairs that houses the Premises.
21. At that hearing of 24 June 2021 was refused my application to become DPS and licence holder of the Premises. I was left with no alternative but to appeal the decision to revoke the licence of Hennessey's and to apply to transfer the DPS and licence holder responsibility for the premises to [REDACTED]. She was the perfect candidate. She had worked there 15 years and knew the bar inside out, She was already in charge of managing the bar. The application was granted.
22. Julie Smart decided to push the point that [REDACTED] had a day job and therefore wasn't suitable. The fact that she was a single mum was brought up. Her day job never interfered; it was 25 hours a week worked across 4 days.
23. Julie Smart also initially had the wrong number for [REDACTED]. I gave her the right number and she immediately answered. She pushed the agenda that [REDACTED] was ignoring her. Julie Smart suggested [REDACTED] was uncontactable and that crime had risen under [REDACTED] control. We met up with Julie before the Review Hearing. Julie and her boss had been in the building three times before that visit and not raised any issues. It had an up to date EICR certificate. I assumed it was fine. I wasn't going to touch the electrics until we fully refurbished. The local authority knew of my plans for both upstairs and downstairs to get a full refurb.
24. The meeting went well. Even though there was friction. [REDACTED] and I left the meeting feeling confident going into the Review hearing.
25. Following that meeting they wrote a report saying that I had taken a lot of the people off the banned list. I only unbarred people who had a good track record or behaving well in my bar (Hennessey's). None of the people on the barred list caused any issue. I think that the context

of this decision had been ignored. I knew for certain that the licensing authority were not comfortable with my involvement from that point.

Crime and disorder allegations

26. Since I took over as leaseholder in April 2021 there have been 5 instances of behaviour that the police have described as crime. I have briefly summarised those instances below:
- a. On 10 July 2021, a doorman reacting to an assault, threw a punch and knocked a customer unconscious. He was subsequently released and has not been employed by the Premises since.
 - b. On 17 October 2021 there was an allegation by a female that she was sexually assaulted. This allegation was subsequently withdrawn the morning after when the female admitted having spent the previous day drinking and taking drugs;
 - c. An incident took place involving a female member of the security staff who had her hair ripped out by a customer who had been refused entry after 1am (it is a condition that no customers enter after this time) and although the police were given the CCTV of the incident they declined to prosecute;
 - d. A young man, called [REDACTED] who tried to gain entry past 1am (it is a condition that no customers enter after this time), threw a mobile phone through the window of the Premises after he was denied entry. A decision was taken not to prosecute, and
 - e. A man refused entry after 1am threw a beer barrel through one of the windows. The police refused to prosecute.
27. I think this is important to mention that some of the issues referred to above have arisen as a consequence of our strict compliance with the condition not to allow entry after 1am. This is an issue that we believe is contributing to anti-social behaviour. It had suggested to the licensing authority, previously, that an extension from 1am last entry to 2am would stop antisocial behaviour given that the expectation of customers visiting bars across the Torbay area is that last entry would be 2am with a bar that closes at 3am. In my view, turning people away when they have an expectation that they will be allowed entry is what causes the issues.
28. The relevant DPS and supporting staff called the police four times in a few months. There is a suggestion that this was proportionality much higher than the average number of calls per year during the tenure of the previous owner.
29. I think that the incidents need to be considered in the context of a customer base emerging out of a Covid-19 lockdown period.

30. There are 12/13 bars in Brixham all licenced until midnight. The Premises is the only bar licenced until 3am.

Review Hearing in October 2021 and subsequent aborted appeal

31. In October 2021 the Premises had the Review hearing. The conditions had largely been agreed prior to that Review Hearing. [REDACTED] was feeling very targeted by the licensing authority. [REDACTED] said she did not want to be in charge of the bar as it was too stressful.
32. We were fortunate enough to be able to change the DPS and licence holder to [REDACTED]. [REDACTED] had run bars before. I was confident that she was well equipped to be able to handle the licensing responsibilities. I was aware that, following the decision in October 2021, I would not be able to influence the management of the premises licence and as a consequence I left [REDACTED] in control.
33. Following that, until the unsuccessful appeal of the Hennessey's decision in December 2021, I was still actively involved in the running of Hennessey's, I was involved in communication with the local authority. I am aware that I now should not be communicating with them in relation to matters relating to the licence of the Premises, even if there are any overlapping issues relating to Hennessey's. It is for this reason that I have become more reliant on the experience and expertise of Andy as my Regional Manager and proposed DPS and licensee for both Hennessey's and the Premises. I am aware that I need to ensure that I am not involved with the premises licence and need to know that I have the security of a DPS and licence holder who is able to act without input from me.
34. Notwithstanding this, the Council suggested that, in order to avoid an appeal hearing, we try to negotiate our conditions. Conditions that remained on the licence included:
- a. I remain prohibited from entering the premises during operational hours and that I shall not be involved in or influence the operation of these premisses
 - b. They removed a condition to have two door staff on each night and changed that to a requirement for two at the weekend and no requirement on weekdays.

