

Supplementary Papers for Licensing Sub-Committee

Date: Wednesday, 17 January 2024



9. **Review of Nala Tapas & Cocktail Lounge, 135-137 West Hill Road, Bournemouth, BH2 5EG**

3 - 28

Additional evidence submitted by Tania Jardim, Licensing Officer and Philip Day, Solicitor representing Nala Tapas & Cocktail Lounge.

This matter is brought before the Sub Committee for determination.

Published: 16 January 2024

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From: [Philip Day](#)
To: [Licensing Com](#); [Tania Jardim](#); [Sarah Rogers - Licensing](#); [Andrew Hill](#)
Cc: [Nala Lounge](#); [REDACTED]
Subject: Nala Lounge - review hearing 17 January 2024 (GU297/1)
Date: 09 January 2024 17:36:38
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Dear All

I have noted the agenda papers for the hearing of the review application next week and have a number of concerns, not least that relevant emails/documents etc have not been included in the agenda papers.

In summary, I will be making an application to adjourn the hearing until 24th January when the application for a new licence for the premises will be considered.

As is always the case with any matter that I am involved with, I have attempted meditation.

In this case, that basically consisted of making an application for the grant of a new licence with hours restricted to a greater extent than under the existing licence the subject to the review application and the inclusion of other licensable activities (i.e. regulated entertainment) but subject to a raft of additional conditions. Whilst the police in particular made a representation regarding the review application, they have not done so regarding the new licence application.

If the new licence application was granted on terms acceptable to my clients, the existing licence (i.e. the one subject to the review) would be surrendered which in turn would make the review application redundant. I also note that some of the "other" representations refer to both the review application and the application for a new licence.

It therefore made sense (to me at least) to have both hearings listed for the same day but to have the new licence application considered first.

However, I have been advised that the listing of other cases on 17th January was such that it was not possible to accommodate both.

There are legal issues regarding the representations that have been made by Environmental Health in particular which I have raised in email correspondence and I am concerned that these matters have not been addressed in your Officer's report – these relate to the Live Music Act and the relationship between "licensing" and "planning" (having regard to the s.182 Guidance that licence conditions should not duplicate other regulations etc).

If the review application proceeds on 17th January, any decision the sub-committee might make will not have effect for 21 days (or for far longer if we were to lodge an appeal) by which time the new licence application will have been determined (on 24th January).

Please therefore can the review application be adjourned until 24th January?

If not, then I will need to submit voluminous documents, including the application for the new licence and the many emails relating to the same and a legal argument concerning the provisions of the Live Music Act.

My client has also requested that the hearing(s) should be in person and not conducted by way of a video (Teams) link.

I look forward to hearing from you but can this please be included in papers sent to members and all those who have made representations?

Regards

Philp
Philip Day Partner

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From: [Andrew Hill](#)
To: [Philip Day](#)
Cc: [Tania Jardim](#); [Sarah Rogers - Licensing](#); [Linda Cole](#)
Subject: RE: Nala Lounge New Premises License Application (GU297/1)
Date: 21 December 2023 07:58:29
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Hi Philip

Thanks for your email. I cannot agree to a number of points you have raised. Ultimately this license seeks to legitimise the use of the premises as a night club / music venue and is a significant departure from the restaurant we were first advised this would be. Failure to agree to the conditions I have suggested will offer little or no protection to the residents from noise especially through the use of the external seating area and I will be obliged to uphold my objection.

My comments below:

1. *No regulated entertainment shall be permitted in that part of the premises identified as the “enclosed seating area” on the approved plans, after 23:00 hours.* The current planning permission stipulates that the outside area is only allowed to have background music, can only be used for dining and needs to be vacated by 10 pm Sunday to Thursday and by 11 pm Friday and Saturday. This is to minimize the impact of the use of this area on local residents.

Therefore I would not be in agreement with this condition offered and would require that **music in that part of the premises identified as the “enclosed seating area” shall be at background levels at all times. This area shall be used for dining only.**

You State in RED that

I cannot agree this. The provisions of the Live Music Act cannot be disapplied on an application for the grant of a new licence. The seating area is within the area licensed for the sale of alcohol for consumption on the premises and this condition if impose would be of no effect.

My response in GREEN;

What you and your client fail to appreciate here is that the planning permission restricts the use of the external area for anything other than background music and states that the area must be vacated by 23:00 Friday and Saturdays and 22:00 Sunday to Thursday. Furthermore the planning consent states that the area can only be used for dining.

