

Clerk: Amanda Coote
Telephone: 01803 207013
E-mail address: governance.support@torbay.gov.uk
Date: Wednesday, 23 June 2021

Governance Support
Town Hall
Castle Circus
Torquay
TQ1 3DR

Dear Member

LICENSING SUB-COMMITTEE - THURSDAY, 24 JUNE 2021

I am now able to enclose, for consideration at the Thursday, 24 June 2021 meeting of the Licensing Sub-Committee, the following information that was unavailable when the agenda was printed.

Agenda No	Item	Page
6.	Licensing Act 2003 – An application for a Transfer of the Premises Licence for Hennessey Late Lounge Bar, 2 New Road, Brixham, Devon, TQ5 8NE	(Pages 2 - 12)

Yours sincerely

Amanda Coote
Clerk

Hennessey Nightclub Nuisance to Neighbours

Dear Resident,

As you may know there have been several issues recently in respect of the nightclub Hennessey which was recently taken over. We own a Holiday Let next to the nightclub and it is damaging our business and causing complaints from guests.

Issues we've seen or complained about are:

1. Late night live and dj music – several residents and guests are woken up at the weekends
2. Fighting on the pavement and road outside the nightclub on the Quay with one person thrown in the harbour over the railings
3. What looks like drug deals and money passing taking place outside and inside the nightclub and smokers shouting into the early hours of the morning
4. Drunken people leaving the nightclub in the early hours of the morning disturbing the peace
5. What looks like underage teenagers leaving the nightclub
6. Bottles being emptied into the bin in the middle of the night
7. The alley next to the nightclub is being used as a toilet

We have tried speaking to the staff during and at the end of the night, but they are hardly coherent. We have spoken to the owner but no action seems to have been taken and he doesn't understand what is affecting local residents and the holiday let businesses or permanent lets above the nightclub.

We have contacted the council and been told that complaints can be made to the following two people. We have made a formal complaint, so hopefully the more complaints received the more likely something will be done to help the situation, as the owner couldn't care less.

We hope this will help the situation for us all. Thank you.

Brixham Holiday Let Services

Police Licensing Officer

Julie Smart
Alcohol Licensing
Drug and Alcohol Harm Reduction
Dorset, Devon and Cornwall Police Alliance

Julie.smart@devonandcornwall.pnn.police.uk
Tel. 01803 218900
Mob. 07921 933974
Internal: 41400

Torbay Council Licensing

Mandy Guy
Senior Licensing Officer
Licensing and Public Protection Team
Town Hall
Castle Circus
TQ1 3DR
Tel: 01803 208124
Fax: 01803 208854
Email: mandy.guy@torbay.gov.uk

On 8 Oct 2018, at 13:58, Martin, Karl
<Karl.Martin@torbay.gcsx.gov.uk> wrote:

Hi Ross

Thank you for getting in touch. I'll do my best to give you a fair response to your question but I am making the assumption Coco remains a restaurant/bar/Bistro.

Recorded music doesn't really concern me as there is a well-designed PA system backed up a limiter. I understand a reasonable attempt was made at sound proofing, though I had no involvement in the spec so I can't offer any reassurance of how well the building performs. I have never had any complaints though. If live music is part of your plans I would cease this at 11:00pm as I would suggest you might need to do more works to contain live music.



Torre Station Yard
Newton Road
Torquay
TQ2 5DD

Hennessey Brixham Tel: [01803 298208](tel:01803298208)
Estimate

Email: neil@ftsemail.co.uk

The premises is a large open planned bar with polished concrete floors and moderately high ceilings.

The sound system consists of small EV mid high units with a pair of 200 watt bass units next to the bar with a third unit nearby.

The system is limited by a Formula Sound AV2 limiter situated in the audio rack.

My first recommendation would be to replace the analogue limiter with a digital audio processor. This will give us the ability to set intelligent limiter settings on all outputs and bandwidths. The system would then retain sound quality when limiting the system unlike the AV2.

