

Clerk: Amanda Coote
Telephone: 01803 207013
E-mail address: governance.support@torbay.gov.uk
Date: Thursday, 24 February 2022

Governance Support
Town Hall
Castle Circus
Torquay
TQ1 3DR

Dear Member

LICENSING SUB-COMMITTEE - THURSDAY, 3 MARCH 2022

I am now able to enclose, for consideration at the Thursday, 3 March 2022 meeting of the Licensing Sub-Committee, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
6.	Hennessey Cocktail Lounge, 2 King Street, Brixham, TQ5 9TF	(Pages 72 - 84)

Yours sincerely

Amanda Coote
Clerk

Hennessey DPS Application - Anthony Peter Ralph

Licenceholder and DPS personal background

20 years experience in the licensing industry, owning 2 pubs in Cirecenster and Chipping Sodbury, South Gloucester concurrently for approx 5 years.

Esplanade Hotel, Paignton.

Duty managing/Night Poarter and Bar Manager of a 84 bedroom hotel for 10 years - although not named as DPS, the DPS lived up north and I had the responsibilities for the DPS . I was responsible for ensuring the safety of 45 staff and 144 guests. I was Trained to train, in fire safety, health and safety, COSHH, ALPS (Award for Licensed Premises Staff), Risk Assessments for licenced areas etc

General Manager - The Bullers Arms, Brixham approx 1.5 years. Although not named as DPS - my wife was, but left the role after 6 months and owners never changed DPS to myself. Fully responsible for the day to day running of a very busy public House.

SIA qualifications and training (although no current badge.)

SWOT Annalysis of Brixham Premises Licences

Magiare - 10:00-00:00 sale by retail of alcohol for consumption ON and OFF the premises

This premises is next door to Hennessey cocktail lounge, we are in the same building that has been split into two.

Albero - 11:00-00:00 sale by retail of alcohol for consumption ON and OFF the premises

This premises is 2 doors away from Hennessey cocktail lounge.

Blue Anchor - 10:00-00:00 sale by retail of alcohol for consumption ON and OFF the premises

This premises is 2 doors away from Hennessey cocktail lounge.

10:00-01:00 on bank holidays, xmas eve, boxing day.

Quayside hotel - 11:00-00:00 sale by retail of alcohol for consumption ON and OFF the premises

New Quay Inn - 11:00-00:00 sale by retail of alcohol for consumption ON and OFF the premises

Crown and Anchor - 09:00-00:00 sale by retail of alcohol for consumption ON and OFF the premises

Sprat and Mackerel - 10:00-00:00 sale by retail of alcohol for consumption ON and OFF the premises

Rising Sun - 10:00-00:00 sale by retail of alcohol for consumption ON and OFF the premises

Queens Arms - 10:00-00:00 sale by retail of alcohol for consumption ON and OFF the premises

The Bullers arms - 10:00-00:00 sale by retail of alcohol for consumption ON and OFF the premises

Old Market House - 10:00-00:00 sale by retail of alcohol for consumption ON and OFF the premises

Long Bar - 10:00-00:00 sale by retail of alcohol for consumption ON and OFF the premises

The Old Coaching Inn - 09:00-00:00 sale by retail of alcohol for consumption ON and OFF the premises

Golden Lion - 11:00-00:00 sale by retail of alcohol for consumption ON and OFF the premises

Berry Head Hotel - 11:00-00:00 sale by retail of alcohol for consumption ON and OFF the premises

I have included the SWOT Analysis above to show that midnight is the standard hour set across the whole town for all pubs, restaurants and hotels. By permitting us a terminal hour of midnight with a 30 minute cooling off period would put us in line with all of the other Licenced premises in Brixham, to reduce our terminal hour to 11pm would be unfair competition and would leave us with an unfair disadvantage for the business.

The majority of these bars have the playing of recorded music and live music until midnight alongside the terminal hour of midnight particularly the pub two doors across (The Blue Anchor) which has weekly live music and DJ's that can be heard from Hennessey Cocktail Lounge. The Restaurant two doors to the left of Hennesseys (Albero) has outside seating and an outside sound system which plays late into the night when the staff are clearing up the outside seating area.

Premises History

Although this is a brand new licence application, which needs to be treated as such, the history of the premises has been brought into discussion by the local authorities. To clarify, the revocation was nothing to do with the location, the terminal hour, noise complaints or any instances of crime and disorder. In fact, reported crime at the premises was considerably lower to many of the pubs in the vicinity, with just 4 logs in 3 and a half years, two of which were not in relation to the premises.