The condition needs to be in place to ensure that the use of this area is in accordance with the planning consent. (I have objected to the planning application for the removal of this restrictive condition)

I will not be supportive of any application which allows the external area to be used for music other than background as local residents will be affected.

2. *Whenever regulated entertainment is provided inside the premises. The retractable roof over part of the enclosed seating area shall be kept closed and all windows kept shut;*

I would request that this be amended to;
Whenever music other than background levels is provided inside the premises. The retractable roof over part of the enclosed seating area shall be kept closed and all windows kept shut;

You State in RED that

I cannot agree this. The provisions of the Live Music Act cannot be disapplied on an application for the grant of a new licence. The seating area is within the area licensed for the sale of alcohol for consumption on the premises and this condition if impose would be of no effect.

My response in GREEN;

An agreement was reached with Mr Gunduz and his management team that a lobby doorway would be constructed. He advised me that due to financial constraints he was unable to construct the lobby doorway and I agreed that when live and recorded music was played in the premises the front doors and the front door to the enclosed external area as well as the roof would be kept closed to prevent noise affecting residents.

What it appears you are suggesting is that the premises will not have any restrictions on the control of noise until 23:00 because of the provisions of the LMA. I will not agree to this and am really concerned that we are in fact now moving backwards with what we are trying to achieve here.

Again, I will be obliged to object. I am concerned that these residents will be affected by noise from the external area which as I understand your client now:

- Seeks to utilize this area for live and recorded music until 23:00 which is contrary to the planning consent
- There is no requirement for this area to be closed to control noise from patrons or music until 23:00

I will not be supportive of any application which allows the external area to be used for music other than background as local residents will be affected.

3. The holder of the licence shall ensure that the entrance door into the enclosed seating area and from the enclosed seating area into the main part of the building are not open at the same time (Agreed)
Please note that this is not a “stand alone” condition but relates only to when regulated entertainment is provided inside the premises.

What it appears you are suggesting is that the premises will not have any restrictions on the control of noise until 23:00 because of the provisions of the LMA. – Because of your comment about ‘relating only to when regulated entertainment is provided’ I will not agree to this and am really concerned that we are in fact now moving backwards with what we are trying to achieve here again. Mr Gunduz agreed that whenever live and recorded music is being played the doors/ roof and windows of the external area would be kept closed.

I will not be supportive of any application which allows the external area to be used for music other than background as local residents will be affected.

4. Persons wishing to smoke shall not be permitted to do so within any part of the enclosed seating area. (Agreed)
As with 3 above, please note that this is not a “stand alone” condition but relates only to when regulated entertainment is provided inside the premises.

Please see comments above -

5. All amplified music shall be routed through a noise limiting device. The level(s) at which the device is set shall be determined in consultation with the Environmental Health Officer. Access to the device shall be restricted to the manager of the premises and a noise consultant retained by the premises. (Agreed)
6. Staff (including any SIA registered door supervisors) shall be instructed:
To monitor compliance with the conditions of the licence; and to ensure that patrons smoking outside the premises on the street are not causing a nuisance to local residents. (Agreed)
7. A sign shall be prominently displayed at the exit from the premises requesting customers to leave quietly and have regard to local residents. (Agreed)
8. The premises shall ensure that its website includes a telephone number to which local residents can refer any concern about noise and other issues. (Agreed)

Furthermore, I would request that the following changes are made to Section M, (General – all four licensing objectives is made:

Substantial food in the form of table meals appropriate to the time of day shall be available from when the premises open until 22:30 hours or 30 minutes before the intended closing time of the premises on any particular day, whichever is earlier.

This shall be amended to:

Substantial food in the form of table meals appropriate to the time of day shall be available from when the premises open until 23:00 hours or 30 minutes before the intended closing time of the premises on any particular day, whichever is earlier. This shall include the enclosed seating area. Which must be vacated by 10 pm Sunday to Thursday and by 11 pm Friday and Saturday. [this condition will bring the requirements of the premises license in line with the requirements of the planning consent]
I will take instructions but you will be aware that planning applications have been submitted to address this and other aspects.

I have objected to the planning application

A waiter/waitress service shall operate at all times the premises are open to the public. *This shall include the enclosed seating area.*

I would have thought this was implicit but subject to instructions, agree.

