

Supplementary Papers for Licensing Sub-Committee

Date: Wednesday, 24 January 2024



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

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The Licensing Authority has received an application to review the premises licence for the premises known as Nala Tapas and Cocktail Lounge, 134 – 137 West Hill Road, Bournemouth BH2 5EG.

At its meeting on 17 January 2024, the Licensing Sub Committee agreed to adjourn this hearing to take place on the revised date of 24 January 2024.

This matter is brought before the Sub Committee for determination.

Published: 17 January 2024

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LICENSING SUB-COMMITTEE



Report subject	Nala Tapas & Cocktail Lounge, 135-137 West Hill Road, Bournemouth, BH2 5EG
Meeting date	17 January 2024
Status	Public Report
Executive summary	<p>To consider an application by BCP Council's Licensing Authority to review the premises licence as a result of failures to comply with their licence conditions and smoking legislation, despite Licensing and Environmental Health advice and efforts to seek compliance.</p> <p>The review relates to concerns that the premises are not upholding the public safety and prevention of public nuisance licensing objectives.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members consider the following options: -</p> <ul style="list-style-type: none"> (a) Modify the conditions of the licence; and/or (b) Exclude a licensable activity from the scope of the licence; and/or (c) Remove the Designated Premises Supervisor; and/or (d) Suspend the licence for a period not exceeding three months; or (e) Revoke the licence; or (f) Leave the licence in its current state. <p>Members are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</p>
Reason for recommendations	<p>Where a review application by a responsible authority, or any other person, has been received the scheme of delegation set out in the Council's Constitution states that these applications should be dealt with by the Sub-Committee.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in the application.</p>

Portfolio Holder(s):	Cllr Kieron Wilson – Portfolio Holder for Housing, and Regulatory Services.
Corporate Director	Jillian Kay – Corporate Director for Wellbeing
Report Authors	Tania Jardim – Licensing Officer
Wards	Westbourne & West Cliff
Classification	For Decision

Background

1. An application for review of the premises licence, under Section 51 of the Licensing Act 2003, by BCP Council's Licensing Authority was received on the 13 November 2023. The application relates to public safety and the prevention of public nuisance licensing objectives. A copy of the review application is attached at Appendix 1.
2. The review has been sought following various complaints received by the Licensing Authority and other Responsible Authorities and continuous failure by the premises licence holder and DPS to comply with the conditions of their premises licence, especially with respect to providing regulated entertainment without the necessary authorisation.

Application History

3. The premises, previously known as GNG Restaurant, were originally granted a premises licence on 20 April 2021 for a mediterranean style restaurant with approximately 60 covers providing hot food and drink.

As part of the application, the applicant stated that the premises would be primarily used as a 'sit in' restaurant, but with a 'takeaway' and home delivery Service.

On the 12 January 2023 a Minor Variation application was submitted to amend the licence to remove the requirement that the premises be laid out as a restaurant with alcohol ancillary to a table meal excluding the outside area and it be amended to state that a minimum of 50 covers (including inside and outside) always be made available during licensable hours for the service of hot food. The premises were described on the application form as 'an elegant tapas restaurant in the West Hill area of Bournemouth serving a large selection of small plates and cocktails'.

The Minor Variation was deemed granted on the 27 January 2023.

4. On 21 April 2023 a Full Variation application was submitted to increase the terminal hour for late night refreshment and the supply of alcohol to 02:00 on Thursday, Friday and Saturdays and to change the name of the premises to Nala Tapas and Cocktail Lounge. The premises were described on the application form as 'a modern tapas and cocktail restaurant situated in the fashionable West Cliff area of Bournemouth'.

The Full Variation was deemed granted on 20 May 2023, subject to conditions agreed with Environmental Health. A copy of the current premises licence is attached at Appendix 2.

Consultation

5. A copy of the review application was served on all responsible authorities and the licence holder on the 13th of December 2023.
6. The Licensing Officer attended the premises on 14th of December 2024 and erected two site notices on the premises. Two further notices were placed in the main public noticeboards of the council offices in Bourne Avenue and St Stephen's Road. A notice was also published on the council's website.
7. Representations in support of the application were received from Environmental Health and Dorset Police as Responsible Authorities. Copy of the Responsible Authorities' representations are attached at Appendix 3.
8. Seven representations were received from local residents in support of the application and are attached at Appendix 4.
9. During the consultation, Mr Philip Day of Lacey's Solicitors submitted an application for a new premises licence at 135 West Hill Road in the name of Nala Lounge Limited on 30th of November 2023.

