

~~XXXXXXXXXX~~

From: ~~XXXXXXXXXX~~
Sent: ~~XXXXXXXXXX~~
To: ~~XXXXXXXXXX~~
Subject: ~~XXXXXXXXXX~~

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~~XXXXXXXXXX~~

From: ~~XXXXXXXXXX~~
Sent: 18 May 2021 16:31
To: Licensing <Licensing@torbay.gov.uk>
Subject: Hennessy Cocktails Brixham licence review

Hennessey Cocktails
The Strand
TQ5 9TF

I would like to make some comments regarding the review of the licence for the above premises.

1: I live ~~XXXXXXXXXX~~ close to this establishment, our house backs on to ~~XXXXXXXXXX~~. On many occasions we have been able to hear unacceptable levels of noise coming from Hennessey Cocktails, usually very late at night.

2: Hennessey Cocktails does not appear to adhere to the licensing laws, particularly regarding the age of the people frequenting the establishment. If we go out at night we usually avoid walking past this establishment as there is often a large group of people outside.

3: No attempt was made to adhere to social distancing when they were last open.

4: They are frequently open beyond their permitted hours.

5: Many of their customers use Newquay Lane, ~~XXXXXXXXXX~~, as a lavatory.

It is not very pleasant having to live close to an establishment like this, particularly as this is a residential area. Many of the other licensed premises in the area manage to operate without annoying their neighbours.

~~XXXXXXXXXX~~
~~XXXXXXXXXX~~
~~XXXXXXXXXX~~
~~XXXXXXXXXX~~
~~XXXXXXXXXX~~
~~XXXXXXXXXX~~

~~From: [redacted]~~
~~Sent: [redacted]~~
~~To: [redacted]~~
~~Subject: [redacted]~~

~~Follow Up Flag: [redacted]~~
~~Flag Status: [redacted]~~

~~[redacted]~~
~~[redacted]~~

~~[redacted]~~
~~[redacted]~~

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

~~From: [redacted]~~
Sent: 25 May 2021 15:35
To: Licensing <Licensing@torbay.gov.uk>
Subject: Application 059320

Review of Licence/Certificate for Premises Licence

Hennessey Cocktail Ltd

~~I report a number of concerns~~
~~and have been caused numerous problems~~

and have listed below my concerns about whole application.

Permitted activities:

Any playing of recorded music: this is above the noise limit, and also goes on much later than the 'supposed' closing time. (I have been advised by the Landlord the lease is for 11.00pm closing, with last orders 10.30). Since opening on 17 May, Hennesseys are still serving and people are outside after midnight. Music still playing at 1130-1150.

Provision of late night refreshment: cans, cigarette butts, dirty glasses etc left outside premises and around my entrance to my premises.

PREMISES OPEN HOURS REQUEST

F. Already playing loud music after midnight.

L. Really concerned about where people will consume this (if indoors means they would still be in premises until at least 1.00am)

M. Monday to Sunday 0900-0300 for off sales.

Really concerned as I'm an older lady living on my own and have had problems before with drunks, people using my entrance as toilet and leaving rubbish etc.

I did write about my concerns when they first applied and I was in fact dealing with the Police.

My name is:

~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~

~~XXXXXXXXXXXX~~

~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~

Sent from my iPhone

~~XXXXXXXXXXXX~~

TORBAY COUNCIL

27 MAY 2021

COMMUNITY SAFETY

Licensing & Public Protection

Torbay Council

Town Hall

Castle Circus

Torquay TQ1 3DR

25-05-2021

Dear Sir or Madam.

Re: Open Application 059320 -
Review of licence/Certificate for
Premises licence
Hennessey's Cocktails Limited

Permitted Activities

- any playing of recorded music -
provision of late night refreshment.
the sale by retail of alcohol.

All of the above are against
the premises down, as lease

only open to 11.00 pm - last orders 10.30 (I have checked this with landlord).

Since 17 May music still being played until at least midnight. Also very loud, drunken people collecting vomit, leaving cigarette stubs, cans, bottles & mess outside & also by my entrance. -

Premises Open Hours Requested.

	From	Time to
Monday - Sunday	0900	00.30

Outside my flat the noise is bad enough, but to make it any later / is going to be an even worse nightmare than at present, as it's already like it at 0030 - 0100.

Activities - Times Requested.

2. Playing recorded music (indoors)
Monday to Sunday 0900 - 0000

Really loud, vibrating throughout
my flat. -

3. - late night refreshments (Indoors &
Monday to Sunday outdoors)

* This will encourage much more
drunken, noisy people
also there is nowhere for
people to eat & dispose of
rubbish other than by my
entrance & New Quay Lane
or "the harbour".