The reason for revocation were as follows:

“Overall and unanimously, Members resolved that Mr Hennessey’s conduct fell well below the standards reasonably expected by them of a responsible Premises Licence Holder and for the reasons given, they had no confidence in him operating this premises in the future

and therefore determined that revocation was in their opinion, an appropriate and proportionate outcome of this Review.”

The revocation was due to the way the previous licenceholder managed the premises, yet noise has been brought up a lot in a bid to reduce the terminal hour. To clarify, even under the previous management there has not been a noise complaint since march 2019 - due to a brand new digital limiter being fitted in the premises which still remains now. If the authorities are concerned about noise, I am happy for them to recalibrate it with myself at their nearest opportunity.

To penalise myself, a brand new premises licence holder for this premises, by limiting what time I can open until and what time we can play recorded music too - without valid reason - will be putting me at an unfair disadvantage.

The terms I have applied for on this licence are all conditions that had been agreed by the council via a consent order to Mr Hennessey previously, but the council withdrew that offer to Mr Hennessey because they believed that I wasn't willing to leave my previous job in order to pursue this new career. All I am asking for is now that I have proven that I am willing to give 100% into this role and have dropped all other commitments, is that the council now reconsider the offer that was once offered to myself as licenceholder.

Business Proposal moving forward

I have been informed that the business attempted to move towards being food focused in the past, which proved successful as a cocktail and tapas bar. This idea was initially fully supported by the licensing authorities, however, this was short lived as the landlord of the building withdrew his consent for this use, stating that the planning of the building (A4 use) didn't allow food. Fortunately, due to the 2020 change in the Town and Country Planning (Use Classes) Order 1987 - the premises is now able to change its use, so we subsequently are looking to reintroduce a food menu as soon as possible to become a family friendly venue.

The premises used to have a DJ present most weekends, my vision is to stop this weekly DJ and to have a more relaxed atmosphere. However, I still believe a playing of recorded music until 00:00 on the licence is essential, to enable us to create a suitable ambience.

Until recently, the premises had been growing in popularity and had even hosted a few weddings, christenings, baby showers, engagement parties and so forth.

This is not only the sign of a well run venue, but it shows that the premises is valued within the community as a place to meet up with family and friends, in a safe and friendly environment. I will continue to promote these events as an alternative to weekly DJ nights which had been promoted in the past.

Andy (Anthony) Ralph

Julian Percival
Managers Flat
Bay Esplanade Hotel
Sands Road
Paignton
TQ4 6EG

Accommodation Reference For Denise and Anthony Ralph

22nd April 2020

Dear Sir or Madam,

The above named have been occupying staff accommodation since August 2014. During this time there employment the hotel as Duty Manager/Head Reception – Denise Ralph, Bars Manager Anthony Ralph, both safe and stock key holders and responsible for the fire safety and evacuation of the hotel, managing 45 staff and 150 guests.

Whilst employed here and living in their staff accommodation, I found no issues whatsoever, they are both very trustworthy members of the team. I found them both to be friendly, helpful, honest and they had pride in the hotel and kept their live in flat, in immaculate condition.

It is with deep sadness we are closing the hotel, due to Covid 19 pandemic,their employment and accommodation would have continued, for many years.

I would highly recommend them both as tenants.

Should you require any further details, then please do not hesitate in contacting me on 07949421308.

Kindest Regards

Julian Percival
Relief General Manager

julianpercival@yahoo.com

Accommodation Reference For Denise and Anthony Ralph

22nd April 2020

Dear Sir or Madam,

The above named have been occupying staff accommodation since August 2014. During this time there employment was of Duty Manager/Head Reception – Denise Ralph, Bars Manager Anthony Ralph, both safe and stock key holders and responsible for the fire safety and evacuation of the hotel, managing 45 staff and 150 guests.

Whilst employed here and in staff accommodation, I found no issue have arisen, they are both very trustworthy members of the team. I have always found them to be loyal, friendly and an integral part of the management team, ensuring the smooth running of the hotel.

It is with deep sadness we are closing the hotel, due to Covid 19 pandemic, or I am sure that their employment and accommodation would have continued.

Should you require any further details, then please do not hesitate in contacting me on 07968 819402

Yours Sincerely

Greer Whitworth
General Manager



Age Verification

This is to certify that

Anthony Ralph

completed an e-learning course in the above subject.

- The key areas covered:**
- The law on age verification for alcohol sales
 - Age verification policy and procedures
 - Acceptable forms of ID
 - Refusing a proxy purchase of alcohol
 - Managing conflict and common high-risk scenarios

Date: 14/04/2021

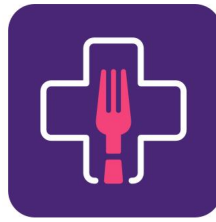
Signed: _____

Martin Hilton
Director of Learning & Education
Fellow Higher Education Academy



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Allergen Awareness

This is to certify that

Anthony Ralph

completed an e-learning course in the above subject.

