



LICENSING ACT 2003

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

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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

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Web: www.torbay.gov.uk

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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, Police Licensing Sergeant, Devon and Cornwall Police

(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

Hennessey Cocktails
2 King Street

Post town Brixham

Post code (if known) TQ5 9TF

Name of premises licence holder or club holding club premises certificate (if known)

Hennessey Cocktails Ltd

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

PL1116

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete [A] or [B] below)

2) a responsible authority (please complete [C] below)

3) a member of the club to which this application relates (please complete (A) below)

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Devon and Cornwall Police Licensing Team Launceston Police Station Launceston Cornwall PL15 7HY
Telephone number (if any)
E-mail address (optional) david.curtis@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 | X |
| 2) public safety | |
| 3) the prevention of public nuisance | X |
| 4) the protection of children from harm | |

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

1. Noise complaints received by Devon and Cornwall Police from numerous residents living in the vicinity of the premises.
2. Non-compliance with the permitted hours for licensable activities, which has been admitted by the PLH/DPS.
3. Non-compliance with conditions contained within the Premises Licence.
4. Failure of the PLH/DPS to produce CCTV footage on numerous occasions
5. Non-compliance with Covid regulations and guidance

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

The Premises Licence for this premises was granted on 27 April 2017 and at that time the premises were known as Coco's. Between April 2017 and October 2018 the Police Licensing Officer for Torbay, Mrs Julie Smart, had no dealings with the premises.

In November 2018 the licence was transferred to Hennessey Cocktails Ltd, the sole director of which is Mr Ross Hennessey. Mr Hennessey was also nominated as DPS. At that time the premises' name was changed to Hennessey Cocktails.

DEALINGS WITH HENNESSEY COCKTAILS LTD:

- 22 October 2018 Late Temporary Event Notice (TEN) submitted to extend the sale of alcohol and provision of entertainment from midnight to 0300 hrs on the morning of Sunday 28 October 2018 for a Halloween launch party. The notice indicated that a noise limiter was in place and that extra security staff would be put on.
- 23 October 2018 Mrs Smart spoke to Mr Hennessey, the premises user/DPS, and discussed the TEN with him. Mr Hennessey stated he would be employing door stewards throughout the event. At that time he asked Mrs Smart about the likelihood of him obtaining a later licence for the premises and Mrs Smart recommended that he trade for a suitable period in order that he could demonstrate that he could manage the premises in an appropriate manner.
- 27 October 2018 Mrs Smart and Mr Karl Martin, Public Protection Officer of Torbay Council visited Hennessey Cocktails with Sgt Langley, WPC Seaman and PC Moore.
- Mrs Smart estimates the visit took place at approximately 11.00 pm. Approximately 12-15 people were stood around the front door and noise from these persons could be heard some distance away. Mrs Smart could not tell whether these persons were waiting to gain entry or using the area for smoking. No stewards were visible.
- Mrs Smart and Mr Martin then entered and met with Mr Hennessey and they advised him of their observations. Mr Hennessey introduced Mrs Smart to two males who he stated were his stewards. Neither of these were wearing a yellow high visibility jacket, as required by a condition on the premises licence, and Mrs Smart advised Mr Hennessey of the breach of this condition.
- Mr Martin informed Mr Hennessey that the volume of music was too high, and he recommended that Mr Hennessey ask the DJ to turn the volume down.
- 28 October 2018 Mr Hennessey sent an email to Mrs Smart and Mr Martin (page 2) concerning their visit to his premises. Mr Martin responded to this email on 29 October 2018 pointing out his concerns in relation to the volume of music, PA system and limiter (pages 1 & 2).
- 31 October 2018 A letter was sent to Mr Hennessey regarding Mrs Smart's visit (pages 3 & 4) and the breach of the condition on the licence.
- 5 November 2018 Mrs Smart had a telephone conversation with a resident (Complainant 1) who advised her that they live in the vicinity of Hennessey Cocktails and had been

	<p>disturbed by noise from music and customers of the premises until the early hours of Sunday morning as a result of which household members could not sleep. Details of this complaint were passed to Mr Martin.</p>
7 November 2018	<p>Mrs Smart and Mr Martin attended Hennessey Cocktails and met with Mr Hennessey and his DJ. Mr Hennessey and Mr Martin had lengthy discussions concerning noise and public nuisance matters. Mrs Smart advised Mr Hennessey to comply with the terms of his premises licence. Mr Hennessey discussed his proposal to apply for a later licence at the premises and he was again advised to demonstrate that he could manage the premises in an appropriate manner for a suitable period of time before considering any extension of the permitted hours.</p>
10 November 2018	<p>Mrs Smart received an email complaint from a resident who lives in the vicinity of Hennessey Cocktails (Complainant 2), who reported that there had been a drastic change in noise levels since Mr Hennessey took over at the premises. This resident said that they were angry and frustrated that the premises had been granted a licence until 3.00 am without any consultation and Mrs Smart explained the TEN legislation to them.</p> <p>Please note that no emails in relation to noise complaints are included within the supporting documents, as the content would reveal the identity of the complainants. Furthermore, if these documents were redacted, the remaining content would be minimal.</p>
11 November 2018	<p>Mrs Smart received an email from PC Veitch who was dealing with a complaint in respect of Hennessey Cocktails, in relation to noise coming from the bar until 3.00 am on the launch weekend and the following weekend. It also referred to cocktail glasses being lined up against the wall outside the bar and cocaine wraps being left on the floor.</p>
12 November 2018	<p>Mrs Smart received another email from PC Veitch who stated that she had received a further 2 complaints from members of the public concerning noise from Hennessey Cocktails. One of these complainants indicated that the premises had been open until 3.00 am on the previous two weekends and also referred to cocktail glasses left outside and cocaine wraps in the street after the premises closed on 2nd or 3rd November 2018.</p> <p>As a result of the emails from PC Veitch, Mrs Smart sent her a copy of the premises licence and requested that officers attend the premises to view CCTV to establish if after hours drinking or entertainment had been provided at the premises as alleged. Unfortunately, on 28 November 2018 officers had been unable to visit the premises, and as the CCTV hard drive would probably have been overwritten at the end of 14 days, no further action was taken.</p>
14 December 2018	<p>Mrs Smart, Mrs Mandy Guy, PC Haworth and PC Moore attended Hennessey Cocktails at 2345 hrs. One door steward was present. He was wearing a blue and white jacket with small reflective strips. Mrs Smart discussed this matter with Mr Hennessey and expressed her disappointment that the premises were still not complying with the condition on the licence. Mrs Guy identified that there was noise outbreak from the premises. She suggested to Mr Hennessey that a lobby may assist and advised him to speak to Mr Martin concerning the issue.</p> <p>For your information, at the time of that visit, the Torbay Council Licensing Statement of Principles (Pg 15) stated that stewards should wear clearly identifiable yellow reflective over-garments, in addition to this being a condition on the premises licence.</p>

18 December 2018	A letter concerning the visit on 14 December 2018 was sent to Mr Hennessey (pages 5 & 6).
11 February 2019	Mrs Smart received a further email from Complainant 1 concerning loud music, troublesome customers leaving making a noise and other issues in relation to Hennessey Cocktails. The complainant said that the problems were occurring on a weekly basis, every Friday and Saturday evening, with loud music until 12.30 am, people leaving making a noise, fighting and people being sick in the street. Mrs Smart forwarded this email to Mr Martin.
16 February 2019	<p>At 2350 hrs Mrs Smart and Mr Martin were on duty when they parked outside The Quayside Hotel on King Street, Brixham which affords a good view of Hennessey Cocktails. They observed the premises from this location for just over 20 minutes. They witnessed numerous customers stood outside Hennessey Cocktails smoking, chatting, laughing and shouting which could clearly be heard at their location. They could also hear loud music from the premises, and this was worse when the door opened, which was often due to people coming and going. A door steward was present but he made no attempt to tell customers to be quiet. They also witnessed two males come out and go around the corner, out of view of the steward. These males appeared to exchange something and then they returned to the premises. Mrs Smart formed the opinion this may have been a drugs deal taking place. At 0010 hrs loud music was still being played, despite the premises licence requiring recorded music to cease at midnight.</p> <p>Mrs Smart and Mr Martin then attended the premises and entered without being challenged by the door steward. On entering a drunk male stumbled/fell down some internal steps. They stood amongst customers for a couple of minutes during which time they saw a glass bottle and another drink being placed on the bar. They saw the barmaid go to the till and return to the male, passing something to him. Mrs Smart formed the opinion that the sale of alcohol had taken place. This occurred at approximately 0015 hrs, when the last permitted sale of alcohol is at midnight. Many males were seen drinking from glass bottles, and they witnessed a drink being served in a glass bottle, despite a condition on the licence prohibiting the sale of alcohol in glass bottles after 2300 hrs.</p> <p>Mr Martin and Mrs Smart spoke to Mr Hennessey. Mr Martin told Mr Hennessey that the music being played was too loud to be classed as background music and advised him that we had been monitoring his premises from King Street. Mrs Smart advised Mr Hennessey that they had witnessed what they believed to be the sale of alcohol after midnight. Mrs Smart asked Mr Hennessey to show her the CCTV footage, but he said he didn't know how to work the system. He went to look for a mouse but couldn't find one. He then offered to show Mrs Smart the footage on his phone. However, he didn't show Mrs Smart the footage she asked to see, and she was concerned that he was deliberately trying to avoid showing her the relevant footage. Mr Martin and Mr Hennessey discussed the issues with noise and customers outside and Mr Hennessey asked if he could put smokers at the rear entrance of the premises. Mr Hennessey showed Mr Martin and Mrs Smart where he meant, which was outside the front of another licensed premises. Mr Martin told him that he would not agree to that as it would cause more noise issues at the rear of the premises and Mrs Smart informed Mr Hennessey that the area would be difficult to supervise as there was no direct line of sight from inside the premises or from the front of the premises.</p>
18 February 2019	Mrs Smart sent an email to Mr Hennessey asking him to download some CCTV footage in order that she could establish the time that the last sale of alcohol took place on the morning of Saturday 16 February 2019.
18 February 2019	Mrs Smart received a telephone call from a Brixham officer advising her of Log

	20 of 16/02/19, a complaint from a resident (Complainant 3) of loud music being played for 3 hours on the night of Friday 15 February 2019 and stating that this is an on-going issue.
21 February 2019	Mrs Smart and Mr Martin attended an address in Brixham to discuss general licensing issues in Brixham with a resident (Complainant 5) who was concerned about noise, drugs and anti-social behaviour within the town. This male also raised concerns in relation to noise from music and customers of Hennessey Cocktails.
25 February 2019	Mrs Smart received two text messages in which a resident (Complainant 3) complained of noise disturbance by music and people at the premises. The complainant stated they had contacted the premises but there was no reply, however eventually the manager rang and spoke to the complainant, as a result of which the music was turned down.
28 February 2019	Mrs Smart received an email from a resident (Complainant 4) who complained about noise, anti-social behaviour, underage drinking, drug taking and dealing, and general public nuisance issues associated with the premises.
2 March 2019	Mrs Smart again received a text message from Complainant 3 saying that they had a problem the night before, but they spoke to the owner and manager who said they would talk to the DJ about the noise.
4 March 2019	Complainant 5 emailed Mrs Smart and complained that Hennessey Cocktails had turned into a full-blown nightclub the Saturday before, with DJ's playing loud music. This person said that they could hear the noise from the premises through their double-glazed windows. This person said they walked down to the harbour at around 11.30 pm and the loud music was appalling. They looked into the premises and noticed that a lot of the furniture had been removed and large numbers were dancing. They said they encountered a small group around the corner who appeared to be taking illegal substances and the smell of urine was very high. This person ended their email "As we will soon be approaching the summer months, I, and most of our neighbours, are dreading the weekends even more and ENOUGH is ENOUGH!! Please can you revoke the licence and give us all some peace and quiet". Mrs Smart subsequently responded to this email advising the complainant of the steps she and Mr Martin were taking in relation to securing evidence to apply for a Review of the licence, and the Review process in general.
5 March 2019	A letter was sent to Mr Hennessey outlining all complaints received by the police since 11 February 2019 and details of the visit by Mrs Smart and Mr Martin on 16 February 2019 (pages 7 – 13).
8 March 2019	Mrs Smart received an email from Mr Hennessey in response to the letter sent to him on 5 March 2019 (pages 14 – 16). Mrs Smart then received further emails from Mr Hennessey, containing photographs from his CCTV system which showed that on various dates at approximately 0015 hrs only staff were in his premises. She also received 2 x USB sticks containing CCTV footage.
19 March 2019	Mrs Smart and Mr Martin met with Mr Hennessey in the Meadfoot Room of Torbay Town Hall to discuss all issues raised within the letter dated 5 March 2019. During this meeting Mr Hennessey told Mrs Smart that the premises had not been strict on ceasing music and the sale of alcohol. However, he assured Mrs

Smart that they only ran over for between 5-10 minutes but since her visit on 17 February 2019 he had made sure that they finished on time.

Since receiving the USB sticks containing CCTV footage, Mrs Smart tried to view the CCTV but it would not play on two laptops. As Mr Hennessey had admitted that licensable activities had not ceased on time she therefore decided that there would be little evidential gain in requesting our Digital Video Unit to convert the footage to a viewable format, so the footage was not viewed.

4 June 2019

Mrs Smart received a text message from a resident complaining about the number of cigarette butts on the road outside the premises. Mrs Smart advised Mr Hennessey of this matter and he said he would address it immediately.

22 July 2019

Mrs Smart was advised of potential fire safety issues at the premises, in that a non-fire door opened inwards into the public area, and that it did not have any internal handles so the only means of opening the door from the public side would be to use your finger nails along the edge of the door. A fire escape route within the premises was also partially obstructed by some bins and continued into a neighbouring premises, which was similarly blocked by equipment. Mrs Smart was advised that this information had been passed to the Fire Service.

18 November 2019

Mrs Smart received an email from Complainant 1 concerning noise and public nuisance issues in respect of the premises on 16 November 2019. In relation to this night, Mr Hennessey had submitted a Late TEN to extend the hours of the premises, but the TEN was not submitted in accordance with the statutory requirement of 5 working days and therefore Mr Hennessey was advised that the event could not go ahead.