Reopening in January 2022 and subsequent Review Application

35. The appeal was withdrawn by consent in December 2022. It was a condition that we had to run the course of our suspension. We then reopened on 8 and 9 January 2022 after expiry of that suspension. Those were the first two days of the new licencing conditions. An inspection subsequently revealed that conditions had not been complied with, namely:

- a. The DPS at the time, ██████ booked the courses for staff to have BIIA certificates. However, I understand that she misunderstood the timescales. She thought it was two months from the date that conditions were agreed to, rather than by the date of reopening;
 - b. Efforts were made to join Best Bar None accreditation scheme. I accept that I made enquiries regarding that but I did so on behalf of Hennessey's and at the same time enquired about the Premises. I accept now that this was wrong. Any further communication in this respect will be carried out by Andy.
 - c. Breaches were identified relating to not displaying posters with respect to anti drink driving notices, drink responsibly posters. It is apparent, having spoken with ██████ that they were displayed downstairs but not upstairs.
36. The above issues and other issues highlighted with the condition of the building have subsequently led to a further Review application.

Moving forwards

37. Whilst I had confidence in the previous DPS and licence holders, I can now say that I know that Andy is significantly more experienced and have real confidence that he will be dealing with issues that I could not oversee previously. Those conditions that were not met are frustrating to hear of but were not my responsibility given that I did not know the position due to the conditions prohibiting my attendance at the Premises during operational hours and prohibiting my active involvement in the management.
38. The reason I hold this confidence and know that it is different moving forwards is that I have first-hand experience of witnessing Andy in action since he joined us in mid-January. Andy has taken decisions to remain closed until the areas of concern with safety of the building have been completely rectified. I have invested whatever is necessary and have been involved only in a support role. I have had no active control in the management of the licence.
39. We applied for Hennessey's to have a new licence in Andy's name – that has recently been rejected, on the basis that the licensing authority require us to build a lobby. That project is underway and our intention is to apply again in due course. The intention is that Andy would be DPS of the two bars.
40. Andy and I knew of each other because Andy's daughter is best friends with my sister and cousin. Whilst I knew of him, I had never met Andy until he started working at the Buller's Arms about two years ago. He would often finish work at 11pm and come to the Premises to have a drink with his wife. I developed a relationship with him and became aware that he was

a man with experience and knowledge of the industry and someone whose opinion I respected and valued. The opportunity to get him on board was very enticing.

41. I am confident that Andy can autonomously run the bar and deal with all necessary issues arising with any relevant authority. I will be there to support the business and the property financially where necessary but will take Andy's lead and will not attempt to interfere with or get involved in any way with its management.
42. I have been helping Andy with renovations whilst the premises has been closed but have been sure to allow Andy to deal with the logistics. I have been on hand to assist him to help with some of the manual work to save on costs where possible. That said, I have invested a significant amount of financial resources into the renovation of the building. Andy engaged a builder contract of his and was able to draw on his own expertise given his previous history in the building trade.
43. We then got the closure notice and we haven't opened since. We had to do the remedial repairs. Given that I am banned I wasn't aware of some of the issues, such as the issue with the sink. Those issues were not brought to my attention.
44. That issue has been rectified. The lighting issues were inherited and have also been rectified. Andy has had a builder to restorative works to the building and deal with the advisory areas of concern raised by the fire service.
45. As lease holder I am responsible for the building. Environmental Health have recently visited and been impressed with the work carried out. We have a great working relationship with both Environmental Health and the Fire Service.
46. Before we made any changes, Environmental Health did come and have a look and the only issue raised was that the toilet didn't have hot running water. That was again inherited with the building. We now have hot running water. We fixed that within two days.
47. Everything raised by the fire department was a recommendation rather than an essential action. The building was essentially fit for purpose. That said, I was eager as a business owner to ensure health and safety was improved to the optimum level.
48. The electrics and old wires identified had been assessed and signed off. We uploaded our certificates and the local authority have accepted those. On the face of it, everything seemed ok. They were not live cables. They were old defunct cables, tv aerials etc.

