

**From:** SMART Julie 50403 <[Julie.SMART@devonandcornwall.pnn.police.uk](mailto:Julie.SMART@devonandcornwall.pnn.police.uk)>

**Sent:** 30 September 2021 16:59

**To:** Licensing <[Licensing@torbay.gov.uk](mailto:Licensing@torbay.gov.uk)>; Clarke, Sarah <[Sarah.Clarke@torbay.gov.uk](mailto:Sarah.Clarke@torbay.gov.uk)>

**Subject:** JACKZ BAR ADDITIONAL REPRESENTATION

Good afternoon

Please accept this email as an additional representation in respect of the Review hearing for Jackz Bar, Brixham.

Since submitting the Review application on 4 August 2021, the following matters have come to police attention:

On 5 August 2021, after requesting Ms Harley to provide the CCTV of the incidents that occurred on 25 July and 30 July 2021, I received an email from Mr Hennessey, in which he included links to the CCTV footage in Dropbox and a summary of both incidents, indicating that incident and witness reports would be forwarded in due course. I responded to Mr Hennessey that I do not have access to Dropbox and requested that he provided the downloaded footage. I also explained that in relation to CCTV I require all the footage in relation to the incident on 11 July 21 and not just the part that occurred outside the front doors of the premises. A copy of this email is attached.

Shortly after this email correspondence I received 2 x USB sticks containing footage which was subsequently sent to our Digital Video Unit (DVU) to enable it to be played on police computers. On receipt of the footage back from DVU myself and Sgt Curtis viewed this footage.

In respect of the CCTV footage, I noted the following:

Footage from within the premises on 11/07/21 showed that none of the door stewards were wearing face masks within the premises and bar staff were seen to regularly move their masks from their nose and mouth to their neck area, where they remained for most of the footage, despite face masks still being required in licensed premises. Various customers were also seen walking around not wearing masks. On this night Mr Hennessey and Ms Harley had stated that a male wearing a yellow high visibility jacket had been employed in the role of a Covid Marshal to enforce the requirements, but no evidence of him enforcing the requirements is seen on CCTV. This footage also shows two males enter the premises after 1.00 am in breach of a condition contained on the premises licence that there shall be no entry or re-entry after 1.00 am. The footage provided briefly pixelates.

In respect of the incident on 25/07/21 where females were reported fighting outside the premises, footage from one camera showed a number of persons loitering outside the premises but no door

steward is visible. The footage again briefly pixelates and this footage is from the same camera as the footage of 11/07/21. Further footage of this incident was provided from a different camera consisting of 2 very short pieces of footage instead of one continuous piece of footage.

In respect of the incident on 30/07/21 involving a male causing problems in the premises, the CCTV shows a glass  $\frac{3}{4}$  full of what appears to be alcohol on a table at 0309 hrs, when the premises should have been closed. Mr Hennessey states in an email to myself that all persons present were bar staff, door staff and the partners of some female bar staff. In relation to this incident, I was again provided with 2 short pieces of CCTV from the same camera and not one continuous piece of footage.

At 0104 hrs on the morning of Tuesday 14 September 2021 police received a 999 call from a female who stated a male was outside the premises causing problems, throwing things at the window. The female stated that the door stewards had locked the front door and a window had been broken. In respect of this incident a crime of criminal damage has been recorded and is being progressed.

At 0020 hrs on morning of Sunday 19 September 2021 police received a 999 call from Mr Hennessey who stated that 4 customers had attacked him, he had driven off but they tried to get in his car. The 4 individuals were still outside Jackz Bar and he was concerned for the safety of his staff. The bar steward had locked the front door but the customers were trying to get back inside. Officers attended and established that an argument had occurred in the bar, resulting in a scuffle in the stairwell and a fight at the bottom of the stairs. A female door steward had been assaulted and officers were considering whether other offences had occurred.

On 19 September 2021 I received an email from Sergeant Ed Thomas, the Neighbourhood Sergeant for Brixham. He states that he attended a fight at Jackz Bar at about 0110 hours that morning. Sgt Thomas provided details of the door stewards on duty that night and raised concerns that a 19 year old male steward was clearly out of his depth and indicated he would not be working at the premises again. Sgt Thomas stated that he had received an unfounded allegation that the premises were being used for drug taking or supply. Sgt Thomas concluded his email stating "Personally, management of the premises appeared chaotic".

On 20 September 2021 I sent a letter to Ms Harley in relation to the breach of the no entry condition contained on the premises licence on the morning of 11 July 2021. A copy of that letter is attached.

Later that day Ms Harley responded to my email advising me that on the night in question the door stewards had been pre-occupied dealing with the incident. She apologised that these customers had slipped through the net and assured me that all staff and stewards are aware of the 1.00 am condition. She further stated that at 1.00 am the front doors of the premises are closed and locked to avoid anybody entering and this practice will be continued.

As I was aware of a condition on the premises licence that states "There must be 4 exits available in case of emergency, 3 of which are on ground level", and I was concerned that the locking of the

front doors may impact on evacuation of the premises should there be a fire, I replied to Ms Harley asking for clarification as to where the fire exits were located in the premises. After several emails I established where all the exits were located and forwarded the email chain to the Help Desk of Devon & Somerset Fire & Rescue Service for their information and advice.