28 November 2019

Mrs Smart and Mr Martin met with Mr Hennessey at the premises. Mrs Smart asked to view the CCTV in relation to the night of the 16 November 2019, but Mr Hennessey still did not have a mouse on the premises so was unable to show them. Mrs Smart asked him to ensure that at least one member of staff can always access CCTV and that they have the equipment available to do so. He agreed to this.

3 December 2019

Mrs Smart and Mr Martin again attended Hennessey. Mr Hennessey had downloaded the CCTV footage onto a USB, but it would not play on his laptop or Mrs Smart's laptop. They again discussed the complaint and Mr Hennessey said that the staff party did not go ahead. He was adamant that the only people in the premises at the time of the complaint were staff who had been cleaning and having a drink, with music playing whilst they did so, however he could not produce any evidence to confirm this. Advice was given to him to keep the music low at background level or turn it off whilst staff are cleaning and to not allow staff to drink after hours but to take tips as money instead.

In June 2020 Hennessey Cocktails Ltd submitted an application to extend the sale of alcohol until 3.00 am on Friday and Saturday nights, to add off sales to the licence, to commence the sale of alcohol at 9.00 am and to include an outside seating area.

The police made representation in respect of this application outlining that Mr Hennessey had not demonstrated that he could manage the premises in such a way so as to promote the licensing objectives the Prevention of Crime and Disorder and the Prevention of Public Nuisance and therefore the police did not feel it appropriate to grant the extension of hours until 3.00 am. Within the police representation Mrs Smart recommended that the CCTV condition be amended so that all CCTV recordings are retained for 28 days and footage is provided to the police within 7 days of any request. Within the police representation concerns were raised that whilst Mr Hennessey is the DPS of this premises, he also has another business at a holiday park in Cornwall where he is based throughout the summer season and therefore he is not in day to day control of Hennessey Cocktails during this time.

A hearing was held and all the police concerns were discussed. Mr Hennessey indicated that he would immediately appoint another member of staff as DPS but to date he has failed to do so. At the conclusion of that hearing the application was granted in part (in relation to the commencement of the sale of alcohol at 9.00 am, and off sales until 8 pm with an additional two conditions), but the extension of licensable activities until 3.00 am was refused by the Licensing Authority. No action was taken by the Licensing Committee in relation to the recommended amendments to the CCTV condition. A copy of the Decision Notice is attached (pages 18 – 20) and this acknowledges the Licensing Sub-Committee concerns in relation to Mr Hennessey's management of the premises.

Due to the Coronavirus pandemic Hennessey Cocktails was not open between 20 March 2020 and 4 July 2020.

On 4 July 2020 premises were allowed to re-open after the first lockdown period and the regulations in place at that time required all customers to be sat at tables, served by waiter/waitress service and no customers were allowed to stand or sit at the bar.

5 July 2020 Mrs Smart received an email from a member of the public in relation to Hennessey Cocktails which stated "However, last night Hennessey's was absolutely packed with kids. Many who didn't even look old enough to be there and it was rammed with everyone standing. It was like a normal night in there. It was a joke."

6 July 2020 Mrs Smart received another email from a different member of the public who stated in relation to Hennessey Cocktails "You may wish to review their CCTV footage from last Saturday and what you will see will not make you happy! Too many people were let in - standing at the bar etc and from what we understand from a number of sources - the people involved in the fracas outside had been drinking in there".

7 July 2020 Mrs Smart rang Mr Hennessey and discussed the above complaints with him. Mr Hennessey admitted that there were problems on the night and it didn't run as smoothly as he would have liked. He said that staff had their work cut out as customers kept standing up, going to the bar and going to other tables to talk to their friends. He said that he didn't think he had enough staff on duty but after the premises closed they had a staff meeting and as a result he would employ door stewards to commence duty earlier in the evening and would also have 5 members of staff on duty. He stated that he capped the capacity at 60 and felt this was appropriate. He said that he was now working in Cornwall at the camp site but would come up on the next Saturday to assist. Mrs Smart suggested that this would be a good idea for the next couple of weeks.

In relation to the incident that occurred at the premises Mr Hennessey outlined that this involved two females who had a disagreement and one pushed the other down the steps and as a result of the incident one female was barred from the premises.

11 July 2020 Mrs Smart received an email from an officer who had been deployed on Covid duties on the evening of Saturday 4 July 2020. This officer stated "Sat 4th July – Brixham – Hennessey's, Many drinkers shoulder to shoulder in the bar, no real sign of SIAs outside and was the focus of trouble and light ASB later in the evening around the Harbour. No covid secure methods obviously in place." As Mrs Smart had already discussed the evening of 4 July 2020 with Mr Hennessey no further action was taken in respect of this information.

24 July 2020 Mrs Smart received an email from a member of the public (not either of the two individuals who complained about the premises in relation to 4 July 2020). This email contained a photograph which the source alleges was taken within Hennessey Cocktails on the evening on Thursday 23 July 2020 and uploaded on

a social media platform by Mr Hennessey. This photograph shows 5 males stood at the bar, 2 of them are leaning on the bar, drinks are visible on the bar and the photo has a caption "Thirsty Thursdays" (Page 17). On this date the regulations required all customers to be seated and served by waiter/waitress service.

On receipt of this information Mrs Smart sent the photograph to Mr Martin and requested police officers to monitor the premises and feedback any concerns to herself.

On Thursday 5 November 2020 England entered a second period of lockdown with all restricted businesses being closed during this time. This lockdown finished on 2 December 2020 and Torbay was then placed in Tier 3 which required alcohol only to be consumed with a substantial meal, the sale of alcohol had to cease at 10pm, with customers leaving the premises by 11pm and a one household rule was in force.

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|------------------|---|
| 2 December 2020 | Mrs Carrie Cottell of Torbay Council sent an email to Mr Hennessey which contained a guidance document produced by Torbay Council and Mrs Smart in relation to the Tier Two regulations and Covid secure guidance. |
| 5 December 2020 | Mrs Smart and Mr Martin attended Hennessey Cocktails at about 2112 hrs. Mr Hennessey and a female were behind the bar, neither were wearing face coverings over their noses and mouths (which became compulsory in September 2020) but Mr Hennessey did have a face covering around his neck. Mrs Smart and Mr Martin went in and spoke to Mr Hennessey. They noted a table of 3 females, all aged in 20's and each of them appeared to have 2 full drinks. Mr Hennessey said that they were waiting for their pizza. He said that two are sisters who live together and the other is a friend in their bubble. Another table contained a more mature couple who had a pizza in front of them. Throughout the time Mrs Smart and Mr Martin were there, approximately 10-15 mins, the female took a couple of bites of pizza but the male didn't eat any pizza. Both were constantly on their phones and clearly not interested in the food. They had only consumed half of their drinks when further drinks were served to them at the table. A further table contained 2 females, again both in their 20's. Mr Hennessey said that one of them works for him and they live together. Whilst Mrs Smart and Mr Martin were outside talking to Mr Hennessey two males entered premises, neither of them were wearing face masks, they did not use sanitiser, they did not scan the QR code nor did they provide their contact details and they were not challenged by staff in any way. Mrs Smart pointed this out to Mr Hennessey. These two males joined the table with the two females, again without being challenged or spoken to by staff. Mr Hennessey said that these males were the girls' boyfriends and that they all live together in a flat. Mrs Smart told Mr Hennessey that she thought it unlikely that they would all live together. Mr Martin advised Mr Hennessey that he does not know any couples who live in similar circumstances, as did Mrs Smart, and they gave him advice on ensuring as far as possible that the one household rule was being complied with. Mr Hennessey said that as business had been really poor he would not be opening again until some of the restrictions around substantial food and the one household rule had been lifted. |
| 9 December 2020 | Mrs Smart received information from a member of the public who stated that Mr Hennessey had hosted a birthday party in the premises the evening before (08/12/20) and this person stated that the party had not been held in accordance with the regulations. Concerns were also raised in relation to the premises being able to provide substantial food when there is no kitchen at the premises. This information was passed to the Torbay Council Food Team. |
| 13 December 2020 | At 10.55 am Mrs Smart received an email from a member of the public concerning a 'lock-in' held at the premises during the evening of Saturday 12 |

December 2020. The email contained a video showing 2 males inside the premises drinking cocktails whilst sat at the bar. The footage appeared to be filmed by a third person, who is not seen, but this person goes behind the bar and serves drinks. No food is visible in the footage. Enquiries revealed that this video was uploaded on a social media platform during the early hours of 13/12/20 and the final part of the video shows a date of 12/12/20.

At 1930 hrs Mrs Smart received an email from Sergeant Thomas in which he advised her that he had checked 2 pubs on Saturday night (12/12/20) and they were both closed but "Hennessey's was empty".

At 2313 hrs Mrs Smart received an email from Mr Hennessey in which he states "After meeting with you and Karl last weekend, I decided to take your comments on board and to stay closed, as I felt as if it would be very difficult to police the one household policy" (Page 21). He then referred to a couple of licensed premises who he perceived were not complying with the regulations and guidance and asked what the repercussions would be for those who were allowing people inside who weren't from the same household and how this was being checked.

14 December 2020 Mrs Smart rang Sgt Thomas and asked for further clarification in relation to the comment in his email that Hennessey was 'empty'. Sgt Thomas advised Mrs Smart that he attended Hennessey's at about 9.50 pm and saw one customer inside. As he believed that the premises would shortly be closing, he was not concerned by only one customer being present. He said he was then called away to deal with an incident and stated that in his opinion the premises appeared open. Mrs Smart then responded to Mr Hennessey's email advising him that she and Mr Martin were going to be in Brixham the following day and asking if they could meet him at the premises at 12.30 pm to discuss the content of his email (Page 21).

15 December 2020 Mrs Smart and Mr Martin attended Hennessey Cocktails and met with Mr Hennessey. They discussed Mr Hennessey's concerns in relation to other premises compliance with the one household rule and he was advised that they were treating all premises the same and where concerns had been raised they were dealing with them. During discussions Mr Hennessey stated that Hennessey Cocktails had been closed since Mrs Smart's visit on 5 December 2020.

Mrs Smart then read out part of Mr Hennessey's email of 13 December 2020 where he stated that the premises had been closed since her last visit and she reminded him that during their discussions he had again stated that the premises had been closed since 5 December 2020. He confirmed that that was correct. Mrs Smart then informed Mr Hennessey of the information she had received in relation to a birthday party being held at the premises on 8 December 2020. Mr Hennessey confirmed that this party had taken place and he also said that he had had some friends over for drinks on the Saturday night.

In relation to the birthday party he said that it had been booked before 5 December 2020 and he felt obliged to honour the booking but he insisted the premises were not open to the public and there were only about 10 people present. He was adamant that all those present were from one household and that substantial food was provided. Mrs Smart advised him that the people present at the party were members of the public and therefore the premises were open. Mrs Smart asked to view the CCTV of the party. Whilst Mr Hennessey did briefly attempt to operate the system he said he did not know the password and he tried to phone his manager to obtain this.

Mr Hennessey then showed Mrs Smart parts of the CCTV footage on his mobile phone and she noted that she could see staff serve some food but the phone screen was badly cracked and the footage was hard to view.

Mr Hennessey provided Mrs Smart with the names of a few of the people who attended the party.

Mrs Smart then informed Mr Hennessey of Sgt Thomas' email and her telephone discussion with him, and she advised Mr Hennessey that she had been sent a video of an alleged lock-in at the premises. Mr Hennessey repeatedly said that the premises were closed to the public and he showed Mrs Smart some of the CCTV footage from that night, again on his mobile phone. Mr Hennessey stated that he had two friends over for drinks, that they were drinking in the premises for some time after 10 pm but he didn't state what time they left, and he stated that a member of staff also attended for a short time. Mrs Smart asked if he, his friends and the member of staff had had a substantial meal in the premises and he stated that they had not as the premises was closed and he didn't think they were doing anything wrong. He further stated that he had given them the alcohol and no alcohol was sold. Mrs Smart advised him that the regulations in force at that time only allowed the provision of alcohol with a table meal, that the one household rule applied indoors in private dwellings and restricted businesses, and therefore he should not have been drinking in the premises with his friends, and in addition there was a curfew in place prohibiting the provision of alcohol after 10pm. Mrs Smart advised Mr Hennessey that in her opinion it appeared that 3 breaches of the regulations had taken place. Mr Martin confirmed that he also believed 3 breaches of the regulations had been committed, and he informed Mr Hennessey that he may be fined for these offences.

Mr Martin asked Mr Hennessey to download the CCTV but he stated he didn't have a USB stick in order to do so.

16 December 2020 At 1056 hrs Mrs Smart sent Mr Hennessey an email indicating she did not have access to any memory sticks/USB's so she requested him to obtain one and download the footage of both the birthday party and lock-in (page 22).

At 1953 hrs Mrs Smart received an email from Mr Hennessey which contained 3 x 30 second video clips taken from the CCTV system in relation to the party on 08/12/20. Mr Hennessey also referred to types and quantities of food alleged to have been provided at the party. He stated that two persons attended the premises at 1710 hrs to decorate the room and at 2106 hrs only one person with some children were present as they had finished eating and were not consuming alcohol. He asked whether this footage was acceptable as it would cost him in the region of £80 to £100 to buy sufficient storage devices to download the footage from both 08/12/20 and 12/12/20 (Pages 23 & 24).

