# Memorandum

To: Licensing and Public Protection Team From : Mr Karl Martin

c.c Contact :

c.c. Ext : 01803 208025

c.c My Ref : 1ZV SRU/KJM/ReviewJackz

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For the attention of: Your Ref

Sarah Clarke

Date : 31<sup>st</sup> August 2021

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

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

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

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

# Appendix 1

## Google map view of Jackz



## Google street view