Options Appraisal

10. Before making a decision, Members are asked to consider the following matters: -
 - The representations made by BCP Council's Licensing Department.
 - The representation in support of the Licensing Authority from Environmental Health, Dorset Police and seven other persons.
 - The submissions made by or made on behalf of the applicant.
 - The relevant licensing objectives, namely the public safety and the prevention of public nuisance.
 - The Licensing Act 2003, Regulations, Guidance and the Council's Statement of Licensing Policy.

Summary of financial implications

11. An appeal may be made against the decision of Members by the applicant or the holder of the premises licence to the Magistrates' Court which could have a financial impact on the Council.

Summary of legal implications

12. If Members decide on an option available to them which the applicant or licence holder does not agree to, they may appeal to the Magistrates' Court within a period of 21 days beginning with the day that they are notified, in writing, of the decision.

Summary of human resources implications

13. There are no human resources implications.

Summary of sustainability impact

14. There are no sustainability impact implications.

Summary of public health implications

15. There are no public health implications.

Summary of equality implications

16. There are no equality implications.

Summary of risk assessment

17. There are no risk assessment implications.

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 (December 2023)

https://assets.publishing.service.gov.uk/media/6579dec8095987000d95e063/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf

Appendices

- 1 – Copy Review Application.
- 2 – Copy Current Premises Licence.
- 3 – Copy Representations from Responsible Authorities.
- 4 – Copy Representations from Other Persons.



**Application for the review of a premises licence or club premises certificate 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 Sarah Rogers on behalf of BCP Council Licensing Authority

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description 135 – 137 West Hill Road	
Post town Bournemouth	Post code (if known) BH2 5EG
Name of premises licence holder or club holding club premises certificate (if known) Mr Ismail Gunduz	
Number of premises licence or club premises certificate (if known) BH184278	

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sarah Rogers Senior Licensing Officer Public Protection BCP Council Civic Centre Bourne Avenue Bournemouth BH2 6DY
Telephone number (if any) 01202 123789
E-mail address (optional) sarah.rogers@bcpcouncil.gov.uk

This application to review relates to the following licensing objective(s)

- | | | |
|---|-------------------------------------|---------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> | Please tick one or more boxes ✓ |
| 2) public safety | <input checked="" type="checkbox"/> | |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> | |
| 4) the protection of children from harm | <input type="checkbox"/> | |

Please state the ground(s) for review (please read guidance note 2)

The review application is sought by the Licensing Authority, as a responsible authority under the Licensing Act 2003, as they believe the premises are not upholding the public safety and prevention of public nuisance licensing objectives.

The Licensing Authority no longer have confidence in the licence holder/DPS to ensure that conditions are complied with to prevent public nuisance, licensable activities are correctly authorised and smoking legislation complied with to ensure public safety.

Please provide as much information as possible to support the application (please read guidance note 3)

The premises previously operated as a hotel until the premises licence in force for those premises was surrendered when the business was sold and closed in July 2020.

On **22 March 2021** an application was made by Mr Ismail Gunduz for a new premises licence for a Mediterranean style restaurant with approximately 60 covers providing hot food and drink. *It would primarily be a sit in restaurant but with a takeaway and home delivery service. It was to be named "GNG Restaurant".*

Mr Gunduz applied for late night refreshment and the sale of alcohol (on and off the premises) until Midnight each day of the week. A request for an extension to hours for New Year's Eve from the start of permitted hours on the 31 December to the end of permitted hours on 2 January, for a continuous period, was also requested.

Following agreement with Dorset Police for the addition of conditions and to reduce the terminal hour for alcohol until 23:30 together with noise conditions agreed with Environmental Health the application was granted under delegated authority and Premises Licence number BH184278 was granted on 20 April 2021.

On **12 January 2023** an application for minor variation was applied for to amend a condition, previously agreed with Dorset Police which read "The premises shall be laid out as a restaurant and shall operate as a restaurant with alcohol ancillary to a table meal, with exception to the outside area where this restriction shall not apply" to be replaced with "A minimum of 50 covers (including inside and outside) shall always be made available during licensable hours for the service of hot food."