49. The local authority visited in September with me and [REDACTED]. This was the first time they had visited the building since we had taken over. They had called the review before they had even carried out an inspection on the building.
50. They visited three times in total and none of the electrics were brought up. When I was present and running the premises they had no issues with the condition of the building.
51. After we opened following the suspension in January 2022, they met up with [REDACTED] and Andy. Andy was working in his final day in his previous job (14 Jan). He heard the issues that were put forward to him. He took the decision to close the bar for those three months. This was entirely his decision.
52. I ask him every week if the Premises is ready to be opened. can we open. He is saying no until he is happy with everything.
53. We have gone above and beyond. They said there were no lights in the women's toilets. We put emergency lights in the cubicles. I know that Andy has listed the works completed in a statement he has prepared for the sub-committee and I do not intend to rehearse those here. Andy has a better grasp of what has been dealt with.
54. I am reassured that Andy's involvement with the Premises and ultimately with Hennessey's, if both manage to retain and have their licences reinstated respectively, will allow me to return to my plans to utilise my experience in the catering industry. I have two options, namely to set up a takeaway and food delivery business or to return to my franchise opportunities with catering for holiday parks. I am eager to return to those projects and feel that Andy's involvement with the Premises will give me the confidence that the business will succeed meaning I am able to invest financially in these other ventures.

I certify that the contents of this statement, consisting of 9 pages, are true and I understand that it will be used as evidence in the case.