- The key areas covered:**
- Identify the 14 allergens and what foods contain them
 - Understand the characteristics and consequences of food allergies and intolerances
 - Understand the importance of providing accurate allergen information for consumers
 - Adhere to control measures put in place to protect consumers from harm

Date: 10/05/2021

Signed: _____

Martin Hilton
Director of Learning & Education
Fellow Higher Education Academy



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Drugs Awareness

This is to certify that

Anthony Ralph

completed an e-learning course in the above subject.

- The key areas covered:**
- Drugs classification and legislation
 - Drug use on licensed premises
 - Commonly used drugs and their effects
 - Pub categories and the risk factor
 - Why licensees should keep drugs off their premises

Date: 11/04/2021

Signed: _____

Martin Hilton
Director of Learning & Education
Fellow Higher Education Academy



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Fire Awareness

This is to certify that

Anthony Ralph

completed an e-learning course in the above subject.

- The key areas covered:**
- Principles of fire and how fire spreads
 - Fire legislation and enforcement
 - Fire detection systems and alarms
 - Fire classifications
 - Methods of extinguishing a fire
 - Fire risk assessments
 - Actions to take in discovering a fire or hearing the fire alarm

Date: 28/03/2021

Signed:

Martin Hilton
Director of Learning & Education
Fellow Higher Education Academy



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Health & Safety

This is to certify that

Anthony Ralph

completed an e-learning course in the above subject.

- The key areas covered:**
- Roles & responsibilities for workplace health and safety
 - Health and safety legislation
 - How to identify and eliminate common hazards in the workplace
 - Procedures to follow when accidents or incidents happen
 - How risk assessments work

Date: 28/03/2021

Signed: _____

Martin Hilton
Director of Learning & Education
Fellow Higher Education Academy



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Manual Handling

This is to certify that

Anthony Ralph

completed an e-learning course in the above subject.

- The key areas covered:**
- Responsibilities under Manual Handling Operations Regulations
 - The correct procedure for planning lifts and moving loads
 - Reducing the risk of injury

Date: 11/04/2021

Signed: 

Martin Hilton
Director of Learning & Education
Fellow Higher Education Academy



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Slips, Trips and Falls

This is to certify that

Anthony Ralph

completed an e-learning course in the above subject.

- The key areas covered:**
- Slip, Trip, and Fall hazards within the workplace
 - How accidents happen and how to prevent them from happening again
 - The importance of safe practices at work and the importance to your health
 - The Legislation that is applicable to Slips, Trips and Falls in the workplace

Date: 29/03/2021

Signed:

Martin Hilton
Director of Learning & Education
Fellow Higher Education Academy



Age verification policy of.....(insert name of premises here)

POLICY

It is against the law to sell alcohol to persons less than 18 years of age. All members of staff selling or supplying alcohol on these premises MUST conform to the requirements of this policy as follows:

1. It is the policy of these premises to operate 'Check 21/25' (delete 21 or 25 as appropriate) in respect of alcohol sales, in order to prevent the sale or supply of alcohol to persons aged less than 18 years.
2. If any person seeking to buy alcohol from you appears to you to look younger than 21/25 years of age then you must ask the customer to produce an acceptable document that proves that he or she is at least 18 years of age, before you sell or supply that person with any alcoholic drink.
3. If, whilst working on these premises, you observe another member of staff about to sell or supply alcohol to a person who, in your opinion looks younger than 21/25, then you have a duty to intervene before the sale takes place and ask the customer to produce an acceptable document proving that he or she is at least 18 years of age.
4. If a customer fails to produce an acceptable 'proof of age', then the sale must be refused. You must also refuse to sell alcohol to any other person who you suspect might be purchasing alcohol for the customer who has failed to produce an acceptable proof of age, and in respect of whom a sale or supply of alcohol has been refused.
5. Acceptable proof of age identity documents means identification bearing the customer's name, photograph, date of birth and a holographic mark. The following can be accepted:
 - A European Union passport
 - A European Union photo-driving licence
 - A 'proof of age' card, such as Citizen Card, bearing the PASS logo and hologram
6. You MUST NOT accept a birth certificate, student union card or paper driving licence as a proof of age.
7. It is the policy of these premises that all members of staff authorised to sell or supply alcohol undergo training in how to implement this policy and in particular how to challenge for a proof of age and how to refuse sales to suspected underage customers.

Declaration.....

I.....(insert staff member's name here) declare that I have read and understood this policy and that I have received training in how to challenge for a proof of age and how to refuse sales to a suspected underage person.

Name:.....(Staff member)

Signed:.....

Name:.....(Designated