

**From:** [SMART Julie 50403](#)  
**To:** [TRUST Stephanie](#) [REDACTED]  
**Subject:** JACKZ BAR MEETING ON 21 JANUARY 2022  
**Date:** 26 January 2022 13:20:00  
**Attachments:** [image001.png](#)  
[image005.png](#)  
[image007.png](#)  
[image009.png](#)

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Hi Stephanie

I'm emailing you in connection with the meeting at Jackz Bar on Friday 21 January 2021 between yourself, Sgt Curtis, Mr Andy Ralph and I.

On entering the premises both myself and Sgt Curtis needed to use the toilets. You immediately advised me that there is no electric in the ladies toilets and you switched on a standard lamp, which was plugged into an extension lead and then into a socket within the main bar area with the cable running across the entrance to the ladies, thus causing a trip hazard. Within the ladies toilet the lamp was situated between the electric hand drier and the sink, meaning the portable electrical lamp could potentially come into contact with the water in the sink or wet hands. The ceramic sink was broken, with a large hole in the front which was plugged with paper towels, and held together with silver tape and cello tape. I noticed that the broken edges appeared very sharp. I also noticed that there are 2 steps within the ladies toilet and the door of one cubicle opens directly over the top of these steps. In my opinion these steps are a potential hazard, particularly if customers are wearing heels and/or under the influence of alcohol. On entering a cubicle and closing the door, the cubicle was pitch black and I was unable to see anything. There were no facilities for drying hands.

Sgt Curtis raised concerns with you in relation to the state of the male toilets. He pointed out that the cistern is not connected to the urinals and therefore no water flushes through the urinals. You indicated that the cistern has been like this for some time and prior to Mr Hennessey taking over the premises. He also showed you that the electric hand drier was hanging from the wall and lying on a shelf but still was connected to the mains electricity, and the paper towel dispenser was also on the shelf, both appearing to have been pulled from the wall, and again there were no facilities for customers to dry their hands. You indicated that you were not aware that the hand drier and towel dispenser had been removed from the wall as you had not been in the premises since the week before. There was no record of the damage being recorded in the incident records over the previous weekend.

Within the main bar area, Sgt Curtis raised concerns about the number of wires hanging from walls in at least 3 different locations, and the number of extension leads being used with sockets potentially being overloaded. He advised you that he had serious concerns about the safety of the premises and asked when you last had an electrical safety check, you indicated that you don't know. Sgt Curtis then advised you that if it was his business he would not open until things were checked electrically but that was not something he could enforce. Mr Ralph and yourself agreed it was not safe and said you would not open until an electrician had checked all the wiring to ensure it is safe, and provides you with a certificate to this effect. You agreed to stay closed until this has been completed.

I would take this opportunity to point out that our concerns in relation to the above matters sit under the Promotion of Public Safety licensing objective, which the police are not the primary

authority responsible for enforcing. However I have informed the Torbay Council Health and Safety Officers of our concerns.

We then went through the premises licence with you, and identified the below issues:

## **Annexe 2, Conditions Consistent with the Operating Schedule**

### **General:**

1. *There shall be no entry or re-entry after 1.00 am.* There is another condition on the licence in respect of this, so this condition can be removed.
2. *Drinks shall be served in shatterproof glasses .* You didn't seem confident that safety glasses are being used. I recommend that this condition is removed as a more specific condition is contained later within the licence.
3. *No bottles shall be served when open after midnight.* Again a further condition on the licence relates to this, so this condition can be removed.

### **The Prevention of Crime and Disorder:**

1. *CCTV must be in good working order.* Again this condition can be removed as an updated CCTV condition is included within Annexe 3 of the licence.
2. *There shall be posters displayed regarding responsible drinking.* No posters about responsible drinking within premises and therefore this condition was not being complied with.
3. *There shall be promotions against drink driving.* No posters on display, condition not being complied with.
6. *SIA trained doorman shall be present at the premises.* This condition can be removed.