Non-alcoholic beverages (including tea and coffee) shall be available at all times the premises are open to the public. (Agreed)

A minimum of 40 covers (i.e. tables and chairs that can be used for dining) will be provided internally from when the premises open until 23:00 hours or 30 minutes before the intended closing time of the premises on any particular day, whichever is earlier. (Agreed)

A minimum of 20 covers (i.e. tables and chairs that can be used for dining) will be provided in the enclosed seating area from when the premises opens until 23:00 on Friday and Saturday and by 10 pm Sunday to Thursday

I need to think about this one, not least because the reality is that for much of the time, the demand for food would not justify opening the enclosed seating area for diners, particularly during the winter months. Could we discuss further please?

I believe the above conditions will offer the nearby residents sufficient protection from noise.

If the applicant is not in agreement with the above conditions, I would request that a hearing is held so that I can bring my concerns to the attention of the licensing sub-committee

I think a hearing is probably inevitable given that we currently have one local resident who has made a representation whom I think is unlikely to agree a mediated outcome.....

Philip I need to be honest here and say that I am really concerned that we are moving away from a position of mediation. I have agreed to work with this business to ensure that they can operate without negatively impacting on the residents. The business acknowledged that they needed to make some allowances and I agreed to manage the expectations of the residents.

This external seating area is a major concern for me, they cannot control the noise and the premises license you are trying to obtain for this premises which hides behind the provisions of the LMA is simply going to place this business under constant scrutiny from the residents and us.

This premises license if granted without the conditions I have suggested will ultimately result in the 'Prevention of Nuisance objective being undermined' whilst you may suggest we can then seek a review to disapply the LMA, this will mean having to once again gather evidence, once again take up the time of licensing officers, and your client once again having to meet the costs of litigation for the hearing. We are both experienced enough to see that it is inevitable that the use of the external area with little or no controls until 23:00 will result in complaints and further monitoring visits and noise surveys from us.

The provision of music in this outside area will attract more persons to this area and whilst perhaps the volume of music can be controlled, the noise associated with patrons in this external area cannot be controlled, especially when patrons wish to smoke on indeed if Mr Gunduz wishes to continue offering this area as a space for consuming shisha and therefore the windows, doors and ceiling would need to be open.

I am disappointed that we have regressed now. If you feel that the provisions of the LMA are a hindrance to the application of suitable controls then I may need to consider whether indeed this premise license being granted is appropriate for the area ?

I am happy to work with you and the business Philip but you need to give me something to work with. This external area has been and will always be a major problem for the business. I think that the business can control the noise from within the property provided suitable structural acoustic controls are in place such as lobbied doorways and in this case the external area acting as lobby for the prevention of noise escape but the external area will always present a challenge to this business.

The conditions I have suggested will in my view offer sufficient controls to the residents whilst allowing the business to continue utilising this space in accordance with the planning consent.

Kind Regards



Andrew Hill
Senior Environmental Health Officer

Communities

T. 01202 123186

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From: Philip Day
Sent: Monday, December 18, 2023 1:04 PM
To: Andrew Hill
Cc: Tania Jardim ; Sarah Rogers - Licensing
Subject: FW: Nala Lounge New Premises License Application (GU297/1)

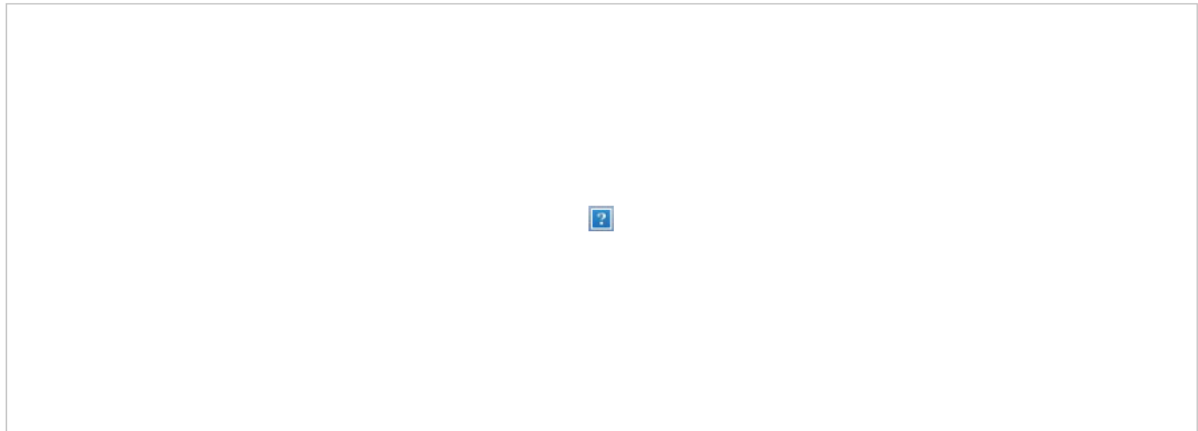
Dear Andrew

I refer to your representation regarding the new licence application (copied below) and attach (in red) my comments. You will see that some of them are really technical and revolve around the application of the Live Music Act. If you accept the points made about the Live Music Act, it does seem that there would be only a few issues potentially between us (your final points regarding when food should be available and the number of covers in the enclosed seating area).