SIGNED



ROSS HENNESSEY

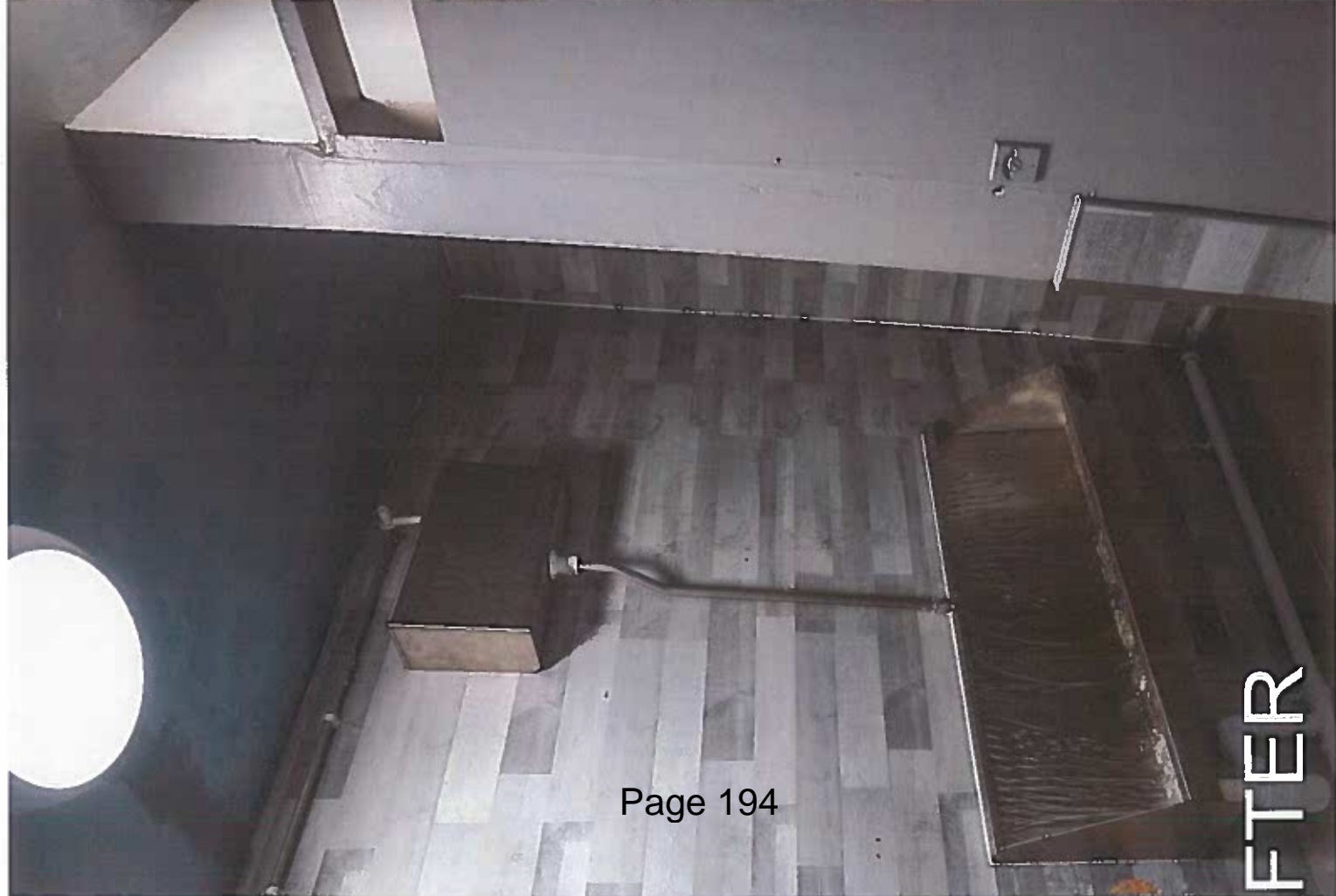
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