4. Sale of retail alcohol for
consumption ON & OFF premises
* 0900 0000 - on Prem
MON - SUND. 0900 - 03-00 off Sales



* same as M. P.T.O. → 4

Regards

~~[Handwritten signature]~~

~~[Handwritten scribbles]~~

~~[Handwritten scribbles]~~



Torbay Council
Licensing & Public Protection

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

Licensing Act 2003 - Premises Licence Register as at 15:04 on 14 May 2021

Hennessey Cocktails

2 King Street, Brixham, TQ5 9TF

Open application 059320 which is a Review of Licence/Certificate for Premises Licence

Applicant(s)

Full Name: Hennessey Cocktails Ltd

Designated Premises Supervisor

Full Name: Mr Ross Hennessey

Permitted Activities

- any playing of recorded music
- provision of late night refreshment
- the sale by retail of alcohol

Premises Open Hours Requested

	Time From	Time To	
Monday to Sunday	09:00	00:30	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day

Activities - Times Requested

	Time From	Time To	
F. Playing of recorded music (Indoors)			
Monday to Sunday	09:00	00:00	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day
L. Late night refreshment (Indoors & Outdoors)			
Monday to Sunday	23:00	00:00	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day
M. The sale by retail of alcohol for consumption ON and OFF the premises			
Monday to Sunday	09:00	00:00	For consumption ON the premises only
Monday to Sunday	09:00	03:00	For off-sales
New Year's Eve			On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day

Additional Conditions

ANNEXE 1

MANDATORY CONDITION: WHERE LICENCE AUTHORISES SUPPLY OF ALCOHOL

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

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

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

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 6) The responsible person must ensure that:-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

- 1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2) For the purposes of the condition set out in paragraph 1
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$

Where:-

 - (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence:-
 - (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

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

None

The prevention of crime and disorder

1. 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 23:00hrs.
2. 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 time they will be available to the Police at any reasonable time.
3. 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.
4. On any Friday and Saturday night that the premises remains open for the sale of alcohol and then closes after 00:30hrs, SIA door supervisors shall be employed on the premises from 22:00hrs until close at a ratio of 1 supervisor per 100 customers (this condition shall also apply on Christmas Eve and New Year's Eve when they do not fall on a Friday or Saturday). On all other occasions the Premises Licence holder shall risk assess the requirements for door supervisors and employ such door supervisors, if at all, in such numbers and at such times determined by that risk assessment.

14. All regulated entertainment shall be played through a noise limiter which is set at a level as agreed with the local responsible authority for public nuisance. The noise limiter shall be made tamper proof and any adjustments to sound levels shall only be made in consultation with the responsible authority for public nuisance.
15. The level of amplified music shall be reduced automatically by 1/3 of the agreed level set by the noise limiter at 0300 hours until closing.
16. Where any proposed structural changes are made to the premises, agreement must be reached with the Environmental Health Department that these works will not increase noise breakout before the works are commenced.
17. SIA door stewards positioned at the exits shall take all reasonable steps to ensure that patrons leave the premises in a quiet respectful manner and do not congregate outside the premises.
18. The licensee shall ensure that staff leaving the premises after a late night shift will conduct themselves in a manner as not to disturb nearby residents.

The protection of children from harm

1. The premises shall adopt a Challenge 25 policy whereby any person who looks under the age of 25 shall be required to produce an approved form of photographic identification as outlined within the Torbay Council Licensing Statement of Principles.
2. No under 18s will be permitted on the premises after 22:00hrs.
3. All staff shall be trained regarding the Challenge 25 policy, including acceptable forms of ID.

ANNEXE 3

CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

The prevention of public nuisance

1. Recorded music shall be permitted inside the premises only.
2. Recorded music shall be permitted from 9.00am to midnight 7 days a week.
3. The supply of alcohol shall be permitted from 10.00am to midnight 7 days a week.
4. Late night refreshment shall be permitted from 11.00pm to midnight 7 days a week.
5. The premises shall be open to the public from 9.00am to 12.30am 7 days a week.
6. After 10.00pm the designated smoking area shall permit no more than 8 patrons at any one time.
7. After 10.00pm the designated smoking area shall be monitored at all times by either an SIA door steward or a member of staff to ensure that patrons using the area do not cause a nuisance to nearby residents.
8. A noise limiter shall be installed and used at the premises, with set levels agreed by Torbay Council's Public Protection Officer.
9. 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.
10. 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.

ANNEXE 4

PLANS

Copy attached to Licence.

1

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[Terms and Conditions](#)

~~XX~~

From: ~~XX~~
Sent: 25 May 2021 16:18
To: Licensing
Subject: Hennessy Brixham Review

To Whom it May Concern,

We live at ~~XX~~.

We have never experienced any noise issues late at night, nor antisocial behaviour from the premises in the few years we have lived at the address.

We are a young couple who frequently visit the cocktail bar and are grateful that such a place exists in Brixham which caters to a younger audience.

We spend most weekends in here and have never witnessed any issues, we have always had our IDs checked by the door staff and bar staff and believe it is a very well run establishment.

We have read on the poster that 'non compliance with the permitted hours for licensable activities' has been highlighted.

