

Application to Vary Premises Licence – Supplementary Information to support Representation

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Conroys, 33 Sea Road, Boscombe, Bournemouth

This report is to be considered alongside the formal Representation submitted in respect of the Application to Vary the above Premises Licence submitted to the Licensing Authority. It is the intention of Dorset Police to avoid any repeat of information previously submitted and to provide both the licensee (or their representative) and members of the Licensing Sub-Committee with additional information, context and evidence in support of the application. This report is being completed and submitted as soon as practicable for the benefit of all parties. Whilst all details are correct at the time of completion, Dorset Police reserve the right to amend / introduce additional information and evidence in advance of the hearing.

Background

The Premises Licence for 33 Sea Road was last updated on the 17th February 2021, providing for a 'Fish & Seafood Restaurant and Take Away'. The location of this premises is within an area of Bournemouth known for high levels of anti-social behaviour and conditions were agreed to ensure that the premises retained its character as a Restaurant, which are considered to be far lower risk than alcohol-led licensed premises.

Most crucially, a condition requiring that alcohol is served ancillary food at all times ensured that the responsible authorities and local residents could be reassured that the premises would only be used as a restaurant.

More recently, there have been complaints and concerns raised by local residents in respect of this premises and two visits to the premises by Officers from Dorset Police have led to concerns that existing Licence Conditions are not being met.

Two Warning Letters have recently been submitted to the Premises Licence Holder by Dorset Police and this premises remains of concern to Dorset Police due to a lack of general compliance and upholding of the licensing objectives.

The premises is located in a residential area and adjacent to a school for vulnerable adults. It is imperative that licensed premises add value to the community and do not adversely affect those that already enjoy use of that area.

Concerns

Dorset Police are concerned that the extension of hours, when considered alongside reports of unlicensed regulated entertainment (including DJ's), and a lack of food availability, is indicative of the new premises management re-purposing the premises to be a general entertainment space with music rather than a restaurant, which is what had previously been agreed.



Whilst the applicant has been clear that they are not requesting the removal of Condition 2.6 on this occasion, Dorset Police suspect that the applicant intends to make a 'phased' approach to converting this Restaurant by extending the hours of licensable activity and introducing regulated entertainment to this premises in the first instance before seeking the removal of condition 2.6 at a later time.

Dorset Police are concerned that the introduction of additional alcohol provision and regulated entertainment will further compound the issues currently identified as being of concern, alongside the reports from the public since the application was submitted.

Specific examples of the concerns identified are as follows –

9th April 2022 – Officers attended the premises and observed that customers were seen to be consuming alcoholic products without food. Officers were informed that the premises do not serve food beyond 6pm each day.

12th April 2022 – Follow up visit conducted by Dorset Police and despite advice being offered 3 days prior, alcohol continued to be served without food, contrary to condition 2.6 of the existing licence which was intended to reflect the primary intention for the business.

21st April 2022 – Confrontation between a drunk customer of Conroys and a member of the public who was obstructed from leaving the area in their vehicle. This individual was extremely concerned by the behaviour and that it occurred during late afternoon. The informant did not wish to make a formal representation due to fears of retribution as they may be recognised in the area.

Dorset Police are of the view that it would be inappropriate to extend the use of this premises beyond its initially intended use without careful consideration of the concerns that have been raised. Additionally, the existing conditions attached to this licence proportionately reflect those of a restaurant in a Town Centre location and are not considered appropriate to a premises operating either in the early hours of the morning or indeed as an 'alcohol-led' premises with entertainment, which attracts very different risks.

Available Outcomes to the Sub-Committee

To assist the members of the Sub-Committee, Dorset Police make the following submissions in relation to the available outcome options in respect of this Application to Vary an Existing Licence -

Application Granted

Dorset Police are of the view that granting the licence as applied for would present a significant risk of undermining the licensing objectives.

The current operators have demonstrated inability to adhere to the existing conditions of the licence. Coupled with complaints from local residents regarding activity which is inconsistent with the operating schedule of the premises licence, there is a strong likelihood that the operator will fail to promote the licensing objectives if the Sub-Committee were to extend the existing provision further.

Application Granted subject to Conditions

Due to the concerns that Dorset Police have in respect of this premises, Dorset Police are of the view that to allow the additional licensable activities will likely undermine the licensing objectives.

If the Sub-Committee were inclined to grant the additional activities, Dorset Police consider that there would be such a departure of the existing operating schedule (restaurant) that there would be a requirement for a complete review of the existing conditions.

The existing conditions were intended to reflect a restaurant in a Town Centre and this notable change would require consideration of further conditions to include, but not limited to, the provision of SIA staff when licensable activities were taking place beyond 9pm.

However, Dorset Police do not have confidence that the applicant will be able to meet any new conditions based on their recent performance.

Licensable Activities listed in the Application Excluded

Dorset Police are committed to ensuring that licensed premises are both fit for the purpose intended by the applicant and operate to the benefit of the community.

This premises licence was intended to be a Restaurant and whilst the Licensing Act 2003 does permit the variation of any premises licence, doing so must not risk undermining the licensing objectives.