21 December 2020 At 1015 hrs Mrs Smart responded to Mr Hennessey's email indicating that she was actually on annual leave but working for a few hours to catch up. She advised Mr Hennessey that she had discussed his email with Sgt Curtis and the clips were not acceptable as they wished to view all the footage from the birthday party and lock-in to establish exactly what had taken place, and to satisfy themselves that Mr Hennessey was capable of downloading footage and that it was of an appropriate standard. She advised Mr Hennessey that she had been advised that 2 x 32gb memory sticks should be sufficient to download the footage and these cost about £7 on Amazon. She also advised Mr Hennessey to ensure that he saved the footage for both dates before it was erased from the system and to contact a CCTV engineer if he did not know how to do that. Mrs Smart advised Mr Hennessey that she could arrange for his hard drive to be taken for the footage to be retrieved but she did not wish to do this as it would leave the

	<p>premises without a hard drive for some time and the premises would not be able to open without it (Page 23). Mr Hennessey subsequently responded to Mrs Smart's email advising that he was too busy to go shopping and to download the footage that day and he requested that she arrange the removal of the hard drive (Page 23).</p>
21 December 2020	<p>Mr Martin informed Mrs Smart that fines were going to be served on Mr Hennessey and his company, and that he had sent an email to Mr Hennessey asking him to meet him at the premises at 11.00 am on Tuesday 22 December 2020. Mr Martin advised Mrs Smart that despite Mr Hennessey usually being quick to respond to emails, he had not received any response. Mrs Smart informed Mr Martin that despite being on leave, she would attend the premises with him in order to give Mr Hennessey a memory stick to download the CCTV as she was conscious that it would soon be deleted from the system.</p>
22 December 2020	<p>Mrs Smart and Mr Martin attended Hennessey Cocktails at 11.00 am but Mr Hennessey was not there. They therefore attended Mr Hennessey's home address where they spoke to his mother. Mrs Smart gave her a 32gb memory stick and Mr Martin gave her 2 envelopes. She was asked to give these items to Mr Hennessey.</p> <p>The Fixed Penalty Notices issued to Mr Hennessey and Hennessey Cocktails Ltd, were each for £1000 for failing to provide a substantial meal on 12/12/20 as required by the Coronavirus Regulations. This information was clearly stated within the notices.</p>
22 December 2020	<p>Mr Hennessey posted a video clip on Facebook in which he states he had received a £1000 fine from Torbay Council in relation to failing to ensure customers from different households do not mix and failure to ensure that customers wear face masks. The video also contained CCTV footage of Mrs Smart and Mr Martin's visit to Hennessey Cocktails on 15 December 2020. As you will see from the above paragraph, the fines were not issued in relation to the matters raised by Mr Hennessey in his video and it appears that he either didn't read the notices or did not understand them.</p>
23 December 2020	<p>Mr Hennessey informed Sgt Curtis that he wished to make a formal complaint about Mrs Smart's conduct and she was told not to have any contact with him until his complaint had been investigated.</p>
23 December 2020	<p>Mr Hennessey sent an email to Mrs Smart and Mr Martin advising them that he was having difficulty downloading the CCTV footage (Page 25).</p>
25 December 2020	<p>Devonlive posted an article on Facebook in relation to Mr Hennessey's Facebook video and the CCTV footage.</p>
5 January 2021	<p>At 1158 hrs Sgt Curtis emailed Mr Hennessey asking him to confirm that he had saved the two lots of CCTV requested by Mrs Smart (bottom of Page 29).</p> <p>At 1230 hrs Mr Hennessey confirms that he has saved the footage and states that neither Mrs Smart or Mr Martin gave him a timeframe in which they wished the footage to be sent (Page 29).</p> <p>At 1251 hrs Sgt Curtis thanked Mr Hennessey for his reply confirming the CCTV had been saved. Sgt Curtis asked Mr Hennessey to use the memory stick provided by Mrs Smart to send the footage to him using the Ivybridge Police Station address at the bottom of his email. Sgt Curtis advised Mr Hennessey that the fines he had received were not in relation to the CCTV footage requested and that there was an on-going investigation into possible breaches of regulations.</p>

Sgt Curtis also asked Mr Hennessey to ensure that the original footage was preserved on the CCTV hard drive (Page 28).

Unfortunately it appears that Sgt Curtis was a bit confused, having recently taken over dealing with this matter, and the footage requested was in relation to the birthday party on 08/12/20 and the lock-in on 12/12/20 (for which 2 x fines had been served).

At 1301 hrs Mr Hennessey responded to Sgt Curtis' email stating that since November he had opened the doors to customers on 3 separate days, these being Friday 2nd December, Saturday 3rd December (date is incorrect it was actually Saturday 5th December 2020) when he stated that Mr Martin and Mrs Smart visited and they made "no mention of anything wrong whatsoever", and also on the Tuesday (8th December 2020) when he had a family come in for a birthday party.

In relation to Mr Hennessey's comment that on Saturday 5 December 2020 Mr Martin and Mrs Smart made no mention of anything wrong, this is clearly incorrect as Mrs Smart pointed out to Mr Hennessey that 2 males had entered the premises without wearing face coverings, without using the hand sanitiser, without scanning the QR code or providing their contact details, and they joined a table of 2 females without being challenged by staff in any way. Concerns were also raised in relation to the one household rule and the amount of drinks being served to customers did not seem proportionate to the amount of food being consumed (referred to earlier in this document).

At 1323 hrs Sgt Curtis replied to Mr Hennessey's email clarifying that he was waiting for the CCTV of the birthday party on 08/12/20 in order that Torbay Council could make a decision as to whether to issue any fines for breaches that might be identified, and that he was also waiting for the footage from Saturday 12/12/20 for which Mr Hennessey and his company had both been issued fines of £1000 each, the CCTV of which was required for our records (Page 27).

At 1541 hrs Mr Hennessey emailed Sgt Curtis thanking him for clarifying the situation and stating "However, now you're telling me that I have been fined twice for one occasion? As in, both me and my company? Again, I haven't seen this extra fine either". (Page 27).

At 1548 hrs Sgt Curtis advised Mr Hennessey to contact Mr Martin as it was clear that he had some questions requiring clarification (Page 26).

12 January 2021

At 1116 hrs Mr Hennessey sent an email to Sgt Curtis in which he stated he would be downloading the footage from his laptop onto the USB that day to send shortly. Mr Hennessey also stated that he was having some work done to his house and one of the builders who he had been working in close proximity to had Covid symptoms over the weekend, had had a test on 11 January 2021 and was waiting the results. Mr Hennessey stated that due to this he would await the result of the builder's test before venturing out to be on the safe side. He further stated that if the builder's test was positive he would forward proof that he would have to isolate for 2 weeks. Mr Hennessey said that he hoped his builder's test was negative in which case he would send the CCTV that afternoon. (Page 30).

18 January 2021

At 1209 hrs Sgt Curtis emailed Mr Hennessey asking him how he was and whether he developed any symptoms as a result of his contact with his builder and providing him with an update in relation to his complaint. Sgt Curtis also asked what the situation was with the CCTV and whether it had been posted (Pages 31, 32 & 33).

	<p>At 1524 hrs Mr Hennessey replied to Sgt Curtis stating that he did not have any symptoms but he did end up breaking his foot the week before by tripping over some scaffolding. He attached some photographs of a foot and a hospital ID bracelet as evidence as he was aware that the story was becoming more unbelievable by the second (Page 31). Unfortunately the photographs served no useful purpose as the ID badge did not contain a date and the foot showed no visible signs of injury and could not be confirmed to be Mr Hennessey's foot.</p> <p>At 1600 hrs Sgt Curtis again emailed Mr Hennessey asking if the CCTV had been posted before Mr Hennessey states he broke his foot, and if not asking whether Mr Hennessey could get somebody to post it for him (Page 34).</p> <p>At 1634 hrs Mr Hennessey replied that he didn't get round to posting the CCTV before allegedly breaking his foot and the next day he could get someone to post it would be Wednesday, ie 2 days later (Page 34).</p>
21 January 2021	Sgt Curtis emailed Mr Hennessey in relation to the complaint he had made against Mrs Smart and he again asked Mr Hennessey if the CCTV had been posted (bottom of Page 36).
22 January 2021	At 1048 hrs Mr Hennessey emailed Sgt Curtis informing him that the CCTV had been posted and he should get it early the next week (Page 36).
1 February 2021	At 0909 hrs Sgt Curtis emailed Mr Hennessey stating that he had still not received the CCTV, and he asked Mr Hennessey what address he posted it to and when it was posted (Page 38).
	At 0922 hrs Mr Hennessey emailed Sgt Curtis advising him that he may have forgotten to put Sgt Curtis's name on the envelope, just the address underneath and questioning whether it had gone to the wrong department. Mr Hennessey stated that he still had a copy of the footage on his laptop so could make a new copy if Sgt Curtis needed it (Page 37).
14 February 2021	At 1940 hrs Mr Hennessey sent Sgt Curtis an email stating that this laptop was broken, that he had bought a couple of chargers and tried them but it would not switch on. He further stated that he would have to send his laptop back to Apple and he would not be able to access the footage in the meantime (unable to locate email).
15 February 2021	Sgt Curtis again emailed Mr Hennessey concerning the CCTV, asking him to confirm that the footage had been saved on the hard drive as he had been advised to do. Sgt Curtis pointed out that Mrs Smart had advised Mr Hennessey on 21 December 2020 to contact a CCTV engineer if he did not know how to save footage. Sgt Curtis also advised Mr Hennessey that if could not provide the footage as had been requested for over 2 months, he would arrange for the hard drive to be collected so that our Digital Processing Unit could try to retrieve any saved footage (Page 39).
16 March 2021	<p>Email received from Mr Hennessey in which he provides a document from Apple who had examined his laptop and state that there is liquid damage on several components. Mr Hennessey stated that his insurance company would not pay for the laptop to be repaired and would be providing him with a new laptop and therefore the CCTV footage was no longer available (Page 40 – 42).</p> <p>Within this email Mr Hennessey says "I'm sorry for the inconvenience but would like to stress how on three occasions I did email Mrs Smart and Karl Martin asking them to come and confiscate the hard drive - instead they turned up two days before the footage was due to be erased with a small memory stick." Mrs</p>

Smart states that she did receive an email from Mr Hennessey asking her to arrange for the collection of the hard drive on 21 December 2020 (Page 23) and 23 December 2020 (Page 25) however she was on annual leave at that time and did not see these emails until her return to work in January 2021.

In March 2021 Sgt Curtis and Mrs Smart were in email communication with a member of staff at our Digital Video Unit who indicated that examination of the CCTV hard drive may provide evidential opportunities or provide information as to when the CCTV footage had been deleted from the hard drive, such as whether this was carried out due to the way the system was set up or whether it was deleted by a user. It was therefore decided that Mr Hennessey would be asked to hand the CCTV hard drive to the police, particularly as he had previously agreed to this course of action.

21 March 2021 At 1141 hrs Mr Hennessey sent an email to Mrs Smart and Sgt Curtis stating that an officer had visited his home address at 10.30 am that morning (Sunday). The officer said that Mrs Smart had been trying to contact him all week. Mr Hennessey said that he didn't have any missed calls and had not received any emails, so he wanted to know if there was something he could help with (Page 43).

At 1614 hrs Mr Hennessey again sent an email to Mrs Smart and Sgt Curtis indicating that he had been in contact with Devon and Cornwall Police via the 101 system and he had also liaised with the officer who visited him his home that morning. He stated that he was planning on re-opening his premises for takeaway and delivery on 12 April 2020 and was aware that he needed his hard drive to be able to open. He was therefore concerned that by handing over the hard drive it would damage his business as he would not be able to open. Mr Hennessey asked where he stood legally by refusing to hand over the hard drive and if there were would be any repercussions on himself, his business, his personal licence and his premises licence. Mr Hennessey said he was not trying to be awkward or not trying to co-operate but he just needed to be able to open after months of being closed (bottom of Page 45 & Page 46).

At 1123 hrs that morning Mrs Smart received a phone call from Sgt Thomas who stated that he had spoken to Mr Hennessey concerning him handing over the CCTV hard drive, but he was refusing to hand it over as he didn't know why the police wanted to look at it. Sgt Thomas said that he had contacted the Digital Video Unit and who had explained the reason why they wanted to look at the hard drive and they stated they would examine it as a matter of urgency. Mrs Smart advised Sgt Thomas of the dates that the Licensing Team were interested in, and as a result of Mrs Smart and Sgt Thomas' discussions, Sgt Thomas said that he would discuss the matter again with Mr Hennessey and assure him that the CCTV hard drive would be returned before 12 April 2021.

At 1140 hrs Sgt Thomas sent an email to PC Randall advising him to attend Hennessey Cocktails at midday on 23 March 2021 to collect the CCTV hard drive and personally hand deliver it to the Digital Video Unit at Plympton (Page 47). Mrs Smart was copied into this email and formed the opinion that as arrangements were made to collect the hard drive, Mr Hennessey had agreed to hand it over.

However at 1412 hrs that day Mrs Smart received a further email from Mr Hennessey (Page 45) requesting a response to his email of 21 March 2021 by the end of the day as an officer was requesting to seize the hard drive the following day.

As Sgt Curtis was on annual leave, and Mrs Smart had been advised in early February 2021 that the investigation into Mr Hennessey's complaint against her had been concluded, she responded to his email. She advised Mr Hennessey

that she had received an email from Sgt Thomas which suggested that Mr Hennessey had agreed to hand over the hard drive and she was therefore confused as to why he was again asking what the repercussions would be if he refused to hand it over. Mrs Smart then pointed out his responsibilities as Premises Licence Holder and DPS to comply with his obligations under the Licensing Act and to promote the licensing objectives which includes the provision of CCTV to assist in the prevention, identification and investigation of offences (Pages 44 & 45).

At 1721 hrs Mrs Smart received a further email from Mr Hennessey in which he states he believes he has fulfilled what is required in relation to CCTV on his premises licence (Page 44).

23 March 2021

At 1132 hrs Mrs Smart received a phone call from PC Randall who advised her that Mr Hennessey had sent Sgt Thomas a text message the evening before in which he said he had decided not to hand over the CCTV hard drive. PC Randall asked for clarification as to the reasons why Mr Hennessey was being asked to hand over the hard drive and the dates of the footage the Licensing Team were interested in. Mrs Smart advised PC Randall that the footage related to the birthday party on 08/12/21 and the lock-in on 12/12/21. PC Randall stated that he would speak to Mr Hennessey and update Mrs Smart later that day.

A 1140 hrs Mrs Smart received an email from Sgt Thomas in which he quoted the text message he had received from Mr Hennessey the previous night, as follows:

"Good evening. After seeking legal advice and speaking with Devon and Cornwall Police via 101, I have decided that on this occasion I am not in a position hand over my hard drive. After several contact requests, I am still unsure as to the reasons for your request. I have had to make the assumption that it is due to something you wish to investigate from Nov-Dec time. I would appreciate clarity on this please. My premises licence states that I must keep the footage for 14 days, after which footage is re-recorded over and it has been 105 days since the day I believe Mrs Smart is after – therefore I am regretful to say the footage that is stored on the hard drive has expired, despite as previously mentioned my numerous attempts to contact yourselves within the 14 day period. If the issue is relating to something within the previous 14 days, from todays date, I would be more than willing to hand over anything that I can to help you with. Please do not hesitate to contact me to discuss further. Kind regards, Ross Hennessey".