I would also recommend separating the sub bass units to remove the bass hotspot you are experiencing at the moment and spread the bass around the room. The only issue here will be hiding the cable runs but this would need to be looked at in closer detail.

These are just my suggestions for a first step solution, but will make great improvements in sound quality and noise transfer.

I have estimated for these works, this doesn't include a night time visit with someone from EHO to set levels as agreed with all parties.

Appendix 4 - dated
21st December 2020.

As your licence requires you to keep the footage for a minimum of 14 days, I am conscious that the footage of the birthday party may be wiped in the next couple of days so you need to ensure that you save this footage until you can download it. I recommend you also take steps to save the footage of the lock-in. If you don't know how to do this, you should contact your CCTV installer.

The only other way around this is that I can arrange for an officer to come and seize your hard drive as it contains evidence of offences, but we don't want to do this as you will be without a hard drive for quite some time, possibly months, and you will not be able to operate in the meantime as you would not be able to comply with the CCTV condition on your licence, unless you purchase another hard drive.

I checked the emails you have sent me and see that you have had the hard drive removed. I have forwarded this to the relevant team of To help you with this, I have arranged for a van to collect the hard drive at 11am on Tuesday 22nd December. I will pick up your car at about twenty past.

Kind regards
Julie



Ross Hennessey
To: SMART Julie 50403
Mon 21/12/2020 12:20



Hi Julie,

When would an officer be available to collect please?
Anna marie has quit the job and I am too busy today to go shopping and download footage and the footage expires tomorrow - I have no plans to operate in months so this won't be an issue.

Thanks,
Ross

Appendix 5 - dated
21st December
2020.



Ross Hennessey

To: SMART Julie 50403; Karl Martin

Wed 23/12/2020 21:15

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Agenda Item 6 Appendix 2

Appendix 6 - Dated 23rd December.



Hi both,

I went over to the bar half an hour ago (1 day after you hand dropped off your memory stick) and I am having difficulty downloading the footage - I only managed 1 hour before the memory stick was full.

I have attached my evidence and video. Please could you send somebody to collect the hard drive at your nearest convenience if you still need the footage.

Kind regards,
Ross Hennessey



Cottell, Carrie

To: Ross Hennessey

Wed 12/05/2021 13:19

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Appendix 7

Hi Ross

Thank you for your email dated 11 the May 2021.

In response to your request, I can confirm that I attended your premises on one occasion during this period and that this was in the company of Karl Martin. That visit took place on the 18th July 2020 which I note you were not present at and myself and Karl Martin, spoke to your manager Anna-Marie Littlewood. I noted that the premises was well managed by Anna Marie Littlewood on that evening and this information was fed back to you. Karl Martin will make reference to that visit, in his subsequent representation relating to your premises.

In respect of telephone calls, my engagement with you has been in respect of your advertisement for Pizza and Cocktails, to ensure that you complied with the requirement to provide a substantial meal and to assist you with a variation application. Our conversation did not extend to the running of your premises and therefore I am not in a position to comment on this and accordingly, I have no records of this.

Regards

Carrie

6.1 Conclusion

6.2 Mr Hennessey in first 5 months running the premises fell short of professional standards expected of licensees. By failing to adhere to the terms of his premises licences he undermined the licensing objectives instead of promoting. Only after the threat of a review did Mr Hennessey bring noise nuisance under control and begin to repair trust with his neighbours.

6.3 Between April and November 2020 there were no complaints. One in November but no more during the Christmas and the New Year trading period. Despite the initial infringements for at least a greater part of 2019 Mr Hennessey proved he could run his premises to midnight and promote the licensing objectives.

Appendix 8

Additional Procedures and Policies

Radios

We have created our own 'night net' network, by which we have 6 radios throughout our three premises every weekend - one for each of our three doormen - one for myself, one for each different bar (Hennessey cocktail lounge, Hennessey sports bar and Hennessey late lounge.)