The application relates to the extension of the operating hours and the addition of late night entertainment, both of which conflict with the original intention for the premises. This is, in effect, a significant departure from the purpose of the licence and whilst the extension of the opening hours of the premises as a 'Restaurant' may be considered acceptable, Dorset Police are of the view that the addition of late-night entertainment demonstrates that the premises no longer intends to be a Restaurant.

Reject Application

Dorset Police understand that the applicant had failed to understand the conditions of the licence when purchasing the lease for this premises. The applicant failed to appreciate that this premises was intended to be a Restaurant with a schedule of conditions to suit that purpose.

Dorset Police are of the view that any departure from this purpose should be permitted with caution. It is clear from the concerns raised by local residents that incidents have already been occurring at this premises which have been to the detriment of the local area, most likely in breach of existing conditions.

It is the view of Dorset Police that this application should be rejected for the applicant to demonstrate over a period that they can consistently operate within the existing licence conditions, before they should be permitted to extend the licensable activities further.

Conclusion

Matters of fiscal interest are not of concern to this Sub-Committee. The applicant has undertaken a premise with proportionately restrictive conditions given its proximity to dwellings and a school for vulnerable adults.

This licence was deliberately intended to reflect that of a restaurant and any departure from that primary purpose should be done so with caution and in conjunction with a complete overhaul of the conditions, including the removal and addition of conditions which provide the responsible authorities and other interested parties with the confidence that the licensable activities will be delivered in promotion of the licensing objectives.

Dorset Police have detailed above concerns, identified during the two most recent visits to the premises, which demonstrates that the operators either do not have the necessary competence to deliver the provision in accordance with the conditions of the licence or have deliberately failed to meet the conditions of the licence.

Whilst it is the default position to grant a variation, the Sub-Committee members must do so only when there are no genuine concerns raised by the Responsible Authorities or residents. In this matter there are concerns. Given the severity of these concerns, coupled with the risk of further disorder and nuisance to the community, the Sub-Committee are invited to reject this application and to allow the Responsibilities further opportunity to seek improvement at this premises before any additional licensable activities are granted.

[Insert name and address of relevant licensing authority and its reference number (optional).]

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We SICY LTD

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Corner 33 33 Sea Road Boscombe Dorset BH5 1DD			
Post town	Bournemouth	Postcode	BH5 1DD

Telephone number at premises (if any)	<div style="background-color: black; width: 100px; height: 1.2em;"></div>
Non-domestic rateable value of premises	£Unknown

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |

- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☐

I am making the application pursuant to a
 statutory function or ☐
 a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Sicy Ltd
Address 33 Sea Road Bournemouth Dorset BH5 1DD
Registered number (where applicable) 12846554
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
0		1	1	2	0	2	0

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			

Please give a general description of the premises (please read guidance note 1)

Fish and seafood restaurant
Takeaway and eat in

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)



Supply of alcohol (if ticking yes, fill in box J)



In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)			
Wed						
Thur						
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Fri						
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
Thur						
Fri						
Sat			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sun						

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Low level piped background music played during operating hours			
Mon	10:00	23:00				
Tue	10:00	23:00				
Wed	10:00	23:00				
			State any seasonal variations for the playing of recorded music (please read guidance note 4)			
Thur	10:00	23:00				
Fri	10:00	23:00				
Sat	10:00	23:00				
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun	10:00	23:00				

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					



I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)			
Wed						
Thur	10:00	01:00				
			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) Takeaway food offering only following 23:00hrs where stated			
Fri	10:00	01:00				
Sat	10:00	01:00				
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 6)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)		
Mon	10:00	23:00			
Tue	10:00	23:00			
Wed	10:00	23:00			
Thur	10:00	00:00	<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri	10:00	00:00			
Sat	10:00	00:00			
Sun	10:00	23:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Agnieska Brozyniak	
Address 	
Postcode	BH5
Personal licence number (if known) 	
Issuing licensing authority (if known) Weymouth	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	23:00	
Tue	10:00	23:00	
Wed	10:00	23:00	
Thur	10:00	01:00	
Fri	10:00	01:00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Sat	10:00	01:00	
Sun	10:00	23:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

Corner 33 will meet all 4 Licensing Objectives as shown below, in particularly through ensuring comprehensive staff training, good neighbour practices, Challenge 25

b) The prevention of crime and disorder

Whole service area is visible to Management and staff who will be trained and supervised by a DPS and their authorised staff
CCTV is installed to cover all trading and immediate access and exit routes
Posters will be visible from the window to deter customers from congregating by the main door and to remind them to be considerate of neighbours and residents

c) Public safety

The measures outlined above
Alcohol is only to be served ancillary to food
Challenge 25 Age Verification policy to be adopted and advertised with posters
Adequate rubbish bins provided close to the building

d) The prevention of public nuisance

The measures detailed above
Particularly ensuring that customers do not congregate in or near the doorways after leaving
Adequate provision of rubbish bins
Management of delivery drivers to park considerately
Any outside seating not to be used after 10 pm with appropriate signage

e) The protection of children from harm

Staff will adopt and stringently enforce a Challenge 25 Policy
Deliveries including alcohol will require appropriate ID at point of transfer
Any staff employed under the age of 18 will be constantly supervised

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	Tom Hollington
Date	23/12/2020
Capacity	Agent

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Post town

Postcode

Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.