On 21 September 2021 I received an email from Mr Roger Williams, Fire Safety Officer, Devon & Somerset Fire & Rescue Service, who indicated that a final exit must be one that is easily openable without the use of a removal key and that the use of a doorman to facilitate the unlocking of a final exit is unacceptable. He further stated that if renovations are being undertaken he would expect to see an updated and suitably action Premises Fire Risk Assessment reflecting this and that the occupancy of the premises should be documented in the Fire Risk Assessment. Within his email in he states "The establishment of an acceptable occupancy capacity for licensed premises (or events) is considered to be an essential factor in achieving the licensing objective 'Public Safety'".

At 4 pm on Thursday 23 September 2021 myself and Sgt Curtis met with Mr Hennessey and Ms Harley at Jackz Bar. Ms Harley's daughter was also present. Sgt Curtis advised them that we would be discussing the management of the premises with Ms Harley as she is the Premises Licence Holder and DPS, but Mr Hennessey was welcome to be present.

Discussions took place concerning the availability of Ms Harley to meet with us and we advised her that whilst we will try to accommodate her it is not always practical to meet at 4.00 pm or on a Monday, which is our busiest day. Ms Harley indicated that if we wished to meet to discuss important matters she will be able to swap her day off to enable this to take place.

We had a look around Jackz Bar, noting the fire exits, and also had a look at the premises below, which is called the Lounge Bar and not subject of this Review application. The Lounge Bar is currently being refurbished and Mr Hennessey advised us of his plans for this area.

I asked what the capacity of Jackz Bar is, and Mr Hennessey said that it is 150 based on the previous owners Fire Risk Assessment. He confirmed that a Fire Risk Assessment had not been completed since he took on the premises.

I advised them of my concerns in relation to the locking of the front doors at 1.00 am, that I had been in contact with the Fire Service and informed them of the advice I had received from the Fire Service. I also pointed out the condition on the premises licence that there must be 4 emergency exits and advised them that as they were not complying with this requirement, it would be advisable to remove the condition from the licence. Myself and Sgt Curtis advised them to complete an up to date Fire Risk Assessment.

We looked at the CCTV system, with Mr Hennessey showing us footage of the incident on 19/09/2021. I noted that there are 2 cameras covering the stairs and the lobby at the bottom, and I asked Ms Harley and Mr Hennessey why I had not been provided with footage from those cameras. Ms Harley stated that she did not know as Mr Hennessey had been responsible for providing the CCTV. Mr Hennessey indicated that he thought he had provided it on the USB but I informed him that he had not. I advised them both that the footage from the camera covering the front door that I had been provided pixelates and I questioned why the footage of 25 July and 30 July 2021 had been provided in two short pieces instead of one continuous piece. Mr Hennessey did not know why this had occurred but he too was aware of this. They were advised to have the pixelating camera looked at and establish if there was a fault with the system preventing continuous footage to be provided. They were also advised that when footage is requested the police require footage from every camera that covers an incident.

We discussed the incident on 19 September 2021 and Mr Hennessey stated that there were 2 door stewards on duty on the first floor and he was manning the front doors. Just prior to this incident he was called to attend Hennessey Cocktails and the front doors were unmanned. A group of persons entered the premises, including one who was banned, and they were told to leave by a steward. A scuffle took place on the stairs and in the lobby, which resulted in a female steward having a clump of hair pulled out. The stewards got the group outside, at which point he arrived back at Jackz Bar and saw the incident taking place. The group approached his vehicle and tried to get in or pull him out, which is when he contacted the police. Mr Hennessey stated that he had concerns in relation to the male door steward and he had contracted the services of a door steward company to supply 1 or 2 stewards, and he would employ an additional steward in-house.

We discussed the lack of a steward on the front door, who would have been able to prevent the banned person from entering. Mr Hennessey stated that on some occasions when they only have one steward, there is no steward on the front door but they sit at a table at the top of the stairs where they can view the premises and also see everyone entering. I advised Mr Hennessey that this is unacceptable as once a person has reached the top of the stairs they are already in the premises which makes it difficult to eject them, if required, and it is advisable to ensure a steward is positioned at the front door. Mr Hennessey said that on this occasion it was unfortunate that he had to leave the premises for a short period of time during which this group gained access.

We discussed the banning of individuals and Ms Harley stated that she had worked at the premises for many years and was aware that the previous owner had a long list of banned individuals. However since taking over the premises, these individuals had been allowed entry as Mr Hennessey wanted to give them a second chance and some of them are now again banned. This matter raises concerns of the influence Mr Hennessey has over the PLH/DPS and upon over the day to day running of the establishment.

In order to assist the Licensing Committee please find attached a document showing the logs and crimes recorded in respect of the premises, and a list of suggested conditions that the committee

may wish to consider. These conditions have been forwarded to Ms Harley, the Premises Licence Holder and DPS, for her information and consideration.

Kind regards

## Julie Smart

Alcohol Licensing Officer - Torbay

Tel: 07921 933974

## Prevention Department

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

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