



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**

Contact Details:

Tel: 01803 208025

Web: www.torbay.gov.uk

Email: licensing@torbay.gov.uk

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Julie SMART, Police Licensing Officer for the Torbay area

(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

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

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

Part 2 - Applicant details

I am Please tick ✓ yes

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

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

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

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

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

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

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

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

All of the above matters have a negative impact on the Prevention of Crime and Disorder.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No

If yes please state the date of that application

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

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


Please tick ✓ yes

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature 
.....

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

Capacity Police Licensing Officer
.....

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

Notes for Guidance

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