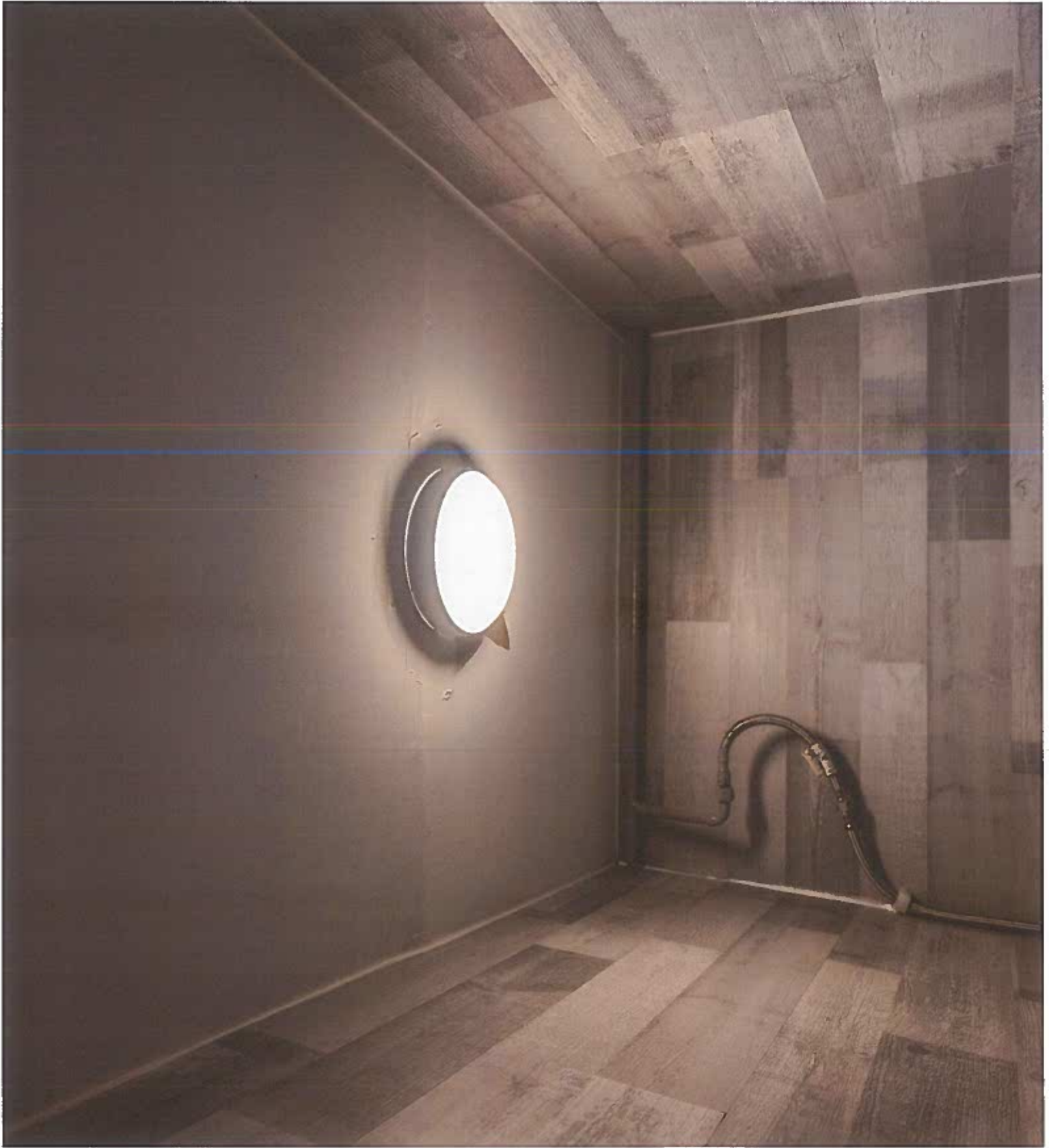
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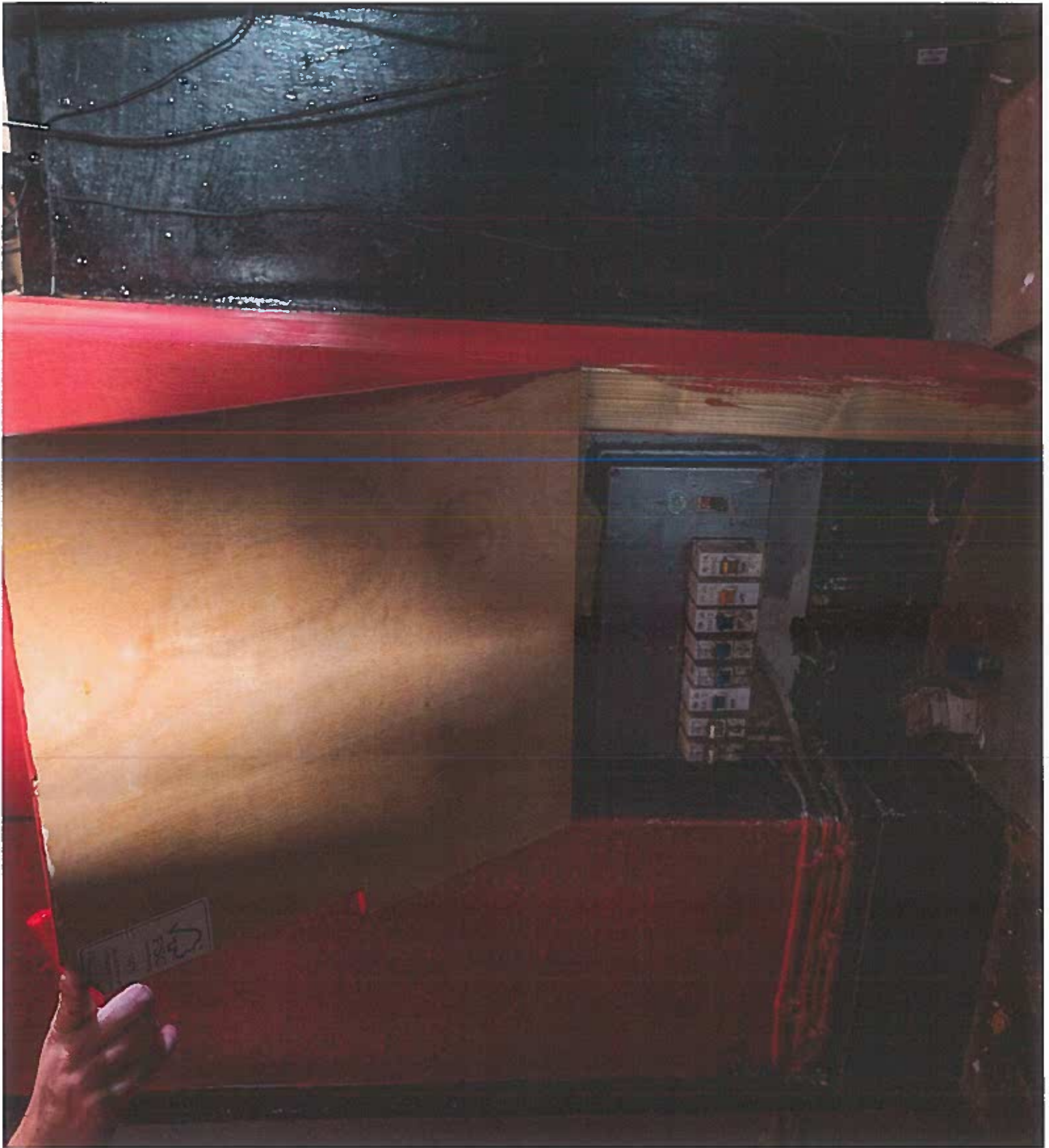