I am on holiday from the 21st through to the afternoon of the 2nd but can we try and arrange to discuss on my return (unless you can do so in the next day or two?)

Regards

Philip
Philip Day Partner



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From: Andrew Hill
Sent: Wednesday, December 13, 2023 9:19 AM
To: Sarah Rogers - Licensing
Cc: Licensing Com ; [Yvette Landy](#)
Subject: Nala Lounge New Premises License Application

Hi Sarah

I have considered the new premises license application for NALA Lounge which has been submitted so as to ensure that the premises license is more in keeping with the intended use of the premises which is restaurant and cocktail bar offering live music and events.

I believe that the historic operation of this venue until 2am was not in keeping with the area, this venue had an adverse impact on the use and enjoyment of properties in the local vicinity. Which resulted in a Noise Abatement Notice being served to limit live and Recorded Music until midnight. It is therefore encouraging to see that this application now has a terminal hour of 24:30 with Live and Recorded music until midnight.

The applicant has offered a number of conditions to minimise the impact of venue on local properties. I am broadly in agreement with the majority of these, however am not in agreement with the following:

1. *No regulated entertainment shall be permitted in that part of the premises identified as the "enclosed seating area" on the approved plans, after 23:00 hours.* The current planning permission stipulates that the outside area is only allowed to have background music, can only be used for dining and needs to be vacated by 10 pm Sunday to Thursday and by 11 pm Friday and Saturday. This is to minimize the impact of the use of this area on local residents.

Therefore I would not be in agreement with this condition offered and would require that **music in that part of the premises identified as the "enclosed seating area" shall be at background levels at all times. This area shall be used for dining only.**

I cannot agree this. The provisions of the Live Music Act cannot be disapplied on an application for the grant of a new licence. The seating area is within the area licensed for the sale of alcohol for consumption on the premises and this condition if impose would be of no effect.

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I would request that this be amended to;

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Again, I cannot agree this. The provisions of the Live Music Act cannot be disapplied on an application for the grant of a new licence. The seating area is within the area licensed for the sale of alcohol for consumption on the premises and this condition if impose would be of no effect.

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I will take instructions but you will be aware that planning applications have been submitted to address this and other aspects.

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A minimum of 20 covers (i.e. tables and chairs that can be used for dining) will be provided in the enclosed seating area from when the premises opens until 23:00 on Friday and Saturday and by 10 pm Sunday to Thursday

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If the applicant is not in agreement with the above conditions, I would request that a hearing is held so that I can bring my concerns to the attention of the licensing sub-committee

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Kind Regards



Andrew Hill
Senior Environmental Health Officer

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Supplementary Information - Review of Nala Tapas & Cocktail Lounge, 135-137 West Hill Road, Bournemouth, BH2 5EG

Further to report published on Tuesday 9 January 2024. At paragraph 9 of the said report, reference is made to a new application for a premises licence, Mr Day was concerned that insufficient information about the new application was included in the report to explain that the new application was submitted by way of mediation to the review.

The new application seeks to permit Films (Indoors and Outdoors), Live Music (Indoors), Recorded Music (Indoors), Performance of Dance (Indoors) and Supply of Alcohol (On and Off the premises) Monday to Sunday 10:00 to 00:00 and Late Night Refreshment 23:00 to 00:30 Monday to Sunday.

Mr Day has advised that should the new application be granted, his client will surrender the existing licence, BH184278.

A copy of email correspondence with respect to the new premises licence application and Mr Day's concerns is attached at Appendix 5.

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**APPLICATION TO REVIEW THE PREMISES LICENCE FOR
NALA TAPAS AND COCKTAIL LOUNGE
135 – 137 WEST HILL ROAD, BOURNEMOUTH**

RESPONSE ON BEHALF OF THE LICENCE HOLDER

Introduction

My primary submission will be that the hearing of the review application be adjourned until 24th January when an application for the grant of a new licence for the premises will be considered.