Later that day PC Randall informed Mrs Smart that Mr Hennessey had handed over the CCTV hard drive and it had been hand delivered to the Digital Video Unit. The CCTV hard drive was subsequently examined but nothing of evidential value was found.

In addition to the above concerns, Mr Hennessey has displayed unprofessional behaviour towards public sector workers who were carrying out their duties in relation to his business and he has encouraged others to do likewise.

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

NO

If yes please state the date of that application

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

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

Please tick ✓ yes

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature D Curtis, Sergeant 6415
.....

Date 04/05/21
.....

Capacity Police Licensing Sergeant for Devon
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Sgt 6415 Dave Curtis

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) david.curtis@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: "Ross Hennessey"
Cc: "Martin, Karl"
Subject: RE: UNCLASSIFIED: RE: Hennessey Cocktail Lounge
Date: 29 October 2018 15:24:24

Hi Ross

We'll come to you as Karl might want to look at your noise limiter etc.

Karl - I've got a car booked. Pick you up at 10.30 outside the car park.

Kind regards
Julie

From: Ross Hennessey [REDACTED]
Sent: 29 October 2018 15:22
To: SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>
Subject: Re: UNCLASSIFIED: RE: Hennessey Cocktail Lounge

Hi Julie,
That's great with me, thank you both for this.
See you then, should we meet at the premises or would you like me to come to you?
Kind regards,
Ross Hennessey

Sent from my iPhone

On 29 Oct 2018, at 15:16, SMART Julie 50403
<Julie.SMART@devonandcornwall.pnn.police.uk> wrote:

Hi Ross/Karl

I'm happy to meet with you both to discuss the below matters. Is 11.00 am on
Wednesday 7 November 2018 ok with you both?

Kind regards
Julie

From: Martin, Karl [mailto:Karl.Martin@torbay.gcsx.gov.uk]
Sent: 29 October 2018 10:26
To: Ross Hennessey [REDACTED]; SMART Julie 50403
<Julie.SMART@devonandcornwall.pnn.police.uk>
Subject: UNCLASSIFIED: RE: Hennessey Cocktail Lounge

Hi Ross

Nice to meet you too and I think it's fair to say your place was the busiest by far. It won't be possible to meet this week but I can meet any time on the 7th/8th depending on Julies availability.

Just in case you could hear me on Saturday night the DJ was pushing the house PA to its limits and sorry Ross, but it sounded awful. I'm hoping he did pull it back and you noticed an improvement and also the limiter seemed to be continually suppressing the levels. The house PA was put into to provide a reasonable volume for customers whilst offering a safe guard for the flats above. Neil Carpenter of Future Technical Sounds installed the system and I would give him a call if you need to.

Ahead of our meeting have a think about what measures you might put in place to help disperse people in the summer months when your customers are less likely to disperse so quickly. Also if your premises regularly maintains the number we noted on Saturday then I think it will be almost impossible for you to comply with the '8 people outside rule'. There was more than that just trying to get in when we arrived.

Look forward to meeting with you again.

Kind regards
Karl.

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

From: Ross Hennessey [REDACTED]
Sent: 28 October 2018 12:29
To: Julie.SMART@devonandcornwall.pnn.police.uk; Martin, Karl
<Karl.Martin@torbay.gcsx.gov.uk>
Subject: Hennessey Cocktail Lounge

Dear Julie and Karl,

It was good to meet you both last night at my temporary event. The event went down incredibly well with the local community and as far as I'm aware was completely incident free. The amount of times I was thanked for bringing something like this to Brixham is overwhelming - being born local to the area I knew that there was always a gap in the market for something like this - an alternative late night venue to Jackz bar.

I know the local taxi companies were also very happy with the increase in revenue.

As I have made it clear from the beginning to you both, I would like to work with yourselves on making Hennessey Cocktail Lounge a more permanent late night venue - already I have been inundate with people asking if the same is happening next week etc. I would really like to meet up with both of you in the near future to discuss what precautionary measures would need to be undertaken to enable myself to do so - I have read through all of the objections that were given on the initial application, specifically by the owners of the New Quay Inn and the Ice cream shop owners next door, and have even spoken face to face with them. Last night security kept an eye out for any customers who exited through the lane by the new quay inn - there were 2 throughout the night, the only other people the exited to the left of the building walked along the harbour and up the steps home.

I know you can't predict what will happen in the future based on one event, but I believe that it was busy as it will ever get and can only be improved on by working together with yourselves. For now I will continue to apply for temporary events to keep this new found interest alive with the public, and to prove to yourselves and the local police and community that something like this can run safely, smoothly and be a huge positive thing for brixham as a whole.

Kind regards,
Ross Hennessey

Sent from my iPhone

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Devon & Cornwall Police

Mr Ross Hennessey
Premises Licence Holder/DPS
Hennessey Cocktails
2 King Street
BRIXHAM
TQ5 9TF

Licensing Department
Devon and Cornwall Police
Police Station
South Street
TORQUAY TQ2 5AH

Telephone: 01803 218900

31 October 2018

Dear Sir

Hennessey Cocktails, 2 King Street, Brixham, TQ5 9TF

I am writing to you in your capacities of Premises Licence Holder and Designated Premises Supervisor of the above named premises which has the benefit of Premises Licence Number PL1116, issued by Torbay Council.

During the late evening of Saturday 27 October 2018 my Police Licensing Officer, Mrs Julie Smart, attended your premises in the company of Mr Karl Martin (Public Protection Officer of Torbay Council), Sgt Lee Langley, WPC Abigail Seaman and PC Anthony Moore.

On approaching your premises they noticed a large number of persons congregated around the front door of your premises and noise from these persons could be heard some distance away. Mrs Smart is unable to say whether these individuals were waiting to gain entry or using the area for smoking. At this time Mrs Smart could not see any door stewards.

The officers then entered your premises and met with you. Mrs Smart advised you that she had not seen any door stewards at the front of your premises and you then took her to them and introduced her to two stewards. Mrs Smart noted that neither of these stewards was wearing a yellow high visibility jacket.

Contact the police

Emergency 999

Non-emergency www.devon-cornwall.police.uk/reportcrime

✉ 101@devonandcornwall.pnn.police.uk ☎ 101

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I would take this opportunity to remind you of condition 3, under the heading The Prevention of Crime and Disorder, on your Premises Licence, which states:

On every operational day when door supervision is required, SIA door supervisors will be employed in front of house duties. They will wear yellow high visibility reflective clothing for the entirety of their duty.

I would also remind you that failure to comply with the terms and conditions of a Premises Licence constitutes an offence under Section 136 of the Licensing Act 2003 and a person found guilty of such an offence is liable to an unlimited fine, up to 6 months imprisonment, or to both.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premises is run in accordance with the conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times.

A copy of this letter has been forwarded to the Torbay Council Licensing Team for their information.

Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully



Superintendent J Hawley
Head of Prevention Department
Devon & Cornwall and Dorset Police Alliance

5



Devon & Cornwall Police

Mr Ross Hennessey
Premises Licence Holder/DPS
Hennessey Cocktails
2 King Street
BRIXHAM
TQ5 9TF

Licensing Department
Devon and Cornwall Police
Police Station
South Street
TORQUAY TQ2 5AH

Telephone: 01803 218900

18 December 2018

Dear Sir

Hennessey Cocktails, 2 King Street, Brixham, TQ5 9TF

I am writing to you in your capacities of Premises Licence Holder and Designated Premises Supervisor of the above named premises which has the benefit of Premises Licence Number PL1116, issued by Torbay Council.

At approximately 2245 hours on the evening of Friday 14 December 2018 my Police Licensing Officer, Mrs Julie Smart, together with Mrs Mandy Guy (Senior Licensing Officer of Torbay Council), PC Haworth and PC Moore attended your premises and met with you.

Mrs Guy identified that there was noise outbreak from your premises whenever the front door was opened. She suggested to you that a lobby may assist and advised you to speak to Mr Karl Martin concerning this issue. Mrs Smart noted that you had a steward on duty however he was not wearing a yellow high visibility jacket as required by condition 3 under the heading The Prevention of Crime and Disorder on your Premises Licence, which states:

On every operational day when door supervision is required, SIA door supervisors will be employed in front of house duties, they will wear yellow high visibility reflective clothing for the entirety of their duty.

Contact the police

Emergency 999

Non-emergency www.devon-cornwall.police.uk/reportcrime

101@dc.police.uk 101

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By Government Standard
Stock code: 5F615

6

I would remind you that failing to comply with the terms and conditions of a Premises Licence constitutes an offence under Section 136 of the Licensing Act 2003 and a person found guilty of such an offence is liable to an unlimited fine, up to 6 months imprisonment, or to both.

I would also remind you that this is the second occasion that you have received a written warning about this matter, and this is very disappointing bearing in mind that you only took over as Premises Licence Holder and DPS on or around 6 November 2018.

As Premises Licence Holder and Designated Premises Supervisor I would remind you that it is your responsibility to ensure that your premises is run in accordance with the conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times.

A copy of this letter has been forwarded to the Torbay Council Licensing Team for their information.

Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully



Superintendent J Hawley
Head of Prevention Department
Devon & Cornwall and Dorset Police Alliance

Mr Ross Hennessey
Premises Licence Holder/DPS
Hennessey Cocktails
2 King Street
BRIXHAM
TQ5 9TF

Licensing Department
Devon and Cornwall Police
Police Station
South Street
TORQUAY TQ2 5AH

Telephone: 01803 218900

5 March 2019

Dear Sir

Hennessey Cocktails, 2 King Street, Brixham, TQ5 9TF

I am writing to you in your capacities of Premises Licence Holder and Designated Premises Supervisor of the above named premises which has the benefit of Premises Licence Number PL1116, issued by Torbay Council.

On 11 February 2019 my Police Licensing Officer, Mrs Julie Smart, received an email complaint concerning the management of your premises. Within that email the complainant indicates that they frequently experience noise disturbance from recorded music which continues within your premises at a high volume until at least 0030 hrs and usually much later. In relation to your customers, the complainant indicates that customers outside smoking or congregating cause a disturbance by shouting and screaming, and there have been fights and people being sick in the road and on doorsteps.

As a result of this complaint, at approximately 2350 hrs on the night of Saturday 17 February 2019, Mrs Smart and Mr Karl Martin (Environmental Protection Officer of Torbay Council) were on duty and stood on the pavement outside the Quayside Hotel in order that they could monitor your premises. At that time they noted that there were several people stood outside your premises, some were smoking, and the rest were milling around. The noise from these individuals could clearly be heard at Mrs Smart and Mr Martin's location. Mr Martin and Mrs Smart noted that a door steward was on

duty and wearing a yellow high visibility jacket. Mr Martin and Mrs Smart also noted that they could hear loud music escaping from your premises, and this was exacerbated whenever the front door of your premises was open, which was a frequent occurrence due to customers entering and exiting. Mrs Smart informs me that, whilst she is not a noise expert, she considered that if she lived in a property along that road and had a window open to allow air to circulate, she is certain that she would be disturbed by the noise from your premises.

Whilst stood at this location, Mrs Smart and Mr Martin also saw two males come out of your premises and go around the corner to an alley which leads to the Hole in the Wall Pub. At this location, these males paused for a few seconds, before they returned to your premises. Mrs Smart and Mr Martin were not able to see what took place between these males but they felt that these males were acting suspiciously and Mrs Smart believes that this may have been a drug deal.

Mrs Smart and Mr Martin remained outside the Quayside Hotel until approximately 0010-0015 hrs and noted that during that time the volume of music was not turned down, they could see customers dancing within the premises and they could hear them signing along to the music.

They then decided to attend your premises in order to discuss the email complaint and their findings with you.

On approaching Hennessey's Cocktail Bar, they noted that there were approximately 10 people outside, including your door steward. They then entered your premises unchallenged. Immediately upon entering a male fell down the internal steps and landed in a heap next to Mrs Smart. Mrs Smart noted that this male's eyes were very glazed and he had to be helped to his feet by other males. Mrs Smart formed the opinion that this male was drunk.

When within your premises Mrs Smart and Mr Martin stood within the premises for a few minutes watching your customers. They noticed that a large number of males had almost full bottles of beer in their hands. Two males to the left of Mrs Smart then commenced shouting and she mentioned to Mr Martin that she felt the atmosphere was volatile. She also told Mr Martin that as there was only one door steward on duty, it would be extremely difficult for him to manage customers outside the premises and, at the same time, keep an eye on the behaviour of customers within.

During this time Mr Martin and Mrs Smart saw a female barmaid hand a glass bottle of beer and a drink in a glass to a male a short distance from them. The barmaid then went to the till and returned to the male, passing him something. Although they could not see if she handed him money, they formed the opinion that a sale of alcohol had taken place.

Mrs Smart and Mr Martin then spoke to you and the three of you went into the kitchen area in order that they could advise you of their concerns. Mrs Smart informs me that within the main public area of your premises it was difficult to hold a conversation due to the level of music being played. Mr Martin spoke to a female member of staff and told her to tell the DJ to stop playing music immediately.

Mr Martin asked you why music was still being played and you told him that you are allowed to play background music after midnight. Mr Martin told you that the level of music he could hear whilst stood in King Street outside the Quayside Hotel, and whilst within your premises, was not at a volume low enough to be considered background music. He also advised you that your Premises Licence requires all recorded music to cease at midnight.

In relation to the noise from your customers whilst outside, Mr Martin told you that you need to speak to your door steward and get him to tell customers to keep the noise down and ensure that there are only 8 outside after 10.00 pm. You told Mr Martin that your customers don't like being told what they can and cannot do outside as it is a public road. Mr Martin suggested that if your customers do not comply with your requests you should ban them due to their lack of co-operation.

Mrs Smart advised you that both herself and Mr Martin believed they had witnessed a sale of alcohol after your last permitted time, ie midnight, and you responded that you had a lot of family members within the premises who do not pay for drinks so it was probably one of them who had been served. You were advised that Mr Martin and Mrs Smart saw the female barmaid go to the till, then return to a male and hand him something, believed to be money.

Mrs Smart then asked you to show her the CCTV footage from 0010 hours that day. You indicated that you did not know how to operate the CCTV system but would try to do so if you could find a mouse. You then disappeared for a short period of time but returned explaining that you could view the CCTV footage on your phone. You then showed Mrs Smart some footage but when she asked to see the time of that footage, she saw that you were showing her from 0017 hrs that morning and not the footage she had requested.

