

**From:** [SMART Julie 50403](#)  
**To:** [REDACTED]  
**Subject:** JACKZ BAR, BRIXHAM - TRANSFER AND VARY DPS APPLICATIONS FOR MR RALPH  
**Date:** 05 April 2022 12:44:34  
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Good afternoon

I refer to the below applications in respect of Jackz Bar, Brixham:

Transfer of Premises Licence to Mr Anthony Peter RALPH  
Vary DPS to Mr Anthony Peter RALPH

The police object to both of these applications as we are satisfied that the exceptional circumstances of the case are such that granting the applications would undermine the crime prevention objective.

Our grounds in relation to the exceptional circumstances are that Mr RALPH has been employed as a general manager, with responsibility for overseeing the management of Jackz Bar, since 14 January 2022, but during this time he has had no positive impact on the ability of the premises to comply with the requirements of the premises licence.

Jackz Bar is a high risk premises, which can sell alcohol until 2.00 am every day of the week, with the premises closing at 3.00 am. It is the only premises in Brixham with this terminal hour and therefore it is natural that persons already highly intoxicated will gravitate to the premises. This means that the premises poses a high risk of crime and disorder in the future. Due to this the premises requires firm management by a responsible licence holder who is capable of formulating and implementing robust policies, has good problem solving skills and has excellent leadership and management qualities.

I would now draw your attention to the below matters, which support our grounds for objection:

The premises licence of Jackz Bar was subject to a review hearing in October 2021. At the conclusion of that hearing the licensing sub-committee imposed additional conditions on the licence, and suspended the licence until 7 January 2022. An appeal was lodged but subsequently withdrawn on or around 22 December 2021, when the premises closed to serve the remainder of the suspension period.

On or around 8 January 2022 the premise re-opened and Mr MARTIN, PC RANDALL and I attended during the early hours of Sunday 10 January 2022. We identified numerous breaches of conditions, which resulted in the service of a Closure Notice on 10 January 2022 on the then premises licence holder, Ms TRUST.

On 12 January 2022 Ms TRUST sent me an email in which she advised me that Mr RALPH would be joining her as a manager overseeing both Jackz Bar, Hennessey Cocktails and a further licensed premises owned by Mr HENNESSEY. Mr RALPH states he commenced employment in this role on 14 January 2022.

Following service of the closure notice Ms TRUST was provided with written and verbal advice from myself and Sgt CURTIS. However this advice was not followed and the premises opened and carried out licensable activities on 15 and 16 January 2022.

In February 2022 Mr RALPH submitted a Temporary Event Notice for Hennessey Cocktails. A few days later I received an email from a Brixham officer who informed me that he had witnessed a drunk female attempting to sweep up vomit outside the premises, but she was using the broom in a hopeless manner and said to him "I'm too fucking pissed to be cleaning up sick".

It appears that there were at least two people at the premises who were drunk that night, and one of these was given a bucket of water and a broom to clear up the mess. CCTV show that the female subsequently deliberately dropped the broom in the harbour. Mr RALPH indicated that this female was a former member of staff who volunteered to clean up the vomit. If this is the case it raises questions as to why a bucket of water and broom would be given to a heavily intoxicated customer to clean up vomit outside the premises unsupervised. It is probable that this female was a member of staff at the premises on the night in question, in which case, it raises further concerns regarding staff consuming alcohol whilst on duty and their ability to carry out their duties. Offences under Section 141 of the Licensing Act may have been committed on this occasion.

Mr RALPH was present at Jackz Bar on 21 January when various health and safety, fire safety and breaches of conditions were identified. Following that meeting I sent an email to Ms TRUST in which I recommend that she applies for a variation of the licence to modify the conditions in line with my advice, together with an amended plan of the premises.

On 28 January 2022 two fire officers met with Mr HENNESSEY and Mr RALPH. They were informed the premises would be closed for about 8 weeks, so they did not carry out a full audit, but they did identify a number of concerns in respect of fire safety issues at the premises. They advised Mr HENNESSEY and Mr RALPH to employ a competent risk assessor to provide a fire risk assessment. On 1 February 2021 Mr STEER, Fire Officer, received an email from Mr RALPH in which he indicated that he was intending to re-open the premises on 4 February 2022. On 31 March 2022 at a review hearing in respect of Jackz Bar Mr RALPH said that he did not send that email, and that Mr HENNESSEY had done so without his knowledge or authority.

A further review application in respect of Jackz Bar was submitted on 1 February 2022, and within a couple of days, Mr RALPH rang me and asked whether I could delay the review. I told him that I could not. He asked whether he could attend the hearing and I said he could. I explained that the hearing would not take place for about 6 weeks, so he should use that time to ensure all the concerns referred to in the application had been addressed. Although my email of 26 January was not sent to Mr RALPH, he was clearly aware of the review application and was provided with appropriate advice. Despite this, to date no variation application has been submitted in respect of Jackz Bar and therefore it appears that Mr RALPH has ignored my advice and recommendations.