If that application is refused, my secondary submission will be that the Licensing Authority should take no action with regard to the Review.

Background

Very little of the facts relied upon by the Licensing Authority in its application for a review of the Premises Licence are in dispute and it is certainly not my intention to address each and every allegation.

Rather, and from the outset, my intention has been to attempt to mediate an outcome acceptable to all parties. To that end, I submitted an application for the grant of a new licence (copy attached) which sought to address the concerns of both responsible authorities and others who made representations in support of the review.

As can be seen, the application was made on the basis that it would have no effect unless the existing licence was either surrendered or revoked. It was also made clear in numerous emails (not reproduced) that if a new licence was granted subject to terms, conditions and restrictions acceptable to the applicant (Nala Lounge Ltd – the trading company that operates the business and has done so since the licence was transferred to Mr Gunduz), the existing licence would be surrendered thus rendering the review application redundant (there is no power to review a licence that has been surrendered or has lapsed for some other reason).

Logically, it made sense to have the new licence application considered at the same hearing as the review application and to deal with the new application first.

Unfortunately, although the time limits would have permitted the new application to be considered on 17th January, we were advised that as there were another three applications listed for the same date, the new application would only be considered on 24th January. (Ironically, it now appears that two of the applications are to be adjourned and a third has a mediated outcome and time would have allowed for both applications to be considered but that is beside the point).

The "new" application

The sub-committee cannot determine this application at the hearing but is entitled to note that it seeks to address a number of matters raised in the review, including permitted hours, conditions relating to music and smoking.

In the interest of transparency, it should be noted that:

1. Environmental Health have made representations regarding some of the proposed conditions and the like;
2. A number of local residents (or owners of nearby properties) have repeated their concerns about the premises; but
3. The Police have not made any representation regarding the application.

Preliminary submission

If the sub-committee are minded to accept the submission that the application to review the licence should be adjourned, that would be an end to the matter on 17th January.

If however the sub-committee is minded to proceed, I make the following submissions:

Why the Sub-Committee should not take any action with regard to the Review application.

Legal issues:

The Officer's report accurately sets out the powers that the sub-committee has on the hearing of a review. It should be noted that those powers do not include "adding further licensable activities" (such as music and dancing).

The s.182 Guidance (at para 1.16 – Licence conditions – general principles) makes it clear that conditions:

"Should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation; and

"should not replicate offences set out in the 2003 Act or other legislation" (my emphasis).

(Please also note para 9.12 in the context of the representations made by "others" relating to alleged criminality – "The police should therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objectives").

In this case the sub-committee should note that:

Mr Hill has served a Noise Abatement Notice which prohibits the playing of “Live and amplified music after 24:00”. (Please also note that two earlier Noise Abatement Notices served by Mr Hill were withdrawn following his acceptance that they were legally defective) – there has been no appeal in respect of the same and any appeal would now be out of time. Breach of such a notice is a criminal offence.

Not only are there planning restrictions in place but a Breach of Condition Notice has also been served. There is no right of appeal against such a notice and again, a breach of the same is a criminal offence;

The “smoking regulations” regulate where smoking may be permitted.

The actions sought to remedy the concerns of the applicant for the review – response:

1. “To disapply the provisions of the Live Music Act so that any provisions of live or recorded music at any time is licensable and subject to conditions on the licence.”

As noted above, the sub-committee cannot (on a review application) add further licensable activities to the licence. It follows that they cannot then attach conditions which relate to an activity that is not included on the licence. Further, if Mr Hill considered that the playing of music in the premises before 11 p.m. was causing a statutory nuisance, he could have served a Noise Abatement Notice preventing the same but in fact, the (current) Notice only prevents live or amplified music after midnight.

2. “Reduce the terminal hour from 02:00 to 00:00 on Thursdays to Saturdays inclusive”

This is unnecessary given the planning conditions and the Breach of Condition Notice that has been served restricting the hours of operation. Further and although the sub-committee cannot at this stage consider the new licence application, it should be noted that the same seeks shorter hours than is permitted under the current licence.

3. “Designate a smoking area which is not enclosed and is appropriately managed to minimise disruption to any nearby residents”

Please note para 1.16 of the s.182 Guidance – conditions “cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff.....”

The “smoking regulations” should not be duplicated in any licence conditions and it would be wrong to seek to impose conditions imposing a responsibility on the premises to control/manage people outside the premises, some of whom may not be or have been patrons.