At that time discussions were taking place concerning the fact that Mrs Smart considered that two door stewards were required at your premises due to the number of people present, and that one steward would not be able to monitor both the inside and outside of your premises. You then started showing Mrs Smart footage for other nights when you said that the premises had been very quiet. You told Mrs Smart and Mr Martin that you didn't think the premises would be that busy that night and you thought that one door steward would be adequate. Mrs Smart and Mr Martin told you that you should have a system in place to request a further door steward if your premises gets busy.

Mrs Smart then asked you what the Premises Licence states in respect of glass bottles and you advised her that glass bottles should not be served after 2300 hrs. Mrs Smart asked you why a large number of your customers had almost full bottles of beer but you did not answer this question. Mrs Smart advised you that at 2300 hrs you should ensure that no more glass bottles are served and bottles within the customer area should be cleared away as soon as they are finished to prevent them being used as weapons.

Mrs Smart informs me that at one point during her and Mr Martin's discussions with you, you suggested that if they allowed your premises to stay open for an additional hour this would allow customers to leave gradually thereby alleviating some of the concerns raised. In response to this, Mrs Smart told you that there is no way that either herself or Mr Martin will agree to allow your premises to trade for an additional hour, when you cannot manage the premises in a satisfactory manner during the current permitted hours.

Mr Martin discussed various conditions on the Premises Licence in relation to the prevention of public nuisance with you. You suggested to Mr Martin and Mrs Smart that you could get your smokers to congregate outside the rear exit of your premises and you then showed them a door positioned directly opposite the Hole in the Wall Pub. Mr Martin and Mrs Smart indicated that they would not want your customers smoking outside of another licensed premises as this would cause concern to the management of the Hole in the Wall. Mr Martin and Mrs Smart then concluded their discussions with you.

Mrs Smart has advised me that during the afternoon of Monday 18 February 2019 she was contacted by a police officer from Brixham, who drew her attention to Log 0020 of 16 February 2019 in respect of your premises. This log indicates that a telephone call was received by the police at 0025 hrs on the morning of Saturday 16 February 2019 from a member of the public. This person advised the member of police staff that at the time of their call your premises were playing extremely loud music and this had been going on for the last 3 hours.

Mrs Smart subsequently spoke to this complainant at length concerning the management of your premises. The complainant told Mrs Smart that since you took over at the premises they have been disturbed by extremely loud music until the early hours of the mornings on both Friday and Saturday nights. They have also experienced noise from persons congregating outside your premises throughout the evenings until your premises eventually close in the early hours of the morning.

As a result of Mrs Smart's visit to your premises, and her discussions with the above complainant, on Monday 18 February 2019 she requested that you provide her with 3 pieces of CCTV footage. Mrs Smart advises me that to date this CCTV footage has not

been forthcoming, although you did advise her that she would receive it during the week commencing Monday 25 February 2019.

Mrs Smart informs me that since her visit on 17 February 2019, she was contacted by text message on 23 February 2019 and 2 March 2019 by the complainant she spoke to on Monday 18 February 2019, concerning loud music being played at your premises causing a nuisance.

On Thursday 21 February 2019 Mrs Smart and Mr Martin attended a property some distance away from your premises where the occupant raised various concerns in relation to anti-social behaviour and noise coming from your premises.

On Thursday 28 February 2019 Mrs Smart received an email from another individual concerning your premises, and this relates to loud music, after hours drinking, alleged underage drinking and alleged drug taking/dealing by your customers which is taking place in the vicinity of your premises.

In addition, on Monday 4 March 2019, she received a copy of a document which appears to have been circulated to residents in the vicinity of your premises referring to late night music disturbing residents and guests who are woken up at the weekends by your premises, fights on the pavement and road outside Hennessey's with one person being thrown into the harbour, alleged drug dealing and money passing both outside and inside your premises, smokers shouting in the early hours of the morning, drunken people leaving the premises and disturbing the peace, alleged underage drinking, noise from bottles being emptied into bins in the middle of the night and the alley next to the premises being used as a toilet.

In addition, Mrs Smart has also received an anonymous call from an individual who left a voicemail message for her, indicating that he would not leave his name and address as he was worried that his windows would be put in. However this male indicates that he agrees with everything outlined in the document that he has received and he has witnessed noise and anti-social behaviour linked to your premises on numerous occasions. Mrs Smart believes that this male is referring to the document outlined in the above paragraph and she thinks that this message was left on her phone on Monday 4 March 2019.

I would take this opportunity to remind you that on 31 October 2018 I wrote to you concerning noise, issues with people outside your premises and a breach of a condition contained within your Premises Licence.

I also wrote to you on 18 December 2018 in relation to noise outbreak and Mrs Guy's suggestion that a lobby may prevent this from occurring, and again in relation to a breach of a condition contained within your Premises Licence.

It is therefore extremely disappointing that we have received further complaints regarding noise from your premises and further breaches of conditions contained in your Premises Licence, in relation to glass bottles and your failure to provide the CCTV footage requested by Mrs Smart.

I would take this opportunity to remind you of condition 1, under the heading The Prevention of Crime and Disorder, on your Premises Licence, which states:

All drinks will be served in shatterproof glasses and no alcohol shall be served in glass bottles from which it is intended or likely that a person shall drink after 2300 hrs.

Condition 2 under the heading The Prevention of Crime and Disorder on your Premises Licence, states:

CCTV must be installed on the premises to include a recording monitor behind the servery. Such CCTV system must be maintained and used throughout the licensing hours. Recordings will be kept for a minimum of 14 days during which they will be available to the police at any reasonable time.

I would remind you that failure to comply with the terms and conditions of a Premises Licence constitutes an offence under Section 136 of the Licensing Act 2003 and a person found guilty of such an offence is liable to an unlimited fine, up to 6 months imprisonment, or to both.

I am not prepared to tolerate poorly managed premises, particularly those that impact on the lives of individuals who live within the vicinity of troublesome premises. I must therefore advise you that should further concerns come to my attention I will seek a Review of your Premises Licence, but I hope that this will not be necessary.

As Premises Licence Holder and Designated Premises Supervisor it is your responsibility to ensure that your premises is run in accordance with the conditions of your Premises Licence, in a manner that promotes the Licensing Objectives and within the confines of the law at all times.

A copy of this letter has been forwarded to the Torbay Council Licensing Team for their information.

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Should you require any further information, please do not hesitate to contact Julie Smart on 01803 218900.

Yours faithfully



Superintendent J Hawley
Head of Prevention Department
Devon & Cornwall and Dorset Police Alliance

From: Ross Hennessey
To: SMART Julie 50403
Subject: Hennessey Cocktail Lounge
Date: 08 March 2019 23:33:16

Dear Julie,

I am responding to the letter I received from yourself and superintendent J Hawley.

I feel that I should have the right to reply to a lot of the defamatory and frankly appalling false accusations that were noted in the letter. First and foremost, we have never had a single fight either on our premises or directly outside or within our view of the premises, you are free to question any security firm past or present to confirm this, along with all of our staff members if you require. This is something we can absolutely guarantee to yourself, we have had security from Day 1 who record the most slightest of incidences - we even wrote a full written report when a customer removed his shirt twice and was asked to leave, so this is something that definitely would be noted.

Secondly, nobody has ever been pushed into the harbour, this is absolutely the most ridiculous claim - along with reading that somebody is worried that we will 'do their windows in.' You have met me and the team and I believe you will understand that we are the least threatening people to meet and this is absolutely not something we would ever dream of.

I cannot believe somebody would write such false statements and expect you to believe it to be true. If somebody were to fall into the harbour we would contact the police and emergency services immediately, regardless of whether they were injured.

Furthermore, we have arguably the best CCTV system in Brixham - alongside a strict toilet checking policy (every 15 minutes) and can absolutely say that none of us have ever witnessed any drug deals taking place either on our premises or outside the premises. I would like to hear your advice on what to do when customers leave the premises to well out of view (by the New quay Inn), if you would like us to put cameras there then we would with the landlords permission, but I am sure the owners of the New Quay Inn would object to this. How far does our responsibility go? Inside the premises we understand, outside another persons premises I can't see how we are responsible.

Continuing on the CCTV discussion, we have not ignored your request for CCTV footage. As you have mentioned in the letter I don't know how to fully work the system and had difficulty in extracting the footage which took me a few phone calls to learn - whilst running 2 other businesses in Cornwall which you know about - caused a delay for me, I wasn't given a timeframe in which to provide the footage.

The reason I showed you other nights on my phone is because you asked if every Saturday night got as busy as the one where you attended - you knew this was the case and that I wasn't trying to hide anything from yourselves. In fact, I handed you and Karl the mouse to the CCTV system and asked if you knew how to work it - this isn't what I would consider deceitful behaviour. Rest assured, I have now obtained every single minute of footage that you have asked for on the three nights in question and will send these immediately.

We have acknowledged that there is a sound outbreak when the door is open - and have contacted the building company that built the premises who are going to give me a quote to build a porch to prevent this. As mentioned when I met both you and Karl, I have sent previous emails asking for his advice on the matter of the porch, the limiter, the speakers etc, but haven't got his new email address. Please could you provide this to me?

I have also paid [REDACTED] for a new digital limiter system - in total over £1000 this has cost me, and most likely an additional few thousand on the porch. I am sure you can understand that this shows that I am willing to work with yourself and the local residents to ensure everybody is happy.

We are aware of [REDACTED] who lives above and her complaints to you - she has our personal numbers and has visited the premises a couple of times for a chat in the daytimes. As far as we are aware, she has been happy with the noise level, and if she isn't she would ring us and we would immediately adapt (we have records and logs of our phone calls with her) - once again showing that the residents are a priority to us over the customers. I know you are in contact with [REDACTED] who sometimes DJs for us, and if you would like to talk to him about us then you are

welcome to. We spent the whole night with him telling him to keep the noise down and would be working with [redacted] to find a suitable level on the night.

We have also spoken to and been in contact with [redacted] above, and he has stressed that the noise inside isn't an issue for him in the slightest. In fact it is the noise outside which is the problem, and on the advice of yourself and [redacted], security has doubled and will remain doubled on a Saturday night. This was put into effect immediately after your visit, they both work together on controlling the outside area.

If you have received further complaints then we would like to know where they have come from, or at least would like to know what their full complaints are. We still can't comprehend complaints being sent directly to you without anybody speaking to us or the landlord. Last time I spoke to him, which was only a few weeks ago - he told me he hadn't heard a single issue since October.

We have reached out to both [redacted] and [redacted] and asked for access to their properties in order to set our limiter to a suitable level for all parties. [redacted] has failed to respond to letters and has requested that we don't have his telephone number. [redacted] on the other hand has been more than co-operative and will allow both ourselves and yourselves into her property to set our limiter. I am therefore asking both yourself and Karl to attend to the premises when the limiter is being installed, along with myself and [redacted]. This would therefore put everybody's minds at ease in regards to the noise - which I think we can all agree on is the most frequent complaint. I am not sure if he is able to, but if [redacted] could configure the machine to go off or reduce by 90% at midnight, then that would be incredible. I will ask if he is able to do so.

Furthermore, if you would like any additional footage since when you visited the premises we would be more than willing to oblige. We call last orders at 11:40, and stop serving at 11:55 to avoid any doubt. Music goes off at this time and I am sure if you spoke to the residents you would hear the change. Most of our customers have left at 00:15 and our regular customers know this and prepare to leave early.

We have had 5 visits from the police or yourself personally in the 6 months we have been at the premises. The first 2 visits you attended I asked you if there were any issues and you told me that the only issues you could find were the security wearing grey high vis jackets instead of yellow. Mandy Guy did say that there was a questionable noise outbreak, but didn't at the time tell me to turn the music down. Only that we should keep the door shut as soon as guests enter or exit the premises. Other advice we have received is to ban customers if they don't smoke where we want them to smoke on a public road. We have mentioned to residents that we would use our barriers to create a 'pen' like Karl suggested, but residents said they would hate that idea and prefer people to be spread out, because they believed that a pen would make things louder. Is there any other suggestions you are able to make in regards to outside noise?

Finally, as per our licence we have completely stopped serving bottled beers, at 10:00pm, so if you were to enter at 11pm most of these would be finished anyway so there could be no discrepancies. I.E. If somebody bought a bottle of beer at 11pm but were still drinking it at 11:30 then we wouldn't be accused of selling bottles past our permitted time.

I would like to finish this email by mentioning something that we spoke about when we first met. I believe that a lot of the complaints you have received and have been reported aren't completely genuine. The 2 complaints I believe to be genuine would be from those in the residents above.

Karl mentioned when we met that 'there are holiday homes in the area that are being rented out at £1000 a week.' In my mind, this type of statement is favouring one business over the other and doesn't show impartiality - he knows more than any one that a noise complaint has to be recorded to be true, therefore again I invite you to bring sound recording equipment to decipher agreed noise levels. Another statement which also leads me to believe there tends to be bias towards other businesses, is when Karl also said 'well maybe your licence is too late for this area.' I took this statement as a bit of a threat, considering that within a stones throw away there are handfuls of bars and restaurants with the exact same licence as me, some pubs and bars have an even later licence. I.E. The blue anchor has bank holidays, Christmas Eve/Boxing Day until 1/2am I believe, considering they are directly below one of our main sources of complaints and just metres from myself, this bar has a late licence on what would be considered very crucial times of the year for a holiday let - so I believe there has been a very unfair 'witch hunt' towards myself and my premises from surrounding businesses who never wanted the bar to be there in the first place.