At that time the premises were described as *an elegant tapas restaurant in the West Hill area of Bournemouth serving a large selection of small plates and cocktails.*

No representations were received in respect of this amendment and the application was granted under delegated authority on 27 January 2023.

On **21 April 2023** a further application was made to increase the terminal hour until 02:00 on Thursdays, Fridays and Saturdays for late night refreshment and sale of alcohol. At that time the premises were described as *a modern tapas and cocktail restaurant situated in the fashionable West Cliff area of Bournemouth.* The name of the premises was changed to "Nala Tapas and Cocktail Lounge".

No additional conditions were offered by the applicant at the time of this application stating the following in the operating schedule –

The premises has been operating successfully as a tapas and cocktail restaurant. The recent change from a Turkish restaurant to a fashionable Tapas/cocktail restaurant has been a smooth and popular transition and due to the style of management there have been no issues especially regards noise pollution or antisocial behaviour. The clientele are mostly of a mature age and many are from the surrounding hotels and self-catering holiday premises.

The increase in hours Thursday to Saturday will allow those living and holidaying in Westcliff who wish to socialise for longer in the evening to relax in comfortable and quiet surroundings rather than venture into the more lively and busy areas of Bournemouth town centre.

The applicant is extremely experienced in the licensed trade in Bournemouth and previously ran a successful restaurant and several licensed convenience stores in busy areas of Bournemouth.

He will ensure that the premises continues to operate in a professional manner with staff experienced and trained in licensing law.

The applicant believes that the strict conditions already in place will ensure that the premises continues to operate in a way that will promote the 4 licensing conditions.

Environmental Health agreed an additional condition to be imposed stating that “All outside areas shall be vacated and closed by Midnight”.

As no representations had been received, the application was granted under delegated authority on 20 May 2023.

A copy of the current premises licence is attached at Appendix 1.

In **July 2023** the Licensing Authority started to receive complaints about the operating hours and conduct of the premises from Councillor Beesley, on behalf of the residents living near the premises. I provided him with a copy of the terms and conditions of the licence as requested.

Dorset Police visited the premises on **31 July 2023** where they found the premises providing regulated entertainment, in the form of live or recorded music, beyond 23:00 until their terminal hour.

The premises licence permits the provision of late-night refreshment and sale of alcohol only. Any entertainment in the form of live or recorded music before 23:00 is allowed by way of deregulation provided by the Live Music Act 2012 at venues that are licenced for alcohol.

As such any live or recorded music played at levels beyond that considered background after 23.00 is licensable.

Dorset Police issued a warning letter dated 2 August 2023 which is attached at Appendix 2.

During **August 2023** complaints were being received directly to the Licensing Authority from residents and homeowners in the area about music noise and the premises being open until 02.00. I advised that these hours are permitted under the premises licence however there is a planning restriction limiting the use of the premises to Midnight so as such I advised that the premises were operating outside of their permitted planning hours.

I sent an email in response to the complaints explaining the difference and copied to Planning and Environmental Health for their attention. A copy of the email is attached at Appendix 3.

I also sent an email to the licence holder and DPS, Mr Ismail Gunduz, on **9 August 2023** advising of the complaints received and reminding him that regulated entertainment was not authorised out of the scope of the Live Music Act, therefore music must be reduced to background levels only after 23:00.

On the same day contact was made by Anthony Ramsden of Planning & Land Partnership who advised that he was dealing with planning matters but happy to act as intermediary for Mr Gunduz. He understood Temporary Event Notices (TENs) had been applied for which would temporarily allow the premises to provide live or recorded music after 23:00 for the next couple of weekends, until their premises licence could be varied as necessary to add regulated entertainment.

No such application for variation was received.

On **31 August 2023** a complaint was received regarding smoking at the premises. A member

of the public queried how smoking was permitted in the enclosed extension area of the premises as he had witnessed 3 or 4 groups of people smoking. Work started on this extension on 1 May 2023, of which a current retrospective planning application is being considered (application number 7-2023-2888-O).