The application for a new licence does however include conditions relating to smoking in or around the premises.

It follows that the specific remedies that the Review application seeks to achieve are already in place thanks to other legislation/statutory requirements.

Other matters

Reference is made in the papers to the variation applications that were made in January and April 2023.

Mr Gunduz had retained the services of a "Licensing Consultant" to make these applications on his behalf. When the application to extend permitted hours was made, Mr Gunduz was under the impression that it would apply in respect of all licensable activities and was dismayed (to put it mildly) when he subsequently discovered that the application had not included regulated entertainment.

It is perhaps worth noting that the consultant retained also provides training courses.

The licence currently includes a condition that "All front of house staff shall be trained to a competent level including licensing law, drug awareness and will be trained to a Level 2 Award in Conflict Management" and that "an SIA registered door supervisor shall be deployed at the premises to work exclusively in a security capacity from 2100hrs until the premises closes to the public on each day when licensable activities are taking place".

Neither of these conditions were appropriate or necessary. particularly given the description of the premises that was given at the time. Mr Gunduz is being separately advised regarding these matters and what claims he might have.

Equally, when the business was acquired, it appears that none of those concerned were properly advised regarding the planning restrictions in place. Again, Mr Gunduz is being separately advised regarding these matters and what claims he might have.

Finally

This response (albeit long) only seeks to address the issues raised by the review application. A further submission will follow regarding the new licence application and the representations that have been made regarding that but the contents will in part depend on the decision that will be made regarding the review application. I therefore request that a decision be announced rather sooner than the 5 working days permitted by the regulations!

Mr Gunduz is also aggrieved by the way in which this situation has developed – one of the neighbours has for example been unlawfully filming the premises and its customers and he and his business partners are also concerned that on two separate occasions, Noise Abatement Notices were served which were later withdrawn as they were not lawfully made. He will in due course wish to address the sub-committee regarding his grievances.

Philip Day, Partner, Laceys Solicitors LLP, 9 Poole Road, Bournemouth BH2 5QR

 or licensing@laceyssolicitors.co.uk

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 **Nala Lounge 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 Nala Lounge 135 West Hill Road			
Post town	Bournemouth	Postcode	BH2 5EG

Telephone number at premises (if any)	01202 556799
Non-domestic rateable value of premises	£42,500

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/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <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 | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | 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 | <input type="checkbox"/> | 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 | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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 ☐

(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 Nala Lounge Limited
Address 135 West Hill Road, Bournemouth, England, BH2 5EG
Registered number (where applicable) 14816092
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any) 01202 556799
E-mail address (optional) nalalounge@outlook.com

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

AS SOON AS POSSIBLE

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Cocktail Bar and Restaurant.

Please note that the premises has the benefit of a Premises Licence number BH184278 which is currently the subject of an application to review the same. The current licence does not include any form of regulated entertainment – it appears that when an application was made to vary the permitted hours for the supply of alcohol, late night refreshment and opening, the agent instructed omitted to include regulated entertainment. Further, the plan attached to the licence is inaccurate. The current licence also includes conditions that are inappropriate.

This application is made to include regulated entertainment and appropriate conditions but on the basis that it will have no effect unless the existing licence is either revoked or surrendered.

Note that there are also concurrent planning applications.

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

Not applicable

What licensable activities do you intend to carry on from the premises?
(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

PLEASE NOTE THAT BOXES A, C, D, G AND H ARE BLANK AND HAVE NOT BEEN REPRODUCED IN THE INTEREST OF SAVING PAPER AND SUSTAINABILITY GENERALLY

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) Screens in the premises (including in the enclosed seating area that might occasionally have its roof open) will normally be used to show live television feeds but may on occasions be used to show recorded material.		
Mon	10:00	00:00			
Tue	10:00	00:00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5) None.		
Wed	10:00	00:00			
Thur	10:00	00:00	<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 6) From the commencement of hours on New Year's Eve until the end of permitted hours on New Year's Day		
Fri	10:00	00:00			
Sat	10:00	00:00			
Sun	10:00	00:00			