### **Public Safety:**

1. *There must be 4 exits available in case of emergency, 3 of which are on the ground floor.* There is only one exit on the ground floor and therefore this condition cannot be complied with and should be removed. Advice was given to Ms Harley concerning this matter prior to the review hearing but it still has not been addressed.
2. *All safety checks and systems shall be maintained.* It is not clear what safety checks this relates to, however Sgt Curtis and I were not satisfied that a fire risk assessment was in place, and had concerns in relation to electrical safety within the premises. I recommend you remove this condition and add an additional condition to the licence that "All relevant Health and Safety requirements and legislation will be complied with".
3. *SIA door supervisors shall be present to control and look after customer welfare.* This can be removed as a further condition relates to door stewards.
4. *Accident records shall be present and maintained.* You indicated that you do not keep

any accident records, and therefore this condition was not being complied with.

We did not discuss any conditions in relation to Public Nuisance.

### **The Protection of Children From Harm**

2. *Identification in the form of ID cards with 'PASS' hologram must be produced by anyone who appears to be under 21.* This condition can be removed as there is a further condition re Challenge 25.
3. *There shall be no children after 9pm and no under 18's after midnight.* This condition can be removed as further conditions relate to this matter.

### **Annexe 3, Conditions attached after a Hearing by the Licensing Authority.**

#### **The Prevention of Crime and Disorder**

2. *On every occasion that the premises sells alcohol after midnight and then closes after 12.30 am, SIA door staff shall be employed from 10.00 pm until closing.* This condition can be removed as a new condition was added to the licence on withdrawal of your appeal.
3. *A CCTV system of an evidential standard shall be installed to the satisfaction of the police, and the system to be in operation at all times the premises are open to the public. All recordings from that system to be kept for a period of 14 days and the police to have access to recording at any reasonable time.* This condition can be removed.
4. *All drinks shall be served in toughened or strengthened glasses and no alcohol shall be served in glass bottles from which it is intended or likely that a person shall drink.* You indicated that drinks in glass bottles are decanted into glasses, but did not appear confident that toughened/strengthened glasses are being used. I recommend you either check all glasses to determine if they are toughened, purchase new toughened glasses from a reputable supplier or serve drinks in plastic/polycarbonate vessels to ensure you can comply with this requirement.

Again we did not go through any of the public nuisance conditions.

### **Conditions attached after a review hearing by the Licensing Authority**

#### **General**

2. *That Mr Hennessey shall not be involved in or influence the operation of these premises.* I informed you that I am aware Mr Hennessey had been requested by the police to provide CCTV in respect of an incident and that it had taken about 20 days for this to be provided. The condition on the licence in relation to CCTV requires footage to be provided "with absolute minimum of delay" and therefore 20 days is unacceptable. I also informed you that I have been advised by the Best Bar None co-ordinator that Mr Hennessey had contacted her concerning joining Best Bar None. I pointed out that Mr Hennessey is prohibited from being involved in the operation of the premises and as the part of the licence containing the conditions is referred to as the operating schedule, he should have no involvement in any matters contained within the

licence. I advised you to discuss this with Mr Hennessey and instruct him to refer any enquiries regarding CCTV or matters in respect of the licence to you.

8. *All persons employed at the premises in the sale and supply of alcohol, shall attend and successfully complete the BIIAB Level 1 Award in Responsible Alcohol Retailing within 2 months of commencing employment.* I have previously given you advice re this and I am satisfied that you are progressing this matter.

9. *All staff shall receive training regarding their responsibilities under the Licensing Act at the commencement of employment, with refresher training being provided at least once a year. Records of all training, including BIIA Certificates, shall be maintained and kept at the premises for a minimum period of 12 months. These records shall be made available to the police or Local Authority Licensing Officers for inspection on demand.* You were unable to provide any training records, although Ms Harley indicated during my visit on 9 January 2021 that training was to take place the following week. When discussing this matter, you indicated that staff were undertaking the BIIAB and I informed you that, as a minimum, we would expect all staff to be trained in relation to Challenge 25, Fire Safety, Health and Safety, and your drugs policy. I would take this opportunity to recommend that you also provide training to your staff in respect of your noise management and monitoring policy, the recording of incidents and accidents, first aid and any other matters falling under your responsibility as Premises Licence Holder.