On the **5 September 2023** a meeting was held at the premises which was organised by Anthony Ramsden. Mr Gunduz and members of his management team were present and their acoustic consultant. Myself and Senior Environmental Health Officer, Andrew Hill, also attended.

At that meeting I explained the issues of concern which had come to the attention of the Licensing Authority in addition to the noise complaints and alleged planning breaches these related to smoking within the enclosed extended area to the front of the premises and not operating in accordance with their premises licence. This enclosed area was originally licensed as the outside area.

The Manager explained how the premises operated - At 22:00 hours lights would be lowered and a lighter menu would be offered. A relaxed lounge atmosphere would be created. A TEN would be applied for any event where a dancefloor would be needed and the music “outside” in the extension would be “bare minimum volume” after 23:00 hours. There may be films shown on the large TV screens around the premises.

I advised the group that the original application described the premises as a restaurant and responsible authorities would have made their comments based on that. At no point in the initial application did it state that the premises would hold events with regulated entertainment.

Given that there had already been noise complaints and concerns raised by Councillors a full variation (rather than a minor variation) could be applied for to add regulated entertainment, films and amend/remove current conditions to bring the premises more accurately in line with what they were realistically providing to their customers.

The full variation process would give residents, responsible authorities and any other person the opportunity to make representations if they believed the premises were not upholding the licensing objectives.

Andrew Hill advised if they were to proceed with this application, he would be seeking a lobby door and noise limiter to be installed and an inaudibility condition to be imposed to promote the prevention of public nuisance licensing objective.

Whilst at the meeting it was suggested that before an application was made the premises could reach out to the affected residents to keep them updated of the plans for the premises and offer reassurance. I also suggested that a contact telephone number and/or email could be provided to residents should they have any issues which could be resolved immediately and to start building a neighbourly relationship with them.

On **29 September 2023** I was working out of hours with my colleague for the launch of BCP Council and Dorset Polices’ Town Teams initiative to tackle anti-social behaviour and crime to enhance the overall experience for residents and visitors to the Town Centre.

Whilst visiting several licensed premises in the area we passed by Nala Tapas and Cocktail Bar and witnessed customers smoking in the extension area which was fully enclosed. The roof and none of the windows or doors had been opened making it substantially enclosed for smoking purposes. I advised them again that the area had to be opened up to ensure it was compliant with smoking regulations. At the time of our visit the music was at a background

level and appeared compliant.

On **2 November 2023**, following information passed to me that the venue were advertising a number of events which would fall outside of the licence permissions.

I sent an email to Mr Ismail Gunduz advising of the impact on licensing and smoking regulations should these events take place and non-compliance was found. A copy of the email is attached at Appendix 4.

On the **6 November 2023** I was advised by Andrew Hill of several breaches witnessed by him whilst monitoring the premises during the evening of **4 November 2023** with a member of the planning enforcement team who was also present.

Mr Hill observed and reported that the premises were not being used as a restaurant but as a club/café characterised by the provision of regulated entertainment (live or recorded music) as well as smoking of Shisha pipes and consumption of alcohol. The extension area, which was previously the outside area, which has now had a conservatory built which includes a retractable roof, was busy until Midnight with no obvious control by staff.

After Midnight the area continued to be used for smoking but customers remained seated there with no attempt being made by staff or security personnel to move them back inside therefore continuing to have an impact on neighbouring properties.

Continuing past Midnight Mr Hill advised that he observed the provision of live music, which included drums, as this was not provided at background levels as the noise was clearly heard beyond the premises.

Planning enforcement colleagues who visited have confirmed that during this time they witnessed a breach of the opening hours and in light of this a breach of condition notice will be sent to the premises. The conservatory style extension to the front of the premises is currently not covered by any planning provision and so is therefore unauthorised.

November 2023

I invite the Sub-Committee to consider all options available to them under the Licensing Act 2003 and Chapter 11 of S182 Revised Guidance (August 2023).

I submit this review to address breaches of the Licensing Act 2003 by the premises licence holder and DPS who is knowingly allowing the provision of regulated entertainment, contrary to their current premises licence.