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	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 4) Live Music would normally be provided pursuant to the Live Music Act. Please note the proposed conditions in Section M.		
Mon	10:00	00:00			
Tue	10:00	00:00			
Wed	10:00	00:00	State any seasonal variations for the performance of live music (please read guidance note 5) None.		
Thur	10:00	00:00			
Fri	10:00	00:00	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 6) From the commencement of hours on New Year's Eve until the end of permitted hours on New Year's Day		
Sat	10:00	00:00			
Sun	10:00	00:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	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 4) Recorded Music would normally be provided pursuant to the Live Music Act. Please note the proposed conditions in Section M.		
Mon	10:00	00:00			
Tue	10:00	00:00			
Wed	10:00	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 5) None.		
Thur	10:00	00:00			
Fri	10:00	00:00	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 6) From the commencement of hours on New Year's Eve until the end of permitted hours on New Year's Day		
Sat	10:00	00:00			
Sun	10:00	00:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	10:00	00:00	<u>Please give further details here</u> (please read guidance note 4) The premises primarily provides Turkish Cuisine and will on occasions have performance of dance (such as Belly dancing).		
Tue	10:00	00:00			
Wed	10:00	00:00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5) None.		
Thur	10:00	00:00			
Fri	10:00	00:00	<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 6) From the commencement of hours on New Year's Eve until the end of permitted hours on New Year's Day.		
Sat	10:00	00:00			
Sun	10:00	00:00			

I

Late night refreshment Standard days and timings (please read guidance note 7)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	23:00	00:30	<u>Please give further details here</u> (please read guidance note 4) Hot food and drink may be provided whenever the premises are open. Note that references to 00:30 are to the day following.		
Tue	23:00	00:30			
Wed	23:00	00:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) None.		
Thur	23:00	00:30			
Fri	23:00	00:30	<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 6) On New Year's Eve from 23:00 until 02:00.		
Sat	23:00	00:30			
Sun	23:00	00:30			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) None.		
Mon	10:00	00:00			
Tue	10:00	00:00			
Wed	10:00	00:00			
Thur	10:00	00:00	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 (please read guidance note 6) From the commencement of hours on New Year's Eve until the end of permitted hours on New Year's Day.		
Fri	10:00	00:00			
Sat	10:00	00:00			
Sun	10:00	00:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Ismail Gunduz	
Date of birth [REDACTED]	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	

K

<p>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 9).</p> <p>No adult entertainment, services activities etc will be provided.</p>
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L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5) None.
Day	Start	Finish	<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 6) From the commencement of hours on New Year's Eve until the end of permitted hours on New Year's Day.
Mon	10:00	00:30	
Tue	10:00	00:30	
Wed	10:00	00:30	
Thur	10:00	00:30	
Fri	10:00	00:30	
Sat	10:00	00:30	
Sun	10:00	00:30	

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 10)

The relevant mandatory conditions shall apply to the licence.

This licence shall have no effect unless and until Premises Licence number BH184278 is either surrendered or revoked.

Substantial food in the form of table meals appropriate to the time of day shall be available from when the premises open until 22:30 hours or 30 minutes before the intended closing time of the premises on any particular day, whichever is earlier.

A waiter/waitress service shall operate at all times the premises are open to the public.

Non-alcoholic beverages (including tea and coffee) shall be available at all times the premises are open to the public.

A minimum of 40 covers (i.e. tables and chairs that can be used for dining) will be provided internally from when the premises open until 22:30 hours or 30 minutes before the intended closing time of the premises on any particular day, whichever is earlier.

b) The prevention of crime and disorder

CCTV

The holder of the premises will install and then maintain in good working order a digital CCTV system which covers all internal parts of the premises open to the public (except the lavatories), the area immediately outside any entrance to the premises and (if it is in use), the external area. Recordings shall be retained for a minimum period of 31 days and made available for inspection by police and other authorised officers immediately on request with copies provided in a readable format as soon as practicable provided that any request to view or be provided with copies of recordings is compliant with data protection legislation and that if the premises are closed when the request is made, the request be complied with as soon as reasonably practicable.

A person conversant with the operation of the CCTV system who is also authorised to access the same shall be on duty whenever the premises are open to the public.

The system shall be checked on at least a weekly basis - a written or electronic record shall be maintained of all such checks, any fault shall be recorded and immediate action taken to rectify the same. The record shall be made available for inspection by Police and other authorised officers on request.

Refusals Register and Incident Reporting

The premises shall maintain (either in writing or electronically and either as a single document or separately):

1. A record of each and every occasion the sale or supply of alcohol is refused, the reason for the refusal, the name of the person refusing the sale/supply and (if possible) the name or description of the person who has been refused.
2. A record of any incident involving the commission or suspect commission of any criminal offence or anti-social behaviour occurring within the premises (including the external area if in use) to include a description of the incident, the name(s) of any staff member involved and the action taken.
3. A record regarding the removal of any person from the premises (other than at closing time), to include the reason for removal and the name(s) of any staff member dealing with the incident.
4. Any official visit or inspection undertaken by an authorised person (as defined by the Licensing Act 2003).