The business in question is concerned mainly about noise, although it is above a very loud live music venue - therefore as previously mentioned, if you were all to attend the limiter being fitted, with a decibel reader, then

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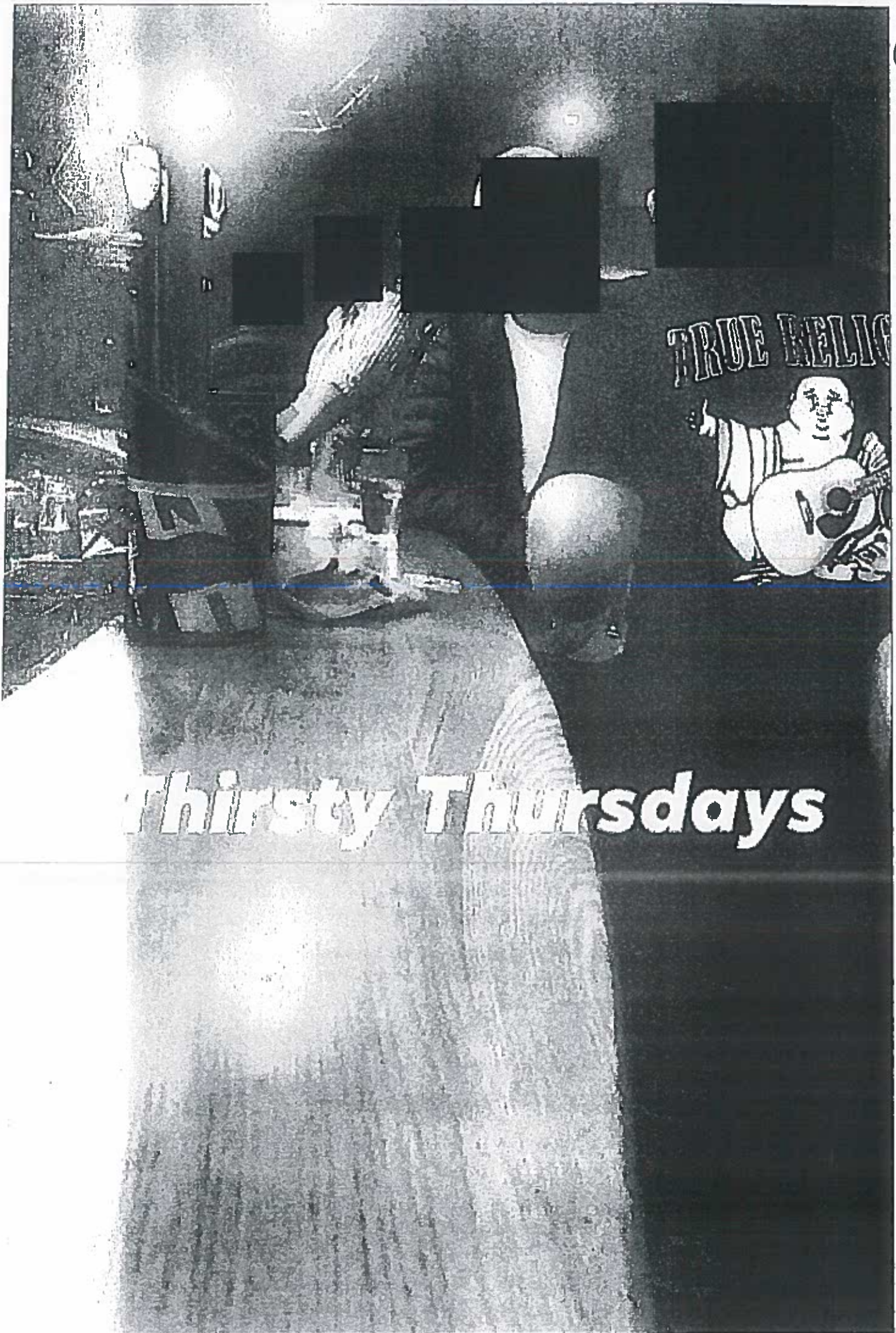
we can all be assured that for the least part the inside noise issue is sorted. The outside issue is also being sorted with the additional security. The new policies we have implemented will address any concerns about closing times, glass bottles being served etc. We have 2 security members IDing our guests, along with the bar staff operating an under 25 policy so there is no doubt in my mind that we have no customers under 18 being served alcohol. Also being arguably the most vigilant bar in town with excellent cctv and more security than most, we can safely say that drugs aren't being bought in our premises.

Lastly, if it puts your mind at ease, you have probably seen on our Facebook page that we are diversifying and as of tonight have turned into a tapas bar too. We believe this will change the whole dynamic of the place and will change the current atmosphere and will be a much more chilled drinks and snacks type of place - much similar to that of 'Twenty 1' in Torquay. Therefore, if we make more money during the weekdays and daytimes where we will be open throughout the summer, we wouldn't need to put on 'DJs' to boost our revenue to get by, as food will now be one of our main sources of income - not that we are doing anything wrong with providing a DJ.

I hope you read this email and understand things from our perspective too and that I have made it clear that the issues you have raised have been addressed immediately, and we will continue to do everything in our power to ensure the premises will be run in way that keeps everybody happy. I will be calling you next week after you have received the footage to discuss the letter, my response and the cctv footage you will have reviewed.

Kind Regards,
Ross Hennessey

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Thirsty Thursdays

Please reply to: Mrs Mandy Guy
Licensing & Public Protection, Community Safety,
Town Hall, Castle Circus, Torquay, TQ1 3DR

Julie
By email

My ref: SRU/256879
Your ref:
Telephone: 01803 208025
Fax:
E-mail:
Website: www.torbay.gov.uk
Date: 3 August 2020

Dear Ms Smart,

Re: Notice under section 36 (1) and (4) Licensing Act 2003 – Application for Variation to a Premises Licence – Hennessey Cocktails ,New Quay Lane, Brixham TQ5 8AJ

I am writing to you with respect to the committee hearing on 23 July 2020 to consider a variation to a premises licence for the **Hennessey Cocktails**.

I can confirm that the premises licence was granted subject to the following committee decision:

Decision

That the application for a Variation to a Premises Licence in respect of Hennessey Cocktails, 2 King Street, Brixham be granted as follows:

- i) The Premises Licence shall be permitted to sell alcohol from 9 am until midnight, seven days a week.
- ii) Off-sales shall be permitted from 9 am to 8 pm, seven days a week.
- iii) When off-sales are purchased from the premises, staff shall advise customers that the alcohol should not be consumed within the Public Space Protection Order area and refer them to the Public Space Protection Order map.
- iv) A map of the Public Space Protection Order area will be displayed in a prominent position close to the point of sale and the premises exits.

All other aspects of the application are be refused.

If you require this in a different format or language, please contact me.



Reasons for Decision

Having carefully considered all the written and oral Representations, Members resolved to grant the application before them in part, having been satisfied that to grant the application in full, would undermine one or more of the Licensing Objectives.

In coming to that decision, Members noted the concerns of the Responsible Authorities and Interested Parties in respect of the Licensing Objective 'The Prevention of Public Nuisance' and resolved to refuse the application in respect of the elements of the application that sought to extend licensable activities beyond the terminal hours contained within the existing Licence.

Members were of the view that the application lacked sufficient detail and consideration to Torbay Council's Licensing Statement of Principles 2016-2021; and how the Applicant would mitigate the impact of having a later licence on residents living and commercial guests staying in premises which are in close proximity to his premises.

The measures put forward by the Applicant, were in Members opinion insufficient and unworkable, given the historical complaints, the loose arrangement with a taxi operator and the use of an SIA door steward which, in Members opinion, would undermine other measures put forward by the Applicant to mitigate impact.

Members also noted the inherent weakness in the structure of the building and its ability to attenuate noise, the potential noise issues given the location of the premises and despite having been provided with advice from the Responsible Authorities, it was a concern to Members that the Applicant had not at least commissioned a noise assessment or submitted a noise management plan. Instead, informing Members that he would put in place measures should the application be granted but had not been set out in the application; and any measures that Members felt appropriate. This demonstrated to Members that the Applicant was a reactive rather than proactive licensee, concurring with the Responsible Authorities view that the Applicant presents problems with the expectation that somebody else would provide the solution.

Members were made aware of a history of noise complaints and accepted that the premises have been shut for most of 2020, in part due to Covid-19 but were further concerned that the Applicant could not demonstrate recent appropriate management of the premises, especially given the Applicant's admission that he had historically failed to promote the Licensing Objectives by not operating within the terms of his current authorisation and that in March 2019, following continued concerns in respect of noise complaints, the Applicant was notified by the Police that his premises licence could be subject to a Review.

As such, Members could not be satisfied on all the evidence before them that the Applicant could operate a later licence, without undermining one or more of the Licensing Objectives.

However, Members were minded to grant the application in respect of earlier opening times, given the absence of evidence or concerns by the Responsible Authorities to suggest that the premises opening an hour earlier would undermine the Licensing Objectives.

In respect of off-sales, Members resolved to cease the sale of off-sales at 8 pm. Noting that the premises were located within an area covered by a Public Space Protection Order and not being satisfied that if the premises were at capacity of 150 patrons after 8pm, that staff or the management had the ability to ensure that they were complying with measures put in place to uphold the requirements of the Public Space Protection Order and the Licensing Objectives.

Should issues arise as a result of granting this application, Members noted that a Review of the premises licence was available.

I enclose a sheet advising you of your appeal rights, if you are unhappy with the determination made by the Licensing Sub Committee.

The new Premises Licence takes effect from the 23 July 2020. If you experience problems after this date, then we will be happy to give advice on both the legal powers available to us, and your own rights of review. If you have any queries then please do not hesitate to contact a member of the Licensing team.

Yours sincerely



Mrs Mandy Guy
Senior Licensing Officer
Community Safety

Encl – appeals schedule

From: SMART Julie 50403
To: Ross Hennessey
Subject: RE:
Date: 14 December 2020 15:28:00
Attachments: image001.jpg

Good afternoon Ross

Thanks for your email. I appreciate that the current regulations and restrictions are very difficult for you and other licensed premises, and they're proving very difficult for the police and local authority too. Myself and Karl will be in Brixham tomorrow, are you able to meet with us at Hennessey's at about 12.30 please so we can discuss the below?

Thanks
Julie

From: Ross Hennessey [REDACTED]
Sent: 13 December 2020 23:13
To: SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>
Subject:

Dear Julie,

After meeting with you and Karl last weekend, I decided to take your comments on board and to stay closed, as I felt as if it would be very difficult to police the one household policy.

I was inundated with messages across the week from people wishing to book tables as large groups, all young girls of similar ages. But remained shut to follow the rules.

I then log into my social media that night and see every group I turned away in [REDACTED] that night. If on Wednesday we remain in tier 2 then I will have to reassess reopening, even for just xmas eve etc as again I have had lots of messages about this night but will have to put in necessary precautions.

I have also seen lots of premises post status updates like the one I have attached advertising that they aren't even checking addresses or support bubbles. Yet when you visited my premises you weren't happy with the 7 people we had inside. Can you clarify what the repercussions are for those who are allowing people inside who aren't from the same household and how you are checking please?

Many thanks,
Ross

From: SMART Julie 50403
To: HENNESSEY Ross [REDACTED]
Subject: CCTV
Date: 16 December 2020 10:56:00

Hi Ross

Unfortunately I can't access any memory sticks/USB's, and therefore I would be grateful if you could get one and download the CCTV footage of the birthday party and the lock-in on Saturday and keep hold of it until I can pick it up. Alternatively if you're in Torquay at any point you could put it in an envelope addressed to me and drop it into Torquay Police Station.

Also please can you let me have the names of the people, including children, who attended the birthday party.

Thanks

Julie Smart
Alcohol Licensing – Torbay and South Hams

Julie.smart@devonandcornwall.pnn.police.uk
07921 933974

[How to contact the police – ClickB4UCall](#)

[Includes: online crime reporting, 101 email, help from other organisations, community messaging, British Sign Language videos, third party reporting, Police Enquiry Offices](#)

In an emergency always call 999

From: Ross Hennessey
To: SMART Julie 50403
Subject: Re: HENNESSEY BIRTHDAY PARTY AND LOCK IN
Date: 21 December 2020 12:21:18

Hi Julie,

When would an officer be available to collect please?

[redacted] has quit the job and I am too busy today to go shopping and download footage and the footage expires tomorrow - I have no plans to operate in months so this won't be an issue.

Thanks,
Ross

Sent from my iPhone

> On 21 Dec 2020, at 10:15, SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk> wrote:

>

> Hi Ross

>

> I'm actually on leave now until the beginning of January but having to do a few hours today to catch up, hence sending you this email.

>

> I've discussed your email with my sergeant, and unfortunately the above clips aren't sufficient, as we want the actual downloaded footage of both the birthday party and the lock-in, to establish what took place at your premises and also to satisfy ourselves that you are able to download the footage, and that it is of an appropriate quality. I will have to send the CCTV to our processing unit but this is standard practice due to the measures in place to protect our network from viruses.

>

> My IT knowledge is quite limited so I have sought advice and been informed that if you purchase a couple of 32gb memory sticks they should be sufficient to download the relevant cameras covering the bar area. We want the footage for the area where the party took place and the rest of the bar area, but not the toilets, outside or any staff areas. I've had a look on Amazon and you can get 32gb memory sticks for as little as £7 so it shouldn't work out too expensive.

>

> As your licence requires you to keep CCTV for a minimum of 14 days, I am conscious that the footage of the birthday party may be wiped in the next couple of days so you need to ensure that you save this footage until you can download it. I recommend you also take steps to save the footage of the lock-in. If you don't know how to do this, you should contact your CCTV installer.

>

> The only other way around this is that I can arrange for an officer to come and seize your hard drive as it contains evidence of offences, but we don't want to do this as you will be without a hard drive for quite some time, possibly months, and you will not be able to operate in the meantime as you would not be able to comply with the CCTV condition on your licence, unless you purchase another hard drive.

>

> In relation to the emails you have sent to me re [redacted] I have forwarded this to [redacted] of Torbay Council as she is dealing with covid issues at [redacted], and I'm sure that Karl will pick up your concerns about [redacted]

>

> Kind regards

> Julie

>

>

>

> From: Ross Hennessey [redacted]

> Sent: 16 December 2020 19:53

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

> Subject:

>

> Hi Julie,

>

> I have attached three videos of the following. The before, during and after of the booking on Tuesday 8th December.

>

> I have attached these videos as I remember all of the hassle you have had from me downloading footage onto a USB stick and it never being in the right format for your work laptops.

>

> I have attached and zoomed in for you the following:

>

> 17:10 - I allowed [redacted] and one of her sisters to enter the premises before their mother to put up balloons and decorations.

>

> 18:20 - the alleged 'party' is in full swing - the mother arrived with children, grandad and the family present.

>

> 21:06 - everything had finished, [redacted] (50) was left with her grandchildren who were drinking soft drinks because of their age. Therefore were allowed to remain seated in the room after finishing their meals.

>

> I have gained the following information from [redacted], regarding her booking and why it was permissible under tier 2 restrictions.

>

> During the booking, they had ordered garlic flatbreads and cheesy garlic flatbreads as starters.