11. *The premises shall sign up to a licensing support scheme such as Best Bar None and ensure that they meet the standards required by that scheme at all times.* We have previously discussed this matter, and the Best Bar None co-ordinator has advised me that she will meet with you before the end of February 2022 to progress this as a matter of urgency.

12. *The Premises Licence Holder shall ensure that the Regulatory Reform (Fire Safety) Order 2005 is complied with an up to date fire risk assessment shall be kept on the premises for viewing by responsible authorities at all times. The fire risk assessment shall be amended whenever any changes are made to the premises which may affect emergency evacuation.* You were unable to produce a fire risk assessment and stated that you didn't know if one had been completed, despite advice having been given to Ms Harley and Mr Hennessey during a meeting at the premises in September 2021, although I appreciate you were not responsible for the premises at that time. I asked you what fire safety training had been provided to staff, and you indicate no training has been provided. I asked you if staff know where to locate a fire extinguisher and you indicated that you didn't know if there was one at the premises and you and Mr Ralph went to look for one. Sgt Curtis thinks that Mr Ralph might've said that he found one, but I do not recall that. This condition was not being complied with.

At 2000 hrs on the evening of Saturday 15 January 2022 and 0100 hrs on the morning of Sunday 16 January 2021, PC Honeyball visited Jackz Bar and established that alcohol was being sold, with music playing and dancing taking place. Your staff/door stewards indicated that these activities would cease at 0230 hrs.

I would now draw your attention to my email of 12 January 2022 in which I state:

However, I would take this opportunity to remind you that it is the responsibility of the Premises Licence Holder (yourself in this case) to ensure that the requirements of a

premises licence are complied with at all times when licensable activities take place. Therefore, if you are satisfied that you are now able to comply with all the licence conditions, you can open and carry out licensable activities whenever you wish, but if you do not think that you can comply with the licence requirements, you should not carry out any licensable activities until you are satisfied that you can comply.

Myself and Sgt Curtis are therefore extremely disappointed that you were open and carried out licensable activities over the weekend of 14/15/16 January 2022 when it is apparent that various conditions on the licence were not being complied with.

I would again take this opportunity to remind you that failure to comply with the terms and conditions of a premises licence is an offence under Section 136 of the Licensing Act 2003, and a person found guilty of such an offence is liable on summary conviction to an unlimited fine, up to 6 months imprisonment or to both. As you have already been served a S19 Closure Notice, we do not intend to serve you with a further notice on this occasion but I would remind you that we can seek a Closure Order from a Magistrates Court at any time within 6 months of the issue of the notice if alcohol is sold and the licence conditions are not complied with. One of the conditions outlined in the Closure Notice is in respect of training records not being produced, and this breach was again identified on Friday 21 January 2022. I must warn you that should further breaches of the premises licence come to my attention, I shall consider seeking a prosecution for any offences committed, or a review of your premises licence, but I hope that this will not be necessary.

In respect of the approved plan of the premises, as advised in my emails of 7 December 2021, 23 December 2021, and 9 January 2022, this does not reflect the layout of the premises as there are no male toilets next to the bar, and this area is now used for storage. As discussed on Friday 21 January 2022 I recommend that you apply for a variation of your premises licence to remove the conditions identified above and submit an amended plan. Please contact Carrie Carter of Torbay Council ( [REDACTED] ) if you require any advice or assistance in relation to this.

Kind regards

**Julie Smart**

Alcohol Licensing Officer - Torbay

Tel: [REDACTED]

**Prevention Department**

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