As a regular customer here I can vouch that last orders has always been 11:45 and we are all out of the building swiftly from the 2 doormen after we finish drinking our last drink.

We have never been served later than this or allowed to enter the premises later than this.

The bar staff have been strict with Covid guidelines since reopening and you can see that the large team working there really go above and beyond to ensure everybody has a great time. I feel safest in this venue than I do in all of the other bars in Brixham.

~~XXXXXXXXXXXXXXXXXXXX~~

~~XX~~

~~XXXXXXXXXX~~

From: ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
Sent: 26 May 2021 13:14
To: Licensing
Subject: Hennessey Cocktail Lounge Brixham

Dear sir/madam,

I am writing in response to the licensing review for Hennessey cocktail lounge in Brixham.

I live at ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~. I have never been adversely affected by this bar in terms of noise or nuisance. The bar is situated in and amongst a large range of different bars, restaurants and pubs and I cannot say that this premises is any different to anyone else in the area in terms of noise outbreaks. I am able to look out of my lounge window have have a view of Hennessey as I often do sit at look out over the harbour of an evening ! I have never seen crowds of people gathered outside acting in such a manner.

I have visited the premises on a few occasions and have always been asked to leave quickly and quietly at closing time, which I believe is midnight like every other bar in the harbour.

You're faithfully,
~~XXXXXXXXXX~~

~~XXXXXXXXXXXX~~

From: Licensing
Sent: 01 June 2021 09:32
To: ~~XXXXXXXXXXXX~~
Subject: FW: Hennessey Cocktails - Review of Premises Licence

Morning ~~XXXXXX~~

Please see below regarding the review of Hennessey Cocktails.

Thanks
~~XXXXXX~~

From: ~~XXXXXXXXXXXX~~
Sent: 29 May 2021 12:51
To: Licensing <Licensing@torbay.gov.uk>
Subject: Hennessey Cocktails - Review of Premises Licence

~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~

The Principal Officer,
Licensing & Public Protection,
Torbay Council,
Town Hall,
Castle Circus,
Torquay TQ1 3DR

Re: **Hennessey Cocktails**, 2 King Street, Brixham TQ5 9TF.
Response to 'Review of Premises Licence' as displayed outside Hennessey Cocktails.

Dear Sir/Madam,

~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
I write with particular regards to:

Item 1 – Complaints as to Noise - ~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
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~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
I have received numerous complaints and pleas for help with regard to unacceptable noise levels not only within hours permitted by the premises licence but also into the night time/early morning and this has been happening over a lengthy period.

Item 2 –The activity and the unacceptable noise continues long after the permitted hours despite many warnings which have gone unheeded.

Items 3, 4 and 5 – The disregard shown in respect of these is a cause for great concern.

This disregard for the occupiers of neighbouring properties is damaging the lifestyle of this area of Brixham which is "residential" as well as "commercial" and causes great concern generally throughout the area.

I request the Licensing Authority take full action to protect such area in view of the continuing abuse of the law in this regard.

Please confirm receipt of this letter.

Thankyou.

Kind regards,

~~XXXXXXXXXXXXXXXXXXXX~~

(also sent recorded delivery)

~~CONFIDENTIAL~~

From: ~~Richard Harrison~~
Sent: 07 June 2021 10:27
To: ~~Richard Harrison~~
Subject: FW: Henessy's - review of License

From: ~~Richard Harrison~~
Sent: 30 May 2021 16:24
To: Martin, Karl <Karl.Martin@torbay.gov.uk>
Subject: Henessy's - review of License

Hi Karl

I've tried to find the form to support the review of this License but to no avail. Just wanted to say we fully support the council in carrying out this review for the following reasons and would be grateful if you could pass this on to the respected department.

Reasons to support the review:-

1. Anti-social behaviour of customers which results in too much swearing, screaming and fights outside these premises. This noise reverberates around the harbour bowl and becomes amplified.
2. Toilets - there is insufficient toilets in these premises which results in local alley way becoming a urinal.
3. Health and Safety - we have seen occasions when groups of youngsters think its fun to stop the cars from entering and departing the car park. There is going to be a serious incident in the making here and this will be multiplied many times if seating is allowed outside as there is simply insufficient room for youngsters to queue up to get in mingling with the smokers and people drinking outside - let alone up to 58 cars trying to gain entry/exit from the car park.
4. Lack of Management - there is apparently a lack of management on the door as we have seen many incidents of apparent underage drinking plus no interest in managing the area around these premises which are obviously caused by the age group they are looking to attract.

We are also fully aware of the other reasons mentioned on the notification and we certainly no longer feel safe walking around that area late at night. Brixham is not suitable as a young persons venue.

Take care

~~Richard Harrison~~
~~Richard Harrison~~
~~Richard Harrison~~
~~Richard Harrison~~
~~Richard Harrison~~
~~Richard Harrison~~
~~Richard Harrison~~
~~Richard Harrison~~
~~Richard Harrison~~
~~Richard Harrison~~