> Numerous pizzas and sides as mains, and they brought their own cake as dessert which I deemed as acceptable - which constitutes a three course meal and explains why they were in for the length of time they were.

>

> Please could you let me know if this footage is acceptable for yourselves - otherwise I will have to go and buy extra equipment for you.

>

> This is because you have asked for 2 nights worth of footage spanning 3.5 hours Tuesday night and the same on the Saturday - 7 hours of high quality footage will take me hours to obtain and at a substantial cost - numerous USB sticks or an external harddrive, which will cost me around £80-£100. So I would prefer it if I can give you footage like this.

>

> Kind regards,

> Ross Hennessey

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> All live at [redacted] and have formed a support bubble with

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> [redacted] and her three children [redacted] due to childcare as [redacted] is the girlfriend of [redacted] and is a single adult with children under the age of 18

25

From: Ross Hennessey
To: SMART Julie 50403; Karl Martin
Date: 23 December 2020 21:17:22
Attachments: Video.mov

Hi both,
I went over to the bar half an hour ago (1 day after you hand dropped off your memory stick) and I am having difficulty downloading the footage - I only managed 1 hour before the memory stick was full.

I have attached my evidence and video. Please could you send somebody to collect the hard drive at your nearest convenience if you still need the footage.

Kind regards,
Ross Hennessey

Sent from my iPhone

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From: CURTIS David 16415
To: SMART Julie 50403
Subject: FW: Update
Date: 12 February 2021 10:58:03

All the best Dave...

PS 6415 Dave Curtis
Licensing Sergeant Devon
Drug and Alcohol Harm Reduction Team
Devon & Cornwall Police
Ivybridge Police station
Leonards road
Ivybridge
PL21 0SL
Mob. 07710 076089
David.Curtis@devonandcornwall.pnn.police.uk

From: Ross Hennessey [REDACTED]
Sent: 05 January 2021 16:07
To: CURTIS David 16415 <David.CURTIS@devonandcornwall.pnn.police.uk>
Subject: Re: Update

[REDACTED]

Thanks,
Ross

Sent from my iPhone

On 5 Jan 2021, at 15:48, CURTIS David 16415
<David.CURTIS@devonandcornwall.pnn.police.uk> wrote:

Hi Ross,

Yes that is my understanding but I have asked Karl to clarify this as you clearly have some questions you need clarification with.

I would hope he will reply to you tomorrow with the information you need.

All the best Dave...

PS 6415 Dave Curtis
Licensing Sergeant Devon
Drug and Alcohol Harm Reduction Team
Devon & Cornwall Police
Ivybridge Police station
Leonards road
Ivybridge
PL21 0SL
Mob. 07710 076089
David.Curtis@devonandcornwall.pnn.police.uk

From: Ross Hennessey [REDACTED]
Sent: 05 January 2021 15:41
To: CURTIS David 16415 <David.CURTIS@devonandcornwall.pnn.police.uk>
Subject: Re: Update

Hi Dave,
Thanks for the clarification. However, now you're telling me that I have been fined twice for one occasion? As in, both me and my company?
Again, I haven't seen this extra fine either.
Thanks,
Ross

Sent from my iPhone

On 5 Jan 2021, at 13:23, CURTIS David 16415
<David.CURTIS@devonandcornwall.pnn.police.uk> wrote:

Hi Ross,

Sorry and to clarify it is only the one possible day and breach that we are investigating but two separate dates of CCTV.

We are waiting for the CCTV for the birthday party on 08/12/20 and then Torbay Council will make a decision as to whether to issue any fines for any breaches that might be identified.

We are also waiting for CCTV of the breach on Saturday 12/12/20 for which you and your company have been issued fines of £1000 each. We and Torbay Council want the CCTV as part of that investigation for our records.

All the best Dave...

PS 6415 Dave Curtis

Licensing Sergeant Devon
Drug and Alcohol Harm Reduction Team
Devon & Cornwall Police
Ivybridge Police station
Leonards road
Ivybridge
PL21 0SL
Mob. 07710 076089
David.Curtis@devonandcornwall.pnn.police.uk

From: Ross Hennessey [REDACTED]
Sent: 05 January 2021 13:01
To: CURTIS David 16415 <David.CURTIS@devonandcornwall.pnn.police.uk>
Subject: Re: Update

Hi Dave,
I am very confused by your last email. Since November we have opened the doors to customers on 3 separate days.
The first day we had just one couple come in for food and drink. (Friday 2nd) closed and out the door by 8pm.

Sat 3rd I had a visit from Karl and Julie - no mention of anything wrong whatsoever (we had 7 customers) and then Tuesday when we had the family come in for the mums 50th birthday.

What else have I done that is separate to the fines??

Thanks,
Ross

Sent from my iPhone

On 5 Jan 2021, at 12:51, CURTIS David 16415
<David.CURTIS@devonandcornwall.pnn.police.uk> wrote:

Hi Ross,

Thanks for the reply and confirmation the cctv requested is at least saved. Will you please use the memory stick we provided to you to copy it and send to myself at Ivybridge Police station , the address is below so it can be reviewed.

The fines you have already received were not for the times and dates the cctv we have requested covers and they are part of ongoing investigations into separate possible breaches of regulations . Please ensure the original footage is preserved on

your hard drive too.

All the best Dave...

PS 6415 Dave Curtis
Licensing Sergeant Devon
Drug and Alcohol Harm Reduction Team
Devon & Cornwall Police
Ivybridge Police station
Leonards road
Ivybridge
PL21 0SL
Mob. 07710 076089
David.Curtis@devonandcornwall.pnn.police.uk

From: Ross Hennessey [REDACTED]
Sent: 05 January 2021 12:30
To: CURTIS David 16415
<David.CURTIS@devonandcornwall.pnn.police.uk>
Subject: Re: Update

Hi Dave,

Yes I have a copy saved, neither Julie nor Karl gave a timeframe in which they wished the footage to be sent - I have put my appeal in to Torbay council and am awaiting the decision on that at present and will send the footage in due course.

Kind Regards,
Ross Hennessey

Sent from my iPhone

On 5 Jan 2021, at 11:58, CURTIS David 16415
<David.CURTIS@devonandcornwall.pnn.police.uk>
wrote:

Hi Ross,

Can you confirm you have saved and recorded the two lots of CCTV Julie requested please?

[REDACTED]
[REDACTED]

30

From: CURTIS David 16415
To: SMART Julie 50403
Subject: FW:
Date: 12 February 2021 10:59:00

All the best Dave...

PS 6415 Dave Curtis
Licensing Sergeant Devon
Drug and Alcohol Harm Reduction Team
Devon & Cornwall Police
Ivybridge Police station
Leonards road
Ivybridge
PL21 0SL
Mob. 07710 076089
David.Curtis@devonandcornwall.pnn.police.uk

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

From: Ross Hennessey [REDACTED]
Sent: 12 January 2021 11:16
To: CURTIS David 16415 <David.CURTIS@devonandcornwall.pnn.police.uk>
Subject:

Hi Dave,

Just an update my end - I will be downloading the footage from my laptop onto the usb today to send shortly. (You gave me one usb but wanted 2 nights worth of footage so I had to reuse it after downloading onto my laptop.)

However, not sure if Julie and Karl said, but I am having house works going on and one of the builders who I have been working in close proximity to has had COVID symptoms over the weekend and had his test yesterday morning and is still awaiting results. I know it probably sounds far fetched, but I'm waiting on the result of his test before I venture out to be on the safe side. If he tests positive I will forward proof or my NHS test and trace screen if I have to isolate for 2 weeks. Hopefully he'll get a negative and I can send this afternoon.

Thanks,
Ross

Sent from my iPhone

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From: CURTIS David 16415
To: SMART Julie 50403
Subject: FW: Complaint
Date: 12 February 2021 10:59:44

All the best Dave...

PS 6415 Dave Curtis
Licensing Sergeant Devon
Drug and Alcohol Harm Reduction Team
Devon & Cornwall Police
Ivybridge Police station
Leonards road
Ivybridge
PL21 0SL
Mob. 07710 076089
David.Curtis@devonandcornwall.pnn.police.uk

From: Ross Hennessey [REDACTED]
Sent: 18 January 2021 15:24
To: CURTIS David 16415 <David.CURTIS@devonandcornwall.pnn.police.uk>
Subject: Re: Complaint

Hi Dave,
I didn't have any symptoms (thank god) but I did end up breaking my foot last week tripping over the scaffolding outside my house.
I have attached photos and evidence as I am aware this story is becoming more unbelievable by the second.

The premises in question are [REDACTED] and [REDACTED]
I have a follow up email that I am about to send because I have just received a phone call which is alarming in relation to my premises.

Thanks,
Ross

Sent from my iPhone

On 18 Jan 2021, at 12:09, CURTIS David 16415
<David.CURTIS@devonandcornwall.pnn.police.uk> wrote:

Hi Ross,

How are you , did you develop any symptoms after your Covid scare from

you builder?

What is the situation with the cctv now is it posted? I am not working from the station currently so will go in to get it when I know it is there to avoid unnecessary exposure.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Redacted]

[Redacted]

Thanks in advance Dave..

PS 6415 Dave Curtis
Licensing Sergeant Devon
Drug and Alcohol Harm Reduction Team
Devon & Cornwall Police
Ivybridge Police station
Leonards road
Ivybridge
PL21 0SL
Mob. 07710 076089
David.Curtis@devonandcornwall.pnn.police.uk

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From: CURTIS David 16415
To: SMART Julie 50403
Subject: FW: Broken foot!
Date: 12 February 2021 11:00:25
Attachments: [image001.jpg](#)
[image002.jpg](#)

All the best Dave...

PS 6415 Dave Curtis
Licensing Sergeant Devon
Drug and Alcohol Harm Reduction Team
Devon & Cornwall Police
Ivybridge Police station
Leonards road
Ivybridge
PL21 OSL
Mob. 07710 076089
David.Curtis@devonandcornwall.pnn.police.uk

From: Ross Hennessey [REDACTED]
Sent: 18 January 2021 16:34
To: CURTIS David 16415 <David.CURTIS@devonandcornwall.pnn.police.uk>
Subject: Re: Broken foot!

I didn't get round to doing it beforehand no, next day I can get someone to post it is Wednesday so I will get it done then.
Did you get my last email about my licence and what my landlord has said? I'm not sure what to make of this and will probably need legal advice before I do anything further.
Thanks,
Ross

Sent from my iPhone

On 18 Jan 2021, at 16:00, CURTIS David 16415
<David.CURTIS@devonandcornwall.pnn.police.uk> wrote:

Ouch,

So has the cctv been posted before this or can you ask somebody to do it for you please?

All the best Dave...

PS 6415 Dave Curtis
Licensing Sergeant Devon
Drug and Alcohol Harm Reduction Team
Devon & Cornwall Police
Ivybridge Police station
Leonards road
Ivybridge
PL21 0SL
Mob. 07710 076089
David.Curtis@devonandcornwall.pnn.police.uk

From: Ross Hennessey <[REDACTED]>
Sent: 18 January 2021 15:35
To: CURTIS David 16415 <David.CURTIS@devonandcornwall.pnn.police.uk>
Subject: Broken foot!

<image001.jpg>
<image002.jpg>
Sent from my iPhone

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From: CURTIS David 16415
To: SMART Julie 50403
Subject: FW: Info
Date: 12 February 2021 11:00:47
Attachments: Image001.jpg

All the best Dave...

PS 6415 Dave Curtis
Licensing Sergeant Devon
Drug and Alcohol Harm Reduction Team
Devon & Cornwall Police
Ivybridge Police station
Leonards road
Ivybridge
PL21 0SL

Mob. 07710 076089

David.Curtis@devonandcornwall.pnn.police.uk

From: Ross Hennessey [REDACTED]
Sent: 22 January 2021 10:48
To: CURTIS David 16415 <David.CURTIS@devonandcornwall.pnn.police.uk>
Subject: Re: Info

Yes it's been posted, you should get it early next week.
Thanks,
Ross

Sent from my iPhone

On 21 Jan 2021, at 11:11, CURTIS David 16415
<David.CURTIS@devonandcornwall.pnn.police.uk> wrote:

Apologies,

I am busy at the moment and forgot you included that with the medical updates.

Has the cctv been posted now too?

All the best Dave...

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From: CURTIS David 16415
To: SMART Julie 50403
Subject: FW: Phone number
Date: 12 February 2021 11:01:52

All the best Dave...

PS 6415 Dave Curtis
Licensing Sergeant Devon
Drug and Alcohol Harm Reduction Team
Devon & Cornwall Police
Ivybridge Police station
Leonards road
Ivybridge
PL21 0SL

Mob. 07710 076089

David.Curtis@devonandcornwall.pnn.police.uk

From: Ross Hennessey [REDACTED]
Sent: 01 February 2021 09:22
To: CURTIS David 16415 <David.CURTIS@devonandcornwall.pnn.police.uk>
Subject: Re: Phone number

Hi Dave,

Thanks for doing that. Oh really, that's odd.

Thinking about it I think I may have forgotten to put your name on it, I just used the address underneath.

Not sure if it's gone to the wrong department, brown envelope, black usb stick.

I have a copy on my laptop so can make a new copy of you need - unless you have access to Dropbox? I could potentially upload it to that to save time.

Thanks,
Ross

Sent from my iPhone

On 1 Feb 2021, at 09:09, CURTIS David 16415

<David.CURTIS@devonandcornwall.pnn.police.uk> wrote:

Hi Ross ,

Thanks for that. I have spoken to your Mother.

I still have not received the CCTV what address did you post it to please and when?

All the best Dave...

PS 6415 Dave Curtis
Licensing Sergeant Devon
Drug and Alcohol Harm Reduction Team
Devon & Cornwall Police
Ivybridge Police station
Leonards road

Ivybridge
PL21 0SL
Mob. 07710 076089
David.Curtis@devonandcornwall.pnn.police.uk

From: Ross Hennessey <[REDACTED]>
Sent: 29 January 2021 12:54
To: CURTIS David 16415 <David.CURTIS@devonandcornwall.pnn.police.uk>
Subject: Re: Phone number

[REDACTED]

Thanks,
Ross

Sent from my iPhone

On 28 Jan 2021, at 14:35, CURTIS David 16415
<David.CURTIS@devonandcornwall.pnn.police.uk> wrote:

Hi Ross ,

Can you provide me with a phone number for [REDACTED]

All the best Dave...