We communicate any issues and if we have refused entry or ejected anybody from our premises and make sure every other premises is aware. Since starting this, we have been given an indication that the following premises wish to join this network, and they have all purchased radios to do so.

The bullers arms
The sprat and mackerel
The blue anchor
The old market house

Door stewards

We employ 2 door stewards at Hennessey Cocktail Lounge every Friday and Saturday, and will continue to do so all year round. One person controls noise, the smoking area and enforces Covid guidelines, whilst the other does their normal duties - toilet checks, manning the door, ID checks etc. The third steward is based at the entrance towards Hennessey Sports Bar from 10pm, whereby he is joined by the two other stewards from Hennessey Cocktail Lounge at 12:30 after all guests have left the premises. Hennessey late lounge doesn't open until the steward has arrived from Hennessey cocktail lounge, as this downstairs bar is an overflow bar for Hennessey sports bar.

Body Cameras

All doormen are provided with branded, yellow high visibility jackets with a body camera attached to their harness. The cameras are capable of storing 1 weeks worth of footage - the battery lasts 8 hours so covers a full 9pm-3am shift from our doormen.

CCTVs and Alarms

We have entered into a maintenance contract with 'Sirenz' who will cover all of our CCTV and alarm equipment. They will be available to download any footage should the police require it in future.

Staff training and DPS duties

At my last licensing variation committee it was brought to the attention of the committee that I owned and worked at two other businesses down in Cornwall and that Mrs Smart didn't believe I was suitable to be the DPS due to my responsibilities down there.

I have now given those businesses up to focus solely on my responsibilities on my three licences premises in Brixham. This is my full time job where I am based 6 nights a week. Although technically there are three licences premises which I am the DPS of, the premises have completely separate opening hours (Hennessey cocktail lounge 2pm-12pm) the other two premises are (11pm-3am) and are based in the same building with the latter never having any customers until approximately midnight when other bars stop serving alcohol. I always leave Hennessey cocktail lounge and work the remaining three hours at the other premises where both bars are - so there is only ever a few minutes where myself or my manager aren't present.

All staff have been fully briefed on the different aspects of our premises licences, they are aware of everything from what time we have to serve from and to, what time we need to close, what time

we need to shut the windows doors etc, what time we can stop serving bottles to etc and the differences each premises has.

Taxis

We have been in contact with Ace Taxis who have provided us with two radios - one for Hennessey cocktail lounge and one for Hennessey sports bar - we have direct radio access to the taxi firm who will send taxis out whenever we call and will stay on duty on weekdays providing we inform them of how many customers we have and wether they require taxis. They have also indicated that they will park up opposite Hennessey sports bar at weekends to help get customers home quietly and safely.

Hennessey Staff Policies and procedures - Door Steward

Working hours are 9pm-12:30am every friday and saturday at **Hennessey Cocktail Lounge** and 10pm-3am at **Hennessey Sports bar and Hennessey Late Lounge** - with the option for extra hours as and when. I.E. Bank Holidays, events (weddings, birthday parties, new years etc.) These premises are a 2-3 person door, where one person will be situated at the entrance to the premises, whilst the other/s will be inside.

Your role consists of:

Ensuring we operate a challenge 25 policy (protection of children from harm) - ID all customers who don't visibly look over the age of 25 when entering the premises.

Acceptable forms of Identification are:

Drivers Licence

Passport

Citizen Card

If you have any question about the authenticity of a document, we have an Ultraviolet light above the till to check for holograms.

Prevention of Public Nuisance

At the beginning of every shift, you are required to put out our 'cafe barrier' system to create a smoking area towards to LEFT of the premises - i.e. alongside our building and not the building next door. (This applied to Hennessey Cocktail Lounge only - our other premises have designated outside smoking areas.)