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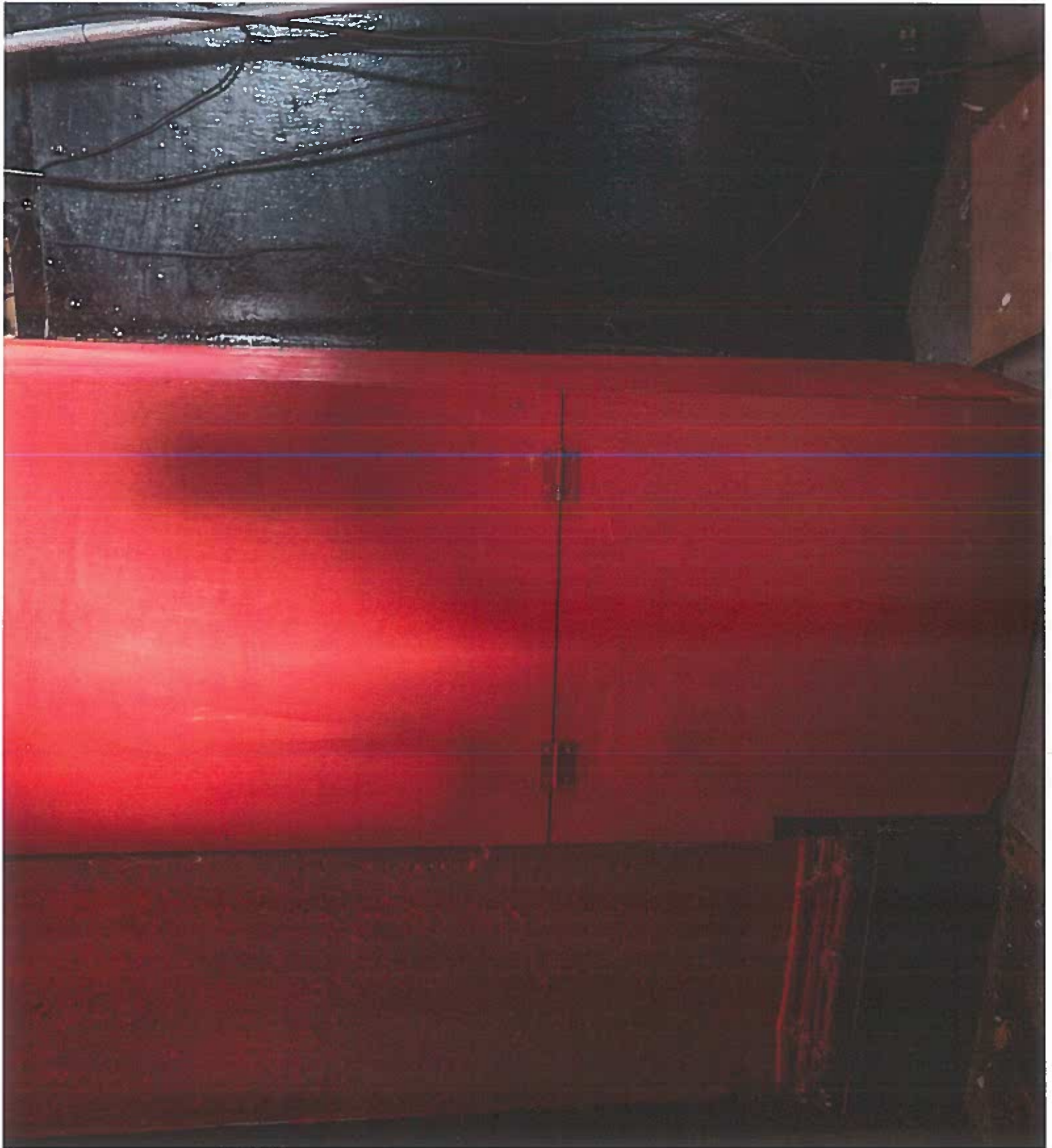
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