On 21 February I received an email from Ms TRUST requesting the police attend Jackz Bar to carry out an inspection as she and Mr RALPH had worked tirelessly over the last couple of weeks to address the concerns raised by the police and other responsible authorities. On 4 March I

sent Ms TRUST and Mr RALPH an email advising that we could visit on 9 March. However neither of them responded to my email, and I only found out that Mr RALPH was attending this meeting having been advised of this by Inspector TREGASKES.

On 22 February an officer sent an email to Mr RALPH requesting a quote for damage caused to a window at Jackz Bar on 19 December 2021, and contact details for the suspect. Mr RALPH did not respond to this email until approximately 25 March 2022.

On 9 March myself, Sgt CURTIS and Inspector TREGASKES met with Mr RALPH at Jackz Bar but Ms TRUST was not present. On that day Mr RALPH informed us that he would be applying for a transfer within the next couple of days, but he failed to do so until 23 March 2022, and, when questioned about this at a hearing on 24 March 2022, he stated he was too busy to deal with the matter.

At the meeting on 9 March Mr RALPH advised us that since being employed by Mr HENNESSEY he has not been paid for his work and he now lives at Mr HENNESSEY's address. It therefore appears that there is no formal contract of employment in place, but rather it is a mutual arrangement between them.

At the meeting on 9 March Mr RALPH showed us physical improvements he had made to the premises but the premises still looked like a building site. When Mr RALPH was asked what action had been taken to ensure the licence conditions could be complied with, he stated he did not know. When we explained that we were there, at the request of Ms TRUST to carry out an inspection in relation to the licence conditions, he said he was unaware that that was the purpose of our visit, despite me having forwarded him Ms TRUST's email a few days prior to our visit.

During that meeting Mr RALPH showed me a fire risk assessment and I noted that this had been prepared by him. I informed Mr RALPH that Mr STEER had sent me an email in which Mr STEER states that he had recommended that Mr HENNESSEY and Mr RALPH employ a competent risk assessor to carry out a fire risk assessment. Mr RALPH claimed to have no knowledge or recollection of that advice, despite being present during the fire officers visit.

The police visit on 9 March took 10 ½ hrs of police time but served no useful purpose. The section 19 closure notice could not be cancelled, so remains in place.

It appears that Mr RALPH has been appointed as premises licence holder purely due to his personal relationship with Mr HENNESSEY with no assessment of his suitability or experience to carry out this role having taken place.

Mr RALPH has recently been employed in roles where he has been managed by others, but he has no recent experience of being solely responsible for a licensed premises and he has no proven track record of managing problematic or high risk premises.

In January Mr RALPH applied for a premises licence in respect of Hennessey Cocktails but his application was refused on 10 March. At that hearing Mr RALPH admitted that he had not submitted the application, that he did not agree with the conditions proposed in the application but went along with what Mr HENNESSEY told him, and that he would prefer a licence with no

strings attached. He also sought to assure the licensing sub-committee that he would ensure Mr HENNESSEY had no involvement or influence of the premises, and stated that if Mr HENNESSEY does not comply with his wishes or undermines him he will leave his employment.

On 24 March 2022 Torbay Council accepted a further application, submitted by Mr RALPH, for a licence at Hennessey Cocktails. He therefore intends to be premises licence holder and DPS of two high risk premises, and he has also stated that he will also be responsible for managing a third high risk late night premises owned by Mr HENNESSEY.

Mr RALPH's quick submission of this application, without being fully aware of the reasons for the previous refusal, demonstrates that his desire to open is of primary importance, rather than the need to ensure that the concerns identified and reasons for refusal have been addressed, which is not reassuring to the police and highlights his lack of problem solving skills.

On 23 March 2022 Mr RALPH applied for the transfer and vary DPS of Jackz Bar, with immediate effect, the day before the review hearing was due to take place. The hearing was subsequently adjourned to 31 March 2022 in order that additional statements produced by Mr RALPH's legal representative could be considered by the police and Mr MARTIN. It is the opinion of the police that Mr RALPH's statement contains numerous inaccurate or incorrect statements, and it appears that he has a lack of understanding in relation to the requirements of the Licensing Act.

At the review hearing on 31 March 2022 the licensing sub-committee determined to revoke the premises licence of Jackz Bar.

Despite the revocation of this premises licence (which is subject to a right of appeal), these applications are still within the representation period and therefore we are obliged to deal with them in the usual manner, hence we now object to both applications.

Documents in relation to various matters mentioned above will be provided to Torbay Council in due course.

Kind regards

**Julie Smart**

Alcohol Licensing Officer - Torbay

Tel [REDACTED]

**Prevention Department**

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

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