

LICENSING SUB-COMMITTEE



Report subject	Application to Vary Premises Licence at Conroy's Bar, 33 Sea Road, Bournemouth, BH5 1DH
Meeting date	11 May 2022
Status	Public Report
Executive summary	<p>Mr Philip Day of Lacey's Solicitors has made application on behalf of Conroys Bar Limited to vary the premises licence at Conroy's Bar, 33 Sea Road. The application is to add live and recorded music as follows: -</p> <p>Thursday 23:00 to 01:00</p> <p>Friday and Saturdays 23:00 to 02:00</p> <p>On New Year's Eve and Sundays immediately preceding a Bank Holiday Monday from 23:00 to 02:00</p> <p>and to extend the hours for the sale of alcohol as follows: -</p> <p>Sunday to Wednesday 08:00 to 23:00</p> <p>Thursday 08:00 to 01:00</p> <p>Friday and Saturday 08:00 to 01:30</p> <p>On New Year's Eve and Sundays immediately preceding a Bank Holiday Monday 08:00 to 01:30</p> <p>Additionally, to increase late night refreshment to 01:00 on Thursday and 02:00 Friday and Saturday and New Year's Eve and Sundays immediately preceding a Bank Holiday Monday.</p> <p>No changes to the current licence conditions are proposed.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members are asked to decide whether to: -</p> <p>a) Grant the application for variation as made;</p> <p>b) Refuse the application, or part of, for variation to the premises licence;</p> <p>c) Grant the application, or part of, subject to additional conditions.</p> <p>Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties</p>

	have been given the opportunity to speak. Members must give full reasons for their decision.
Reason for recommendations	<p>The Licensing Authority has received 11 representations from other persons in objection to the application on the grounds that to grant the application, would undermine the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm licensing objectives.</p> <p>Representations in objection to the application have also been received from BCP Council's Environmental Health and Dorset Police on the grounds of Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance respectively.</p> <p>The Licensing Authority received 7 representations in support of the application.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the representation. Where representations have been received from a responsible authority or any other person, and the concerns have not been resolved through mediation between all parties, the Scheme of Delegation, set out in the Council's Constitution states that the application should be dealt with by the Licensing Sub-Committee.</p>

Portfolio Holder(s):	Councillor Bobbie Dove – Community Safety and Regulatory Services
Corporate Director	Jess Gibbons – Chief of Operations
Report Authors	Tania Jardim – Licensing Officer
Wards	Boscombe West
Classification	For Decision

Background

1. The current premises licence allows the following licensable activities and timings: -

Late Night Refreshment

Thursday - 23:00 - 01:00

Friday - 23:00 - 01:00

Saturday - 23:00 - 01:00

Provision of late night refreshments will take place indoors.

Supply of Alcohol

Monday - 10:00 - 23:00

Tuesday - 10:00 - 23:00

Wednesday - 10:00 - 23:00

Thursday - 10:00 - 00:00

Friday - 10:00 - 00:00

Saturday - 10:00 - 00:00

Sunday - 10:00 - 23:00

2. Alcohol is to be sold as an ancillary to food prepared and served on or delivered from the premises. A copy of the current licence and plan is attached at Appendix 1.
3. The variation application is to add live and recorded music to the licence; and to extend the hours for the sale of alcohol from 08:00 daily until 01:30 on Friday and Saturday nights, New Year's Eve and Sundays immediately preceding a Bank Holiday Monday, with opening, regulated entertainment and late night refreshment continuing until 02:00 hours.
4. There are no changes or amendments to the existing licensing conditions. A copy of the application is attached at Appendix 2.

Consultation

5. The application was served on all responsible authorities and the applicant confirmed that the statutory notices were displayed on site and published in the local newspaper.

6. The application prompted representations from 2 Responsible Authorities and 11 representations from other persons.
7. BCP Council's Environmental Health and Dorset Police have submitted representations on the grounds of Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance licensing objectives. A copy of all the representations in objection to the application are attached at Appendix 3.
8. The application prompted 7 representations in support of the application. A copy of the representations in support of the application are attached at Appendix 4.
9. Information was received from Dorset Police following a visit to the premises, they witnessed breaches to the premises licence and issued a Warning Letter. These were identified on two separate occasions, the 12th and 20th of April 2022. Copies of the Warning Letters are attached at Appendix 5.
10. The licensing Authority have also written to the licence holder regarding the breached reported by Dorset Police and providing advice on the consequences of further breaches. This is attached at Appendix 6.

Options Appraisal

11. Before making a decision, Members are asked to consider the following matters: -
 - The representations made by 11 other persons and 2 Responsible Authorities.
 - The relevant licensing objectives, namely the prevention of crime and disorder.
 - The Licensing Act 2003, appropriate Regulations, Statutory Revised Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) and the Council's Statement of Licensing Policy.

Summary of financial implications

12. N/A

Summary of legal implications

13. If Members decide to refuse the application or attach condition to the licence, which the applicant does not agree to, the applicant may appeal to the Magistrate's Court within a period of 21 days beginning with the day that the applicant is notified in writing, of the decision.

Summary of human resources implications

14. N/A

Summary of sustainability impact

15. N/A

Summary of public health implications

16. N/A

Summary of equality implications

17. N/A

Summary of risk assessment

18. N/A

Background papers

BCP Council – Statement of Licensing Policy

<https://democracy.bcpCouncil.gov.uk/documents/s21122/Statement%20of%20Licensing%20Policy.pdf>

Hearing Regulations

<https://www.legislation.gov.uk/ukSI/2005/44/made>

Revised Guidance issued under Section 182 of the Licensing Act 2003 (April 2018)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Appendices

- 1 – Copy of current premises licence and approved plan
- 2 – Copy of application
- 3 – Representations in objection to the application by 11 other persons, Environmental Health & Dorset Police
- 4 – Representations in support of the application by 7 other persons
- 5 – Warning Letters from Dorset Police to Licence Holder
- 6 – Email from Licensing Authority following breaches