Door Supervision

The holder of the licence or the DPS shall also undertake a risk assessment to determine whether it is appropriate to deploy door supervisors on any other particular day, occasion or time.

The risk assessment will take into account the risks associated with any act of terrorism directed at the premises, disorder within or associated with the premises and the risk of nuisance being caused by (for example but not limited to) persons smoking outside the building after 23:00 hours.

A copy of the risk assessment will be provided to the Police and Licensing Authority on request and will be reviewed and updated:

1. Annually;
2. If it is intended to provide regulated entertainment on a Thursday after 23:00 hours;
3. If any other event is scheduled to take place at the premises that differs substantially from the normal operation of the premises (for example the showing of a major sporting event on television that might give rise to conflict within the premises between rival supporters);
4. At the request of the Police; or
5. Following any incident involving serious crime at or associated with the premises.

Pub Watch

The premises shall join any local “Pub Watch” scheme, regularly attend meetings and actively support its initiatives.

c) Public safety

Note for information purposes only:

The applicant has carefully considered this licensing objective and has concluded that in the light of other regulatory requirements (such as the Regulatory Reform (Fire Safety) Order 2005) and the conditions proposed elsewhere in this application, no additional conditions are appropriate under this licensing objective.

d) The prevention of public nuisance

Note for information purposes only- The provisions of the Live Music Act have not been disapplied to this Licence. The following conditions will therefore be subject to the provisions of the Live Music Act.

No regulated entertainment shall be permitted in that part of the premises identified as the “enclosed seating area” on the approved plans, after 23:00 hours.

Whenever regulated entertainment is provided inside the premises (i.e. that part excluding the enclosed seating area), the following conditions shall apply:

The retractable roof over part of the enclosed seating area shall be kept closed and all windows kept shut;

The holder of the licence shall ensure that the entrance door into the enclosed seating area and from the enclosed seating area into the main part of the building are not open at the same time; and

Persons wishing to smoke shall not be permitted to do so within any part of the enclosed seating area.

All amplified music shall be routed through a noise limiting device. The level(s) at which the device is set shall be determined in consultation with the Environmental Health Officer.

Access to the device shall be restricted to the manager of the premises and a noise consultant retained by the premises.

Patrons shall only be permitted to smoke in that part of the enclosed seating area that has a retractable roof and only when the roof is retracted.

Staff (including any SIA registered door supervisors) shall be instructed:

To monitor compliance with the conditions of the licence; and

To ensure that patrons smoking outside the premises on the street are not causing a nuisance to local residents.

A sign shall be prominently displayed at the exit from the premises requesting customers to leave quietly and have regard to local residents.

The premises shall ensure that its website includes a telephone number to which local residents can refer any concern about noise and other issues.

No waste shall be removed from the premises nor deliveries made to the premises between 22:00 and 08:00 hours.

e) The protection of children from harm

The premises shall operate a "Challenge 25" policy whereby any person who appears to be under the age of 25 will be required to provide photographic proof of age in one or other of the forms required by the mandatory conditions before being supplied with alcohol.

Signs advertising the policy shall be prominently displayed at the entrance to the premises and at any or all serveries supplying alcohol.

All staff concerned with the sale or supply of alcohol shall be trained regarding restricted sales (to persons who are intoxicated or under the age of 18 either in person or by proxy), the terms and restrictions of this licence and the "Ask Angela scheme" (whereby a customer may alert staff if they feel threatened or intimidated by another customer) before they commence their duties and refresher training shall be provided at least once every 12 months.

Written or electronic records shall be maintained with regard to all training, including the name of the person trained, the nature of the training and the person who delivered the training. The records shall be retained for at least 12 months and made available for inspection by the Licensing Authority, Police, Trading Standards and other authorised officers.

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. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☐

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	Philip J Day for Laceys Solicitors LLP
Date	30 th November 2023
Capacity	Solicitors for the Applicant

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Philip Day Laceys Solicitors LLP 9 Poole Road			
Post town	Bournemouth	Postcode	BH2 5QR
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]			

Notes for Guidance

The Notes do not form part of the application form and have not been reproduced in the interest of sustainability.

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