From: CURTIS David 16415
To: SMART Julie 50403
Subject: cctv
Date: 15 February 2021 11:17:33

Hi Julie,

I have just sent him this [REDACTED]

[REDACTED]

Lets see what he comes back with.

Dave...

Hi Ross,

This is starting to drag on now and it has been over two months from when this was originally requested. Failing to provide cctv is a breach of your licence. You have been asked before to sort out the saving and production of your cctv.

You were advised on 21st December by Julie Smart to contact an engineer to sort out the cctv.

What you have provided is nowhere near sufficient and is approx. 1 min long. The clips don't show anything but just have some clicking sounds finishing up with a voice saying "dead".

Can you please confirm the footage we have requested is definitely saved as we asked for it to be and you stated it had been?

Can you operate the cctv and show us the saved footage on the time and date we requested if we were stood beside you in your premises?

I need the confirmation the footage we requested is saved and you can still view it please!!

If you cannot burn off the footage and provide the cctv as your licence states you should be able to do we will have to look at removing your hard drive and requesting the footage is copied by our video processing team.

All the best Dave...

PS 6415 Dave Curtis
Licensing Sergeant Devon
Drug and Alcohol Harm Reduction Team
Devon & Cornwall Police

From: CURTIS David 16415
To: SMART Julie 50403
Subject: FW: Your Apple Store Work Authorisation
Date: 16 March 2021 15:57:40

Hi Julie,

[Redacted]

All the best Dave...

PS 6415 Dave Curtis
Licensing Sergeant Devon
Drug and Alcohol Harm Reduction Team
Devon & Cornwall Police
Ivybridge Police station
Leonards road
Ivybridge
PL21 OSL
Mob. 07710 076089
David.Curtis@devonandcornwall.pnn.police.uk

From: Ross Hennessey <rosshennessey@hotmail.com>
Sent: 16 March 2021 15:23
To: CURTIS David 16415 <David.CURTIS@devonandcornwall.pnn.police.uk>
Subject: Fwd: Your Apple Store Work Authorisation

Hi Dave,

Here is my report from apple regarding my laptop. I have spoken to my home insurance company who cover the laptop and they have arranged for a brand new laptop to be sent to myself as it is cheaper than fixing the old one. Unfortunately this does mean that all footage (along with everything else from my laptop) has been lost.

I'm sorry for the inconvenience but would like to stress how on three occasions I did email Mrs Smart and Karl Martin asking them to come and confiscate the hard drive - instead they turned up two days before the footage was due to be erased with a small memory stick.

Many thanks,

HENNESSEY COCKTAILS, KING STREET, BRIXHAM

LOGS:

Log 0006 Saturday 08/02/20 at 0131 hrs

Mr Hennessey contacted police as he was concerned for the safety of a male. He said that there was a group of people outside who know the male is inside and don't want him to leave as they believe he was involved in a murder in the town. They have been calling the male a murderer and security staff have removed them but they won't leave the area. Police attended the premises at 0021 hrs but security staff were puzzled as to why officer had arrived as Mr Hennessey had taken the male home so that he would be safe but had not notified police.

Log 1050 Friday 07/08/20 at 2157 hrs

Male called police as he had just been assaulted by being smacked in the face. The male said that the offender was still inside the premises and it was a racial incident. The male seemed very angry but wouldn't tell the call taker why. The male confirmed that he did not need an ambulance. The male could not provide any description of the offender as he was struck from behind. Officers did not attend. Crime complaint CR/065172/20 refers (see separate page for further information).

Log 1172 Friday 14/08/20 at 2334hrs

Manager of premises called police as an aggressive male was at the front door trying to attack the doorman and customers. The manager stated that the male is with a female and they are very intoxicated. They had been asked to leave the premises and were kicking off outside. The CCTV Control Room monitored the incident and advised police that the doorman had to restrain the male temporarily as he was so aggressive. The female tried to stop the male but he was not paying any attention to her. The male and female then left the area. The manager did not state whether there were any injuries to the doorman or customers but she stated the aggressive male had blood on his t-shirt but she was unsure if this was from he was restrained by the doorman. Police called the manager who confirmed there were no injuries to customers but the doorman did get caught a few times but no injuries were reported.

Log 0779 Monday 19/01/20 at 2104 hrs

Manager of premises contacted police as she had concerns regarding a female who was threatening a male with a knife. It was believed that the female was experiencing mental health issues. The manager stated that the male was in the bar and was not being served any more alcohol. The manager stated that she had not seen a knife but believed the female had a kitchen knife. The manager was asked whether the male was in drink as it was recorded that he was not being served any more drink. The manager said that he had had a drink that evening and was not coping well with the situation and described him as not heavily intoxicated but has had a few. Officers attended and dealt with the incident and commented that the male was under the influence of either drugs or alcohol, he was inconsistent and giving multiple stories – saying he was not stabbed, there was no knife or threat against him. Male was to be contacted again when sober to ascertain details of incident.

CRIMES:

Only one crime recorded at the premises and this is CR/065173/20 in relation to log 1050 of 07/08/20 above.

This crime record contains the below update from PC 6717 Symes on at 1421 hrs on 19/08/20:

I have phoned [REDACTED] at the bar – she has not yet viewed the CCTV but will take a look and ring me back. She told me that the A/P is a very difficult customer - she remembers the incident on Friday evening and he told [REDACTED] that he'd forgotten the incident already. She claims he was extremely drunk and at the most may have been pushed from behind but not intentionally.

At 1537 hrs on 19/08/20 the crime record was again updated by PC Symes:

The CCTV has been viewed by the manager – it does not show an assault of any kind but shows the A/P being rude to a female called [REDACTED] about her forehead. [REDACTED] then gets upset and is taken out the back by the manager.

At 0828 hrs on 20/08/20 the crime record was again updated by PC Symes:

The manager of the bar has checked the CCTV which shows the victim but does not show any assault – she knows the victim as a regular customer and stated he was very drunk that night and was abusive at times.

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Ross Hennessey

Sent from my iPhone

From: Apple Drake Circus <donotreply@email.apple.com>
Date: 16 March 2021 at 15:07:48 GMT
To: rosshennessey@hotmail.com
Subject: Your Apple Store Work Authorisation

Thank you for visiting the Apple Store. Below is a copy of your service record.

16 Mar 2021

Apple Drake Circus
017 5263 3000

Genius Bar Work Authorisation

R487726062
Repair No: R487726062

Customer Information

Ross Hennessey

United Kingdom

Product Information

Warranty Status: Out of warranty (OW)

Model: MacBook Pro (13-Inch, 2016, 4 TB) (3)

Date of Purchase: 2 Mar 2017

Serial No: C02SR3ABGYFH

Problem Description/Diagnosis

Issue: Customer arranged to bring this Mac in for troubleshooting as it wasn't powering on.

Steps to Reproduce: An internal inspection revealed that there was evidence of liquid damage on several components including the main logic board which is likely the reason the machine doesn't power on.

Cosmetic Condition: The Mac has multiple scratches and small dents around the display clamshell and top case edges. It has scratches all around the bottom panel. There is a dent in the bottom panel. There are cleanable marks all over the machine.

Proposed Resolution: The machine would need to be sent away for a Tier 4 multi-part repair at accidental damage rate outlined below.

The total cost would not exceed the amount below with VAT included. There is a possibility depending on how many parts are needed, that the repair cost could be lower than this.

Mac OS Version: 11.0.x

Hard Drive Size: unk

Memory Size: unk

Employee 1696967486

Repair Estimate

Item Number	Description	Price	Amount Due	Customer KBB
S8829LL/A	TIER 4 ACC DAMAGE,MBP 13" TB	£ 1,049.17	£ 1,049.17	
	VAT	£ 0.00		
	Total	£ 1,049.17	£ 1,049.17	

I agree that:

- the Repair Terms and Conditions on the reverse side of this page will apply to the service of the product identified above;
- as unintentional loss of data may occur as a result of the service, it is my responsibility to make a backup copy of my data before bringing my product to Apple for service;
- Apple is not responsible for any loss or corruption of the data on my product during service; and
- Apple may use parts or products that are new or equivalent to new in reliability and performance.

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From: Ross Hennessey
To: SMART Julie 50403; CURTIS David 16415
Date: 21 March 2021 11:41:53

Hi both,

Just had an officer come to my home address (10:30am Sunday morning) saying Julie has been trying to contact me all week. You have both phone numbers for me and my email address and I don't have a missed call or any emails?

Is there something I can help with?

Thanks,
Ross

Sent from my iPhone

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From: Ross Hennessey
To: SMART Julie 50403
Subject: Re: Advice
Date: 22 March 2021 17:21:49

Hi Julie,

I asked the question yesterday, before sgt thomas called me this afternoon and not after we had spoken on the phone.

My premises licence states that I should keep the footage for 14 days, during which time it should be available.

It is now over 4 months later so I was just asking if this is necessary - considering I have fulfilled what is on my premises licence then I believe this is unnecessary.

I still don't believe my question has been answered and am no clearer on the matter.

Many thanks,
Ross Hennessey

Sent from my iPhone

On 22 Mar 2021, at 16:25, SMART Julie 50403
<Julie.SMART@devonandcornwall.pnn.police.uk> wrote:

Hi Ross

Sgt Curtis is on leave this week but I did contact him this morning to advise him of the content of your email.

Since my contact with Sgt Curtis, I have spoken to Sgt Thomas. He told me that he discussed the issue of your CCTV with someone at our Digital Video Unit this morning, and they want to examine your hard drive, but will ensure you have it back before 12 April 2021 to enable you to open. Sgt Thomas has sent me an email indicating that you have agreed to hand over the CCTV hard drive tomorrow at 12, and arrangements are in place to take it to the Digital Video Unit at Plympton tomorrow afternoon. I am therefore confused as to why you are now asking what the repercussions would be if you refuse to hand it over?

As a Premises Licence Holder and DPS it your responsibility to comply with your obligations under the Licensing Act to promote the licensing objectives, which includes the provision of CCTV to assist in the prevention, identification and investigation of offences. As all licensing matters are dealt with based on their individual merits there is no policy on how we deal with specific issues, such as failure to produce CCTV, as there may be other factors that also need to be considered. However there are a range of options available to the police and the Licensing Authority (Torbay Council) such as a written warning, prosecution for any

offences committed under the Licensing Act 2003 or other legislation, or a Review of a Premises Licence. Unfortunately at this time I cannot advise you what course of action the police or licensing authority may take as a result of you refusing to hand over your hard drive.

Kind regards
Julie

From: Ross Hennessey <rosshennessey@hotmail.com>
Sent: 22 March 2021 14:12
To: SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>
Cc: REECE Carol 98009 <Carol.REECE@devonandcornwall.pnn.police.uk>; CURTIS David 16415 <David.CURTIS@devonandcornwall.pnn.police.uk>; BROOKSHAW Brendan 98386 <Brendon.BROOKSHAW@devonandcornwall.pnn.police.uk>
Subject: Advice

Need an answer on this by the end of today please as I have an officer requesting to seize my hard drive tomorrow morning. He stated on the phone this morning that he has spoken to Julie today about the matter so can only assume that you have read yesterday's email.

Thanks,
Ross

From: Ross Hennessey <[REDACTED]>
Sent: 21 March 2021 16:14
To: SMART Julie 50403 <Julie.SMART@devonandcornwall.pnn.police.uk>; CURTIS David 16415 <David.CURTIS@devonandcornwall.pnn.police.uk>
Subject:

Hi both again,

I have contacted Devon and Cornwall police direct through 101 (I believe it will show on my file) and have also liaised with the officer who visited my home address this morning too.

I have plans to re-open on April 12th for takeaway and delivery (until 8pm) on certain days and am aware I need my hard drive to be able to open. Therefore I am concerned that by handing it over it will damage my business and enable me not to be able to open. Julie even stated in her emails in December that it may not be returned in time to open, so this doesn't give much time.

Could you tell me legally where I stand by refusing to hand over my hard drive and if there are any repercussions to that decision on myself, my business, my personal licence and my premises licence.

I have read through the fine print of my premises licence and it states:

CCTV must be installed on the premises to include a recording monitor behind the server. Such CCTV system must be maintained and used throughout the licensing hours. Recordings will be kept for a minimum of 14 days during which time they will be available to the Police at any reasonable time.

The footage is now over 4 months past the date in which you are requesting so it is past the 14 days in which it should be (and was) available at any reasonable time. I will refer you to email correspondence with Mrs Smart where I explicitly said that an officer should come and take the hard drive as I had no plans to re open in the near future at the time in question. I believe I also stated the same via text and to Karl Martin too - there were numerous attempts by myself for an officer to collect the footage (attached) but no attempt or even acknowledgment was made to this correspondence.

The operator on the phone and his supervisor that I spoke to today have told me that it would be near enough impossible for you to obtain a warrant as there is already a very slim chance that there is footage on the hard drive 4 months past the date you are investigating - and this is on record on my file that I have asked the question.

I am not trying to be awkward or not trying to cooperate, I just need my business to be able to open after months of being closed and this could potentially stop that from happening. Just to reiterate - I am asking what repercussions are there to my refusal both to me personally and my business by declining to hand over the hard drive needed for my business and how this could affect my premises licence in any way.

Many thanks,

Ross Hennessey

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SMART Julie 50403

From: THOMAS Ed 15515
Sent: 23 March 2021 11:29
To: RANDALL Peter 17113; SMART Julie 50403
Subject: Re: Ross Hennessey

Ross sent me this text last night;

Good evening,

After seeking legal advice and speaking with Devon and Cornwall Police via 101, I have decided that on this occasion I am not in a position hand over my hard drive.

After several contact requests, I am still unsure as to the reasons for your request. I have had to make the assumption that it is due to something you wish to Investigate from Nov- Dec time. I would appreciate clarity on this please.

My premises licence states that I must keep the footage for 14 days, after which footage is re-recorded over and it has been 105 days since the date I believe Mrs smart is after - therefore I am regretful to say the footage that is stored on the hard drive has expired, despite as previously mentioned, my numerous attempts to contacts yourselves within the 14 day period.

If the issue is relating to something within the previous 14 days, from today's date, I would be more than willing to hand over anything that I can help you with.

Please do not hesitate to contact me to discuss further.

Kind regards,
Ross Hennessey

Pete, can you liase with Julie ~~XXXXXXXXXX~~ and then get back to Ross

Many thanks

Eddy T
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