This area is limited to 8 patrons at Hennessey Cocktail Lounge.

Hennessey Sports bar should be capped at 15 patrons.

No glasses are permitted at either.

Whilst smoking guests should be reminded to keep noise to a minimum to avoid disturbing residents. After repeat warnings, failure to cooperate will result in refusal of entry back into the premises.

Our terminal hour is **00:30 at Hennessey Cocktail Lounge 02:30 at Hennessey Late Lounge and 03:00 at Hennessey Sports Bar**, this is the latest time where every customer should have left the building- ideally before. You are reminded to ask them to leave quickly and quietly and not to linger around the area. We have a direct radio to 'ace taxis' should they require a taxi back home.

Prevention of crime and disorder

As a trained SIA steward, you will already be trained in methods of safely dealing with any fights or issues, should they occur inside or directly outside of our premises.

It is your job to ensure the safety of ALL customers and staff members inside the premises - in the likely event you do have to step in to protect a member of the public, you must record all details in full in our record book behind the bar, you must state:

The time of the incident

What happened

Who was involved - a description if you can't remember the name.

What you did to resolve the situation

Were the authorities called? Log number etc.

What can we do to avoid situations like this happening in the future.

As a 2 or 3 man door, one or more you will be based inside the premises. This person/s should monitor the toilets every 10-15 minutes to check for any signs of drugs use.

We operate a zero tolerance policy towards drugs and anybody involved in the use or selling of drugs will be asked to leave immediately.

Their name and details of the incident should be recorded in our handbook and name be placed on our 'banned' list.

Public Safety

Our Capacities at each premises are the following:

Hennessey Cocktail Lounge - 150

Hennessey Late Lounge - 50

Hennessey Sports Bar - 125

You will be issued with a 'clicker' at each site, which you MUST use when a customer leaves or enters a premises to ensure we have an accurate reading of how many guests are present. If we reach capacity, guests who are queueing for entry must be told to keep noise to a minimum whilst waiting for others to leave.

UPDATE

During the Covid Pandemic, our capacities for each premises are as follows:

Hennessey Cocktail Lounge - 65

Hennessey Late Lounge - 30

Hennessey Sports Bar - 60

During the cover pandemic, the addition role of the inside door steward/s are to ensure:

Tables of 6 inside only, this number cannot be compromised unless they are formed of 2 households. This has been the case at Hennessey Cocktail Lounge in the daytime, where children and families come together - but is very unlikely at the other premises as children aren't allowed inside so large households don't come together. Therefore are no exceptions to the rule of 6 at these premises.

Masks must be worn on entry into the premises, and can only be removed once seated. They must be worn whenever a customer goes to the toilet or leaves the premises - they cannot come to the bar.

Singing/Dancing/Chanting is not allowed, and therefore all guests must be reminded to sit down and stop singing/chanting at all times.

Failure to cooperate with these rules will result in ejection from the premises.

What you should wear

YELLOW branded, high visibility jacket at all times where you are working any of our doors.

Radio with earpiece - these are to ensure swift communication across all staff and sites. Any issues - i.e. ejection, refusal of service, drug use must be communicated via radio to our other sites so we can refuse entry to anyone we believe could be a nuisance.

Body Camera - these should be worn on your chest at all times where you are on duty. It is your responsibility to ensure these are charged, alongside your radio at the end of the night.

Appropriate black trousers and footwear (not supplied)

In date SIA badge on your arm - you must keep track on when your badge is nearing expiration, it is your responsibility to pay and renew your badge. An expired badge will result in immediately loss of work. We would cover the costs of renewal and recoup costs as a deduction from pay is required.

I confirm I have received a copy of the Hennessey Cocktail Lounge Staff Handbook and that I have read this and understood the contents.

I also confirm that I have sought clarification from my line manager on any issues outlined in the Handbook which I am not clear about.

Signed: _____

Date: _____

Please return this form duly completed and signed to your line manager.