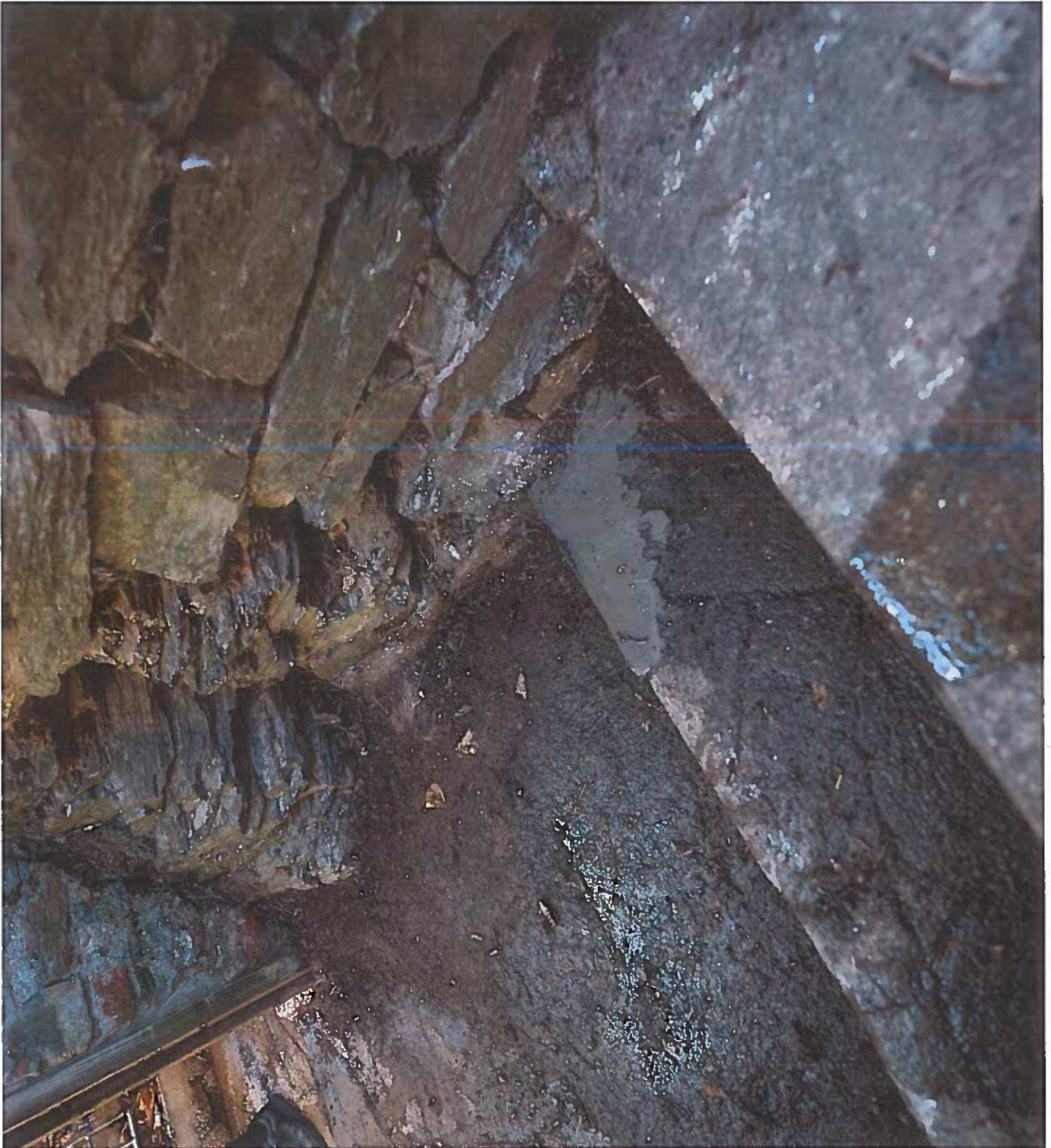
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Push pad
to open







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