I would seek the following actions to remedy the concerns of public safety and the prevention of public nuisance -

1. To address ongoing 'confusion' by the premises of what is and what is not regulated entertainment I would seek to disapply the provisions of the Live Music Act under section 177A of the Licensing Act 2003 so that any provision of live or recorded music at any time is licensable and subject to conditions on the licence.
2. Reduce the terminal hour from 02.00 to 00.00 on Thursdays to Saturdays inclusive.
3. Designate a smoking area which is not enclosed and is appropriately managed to minimise disruption to any nearby residents.

Please tick ✓ yes

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☐

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature *Sarah Rogers*

.....

Date 13 November 2023

.....

Capacity Senior Licensing Officer

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**Premises Licence
Part A**

Premises licence number: BH184278

Postal address of premises, or if none, ordnance survey map reference or description:	
Nala Tapas & Cocktail Lounge 135 West Hill Road	
Post town: Bournemouth	Post Code: BH2 5EG
Telephone number:	

Licensable activities authorised by the licence:
Late Night Refreshment Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:
<p>Late Night Refreshment Monday - 23:00 to 00:00 Tuesday - 23:00 to 00:00 Wednesday - 23:00 to 00:00 Thursday - 23:00 to 02:00 Friday - 23:00 to 02:00 Saturday - 23:00 to 02:00 Sunday - 23:00 to 00:00 Provision of late-night refreshments will take place indoors and outdoors</p> <p>Supply of Alcohol Monday - 10:00 to 23:30 Tuesday - 10:00 to 23:30 Wednesday - 10:00 to 23:30 Thursday - 10:00 to 02:00 Friday - 10:00 to 02:00 Saturday - 10:00 to 02:00 Sunday - 10:00 to 23:30</p> <p><u>Non-standard timings for provision of late-night refreshments and supply of alcohol</u> At New Year the times are from the start of permitted hours on 31st December to the end of permitted hours on 1st January for a continuous period.</p>

The opening hours of the premises:
<p>Monday - 10:00 to 00:30 Tuesday - 10:00 to 00:30 Wednesday - 10:00 to 00:30 Thursday - 10:00 to 02:00 Friday - 10:00 to 02:00 Saturday - 10:00 to 02:00 Sunday - 10:00 to 00:30</p> <p><u>Non-standard timings</u> At New Year the times are from the start of permitted hours on 31st December to the end of permitted hours on 1st January for a continuous period.</p>

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:
Alcohol will be consumed on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:
Mr Ismail Gunduz

Registered number of holder, for example company number, charity number (where applicable):
N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:
Mr Ismail Gunduz

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:
██████████
████████████████████

Annex 1 – Mandatory conditions

Mandatory Conditions (Sections 19,20,21 LA 2003)

- 1.1. There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
- 1.2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 1.3. Any person used to carry out a security activity as required under condition 2.12 below must be licensed by the Security Industry Authority.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

- 1.4.
 1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti- social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 1.5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 1.6.
 1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

1.7. The responsible person must ensure that -

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

1.8.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 -
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- 3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

General

- 2.1 There shall be approximately 60 covers including the terraced area.

Prevention of Crime & Disorder

- 2.2 All front of house staff shall be trained to a competent level including licensing law, drug awareness and will be trained to Level 2 Award in Conflict Management
- 2.3 A refusals book shall be maintained and shall be checked and signed by one of the management staff on a weekly basis.
 - 2.3.1 The refusals book shall be kept on the premises and made available for inspection by Licensing, Police and other authorised officers.
- 2.4 An incident log shall be kept at the premises. The log shall include the date and time of the incident and the name of the member of staff who has been involved. and made available on request to an authorised officer of the Council or the Police, which shall record the following:
 - (a) any complaints received
 - (b) any incidents of disorder
 - (c) any faults in the CCTV system / or searching equipment /or scanning equipment
 - (d) any refusal of the sale of alcohol
 - (e) any visit by a relevant authority or emergency service
 - (f) all crimes reported to the venue
 - (g) all ejections of patrons
 - (h) all seizures of drugs or offensive weapons
 - 2.4.1 This log shall be checked on a weekly basis by the DPS of the premises.
- 2.5 Challenge 25, shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport I Holographically marked PASS scheme identification cards). Appropriate signage advising customers of the policy shall prominently displayed in the premises.
- 2.6 All seated areas including the outside area shall be regularly monitored both by staff and CCTV and tables shall be cleared at regular intervals.

- 2.7 The premises shall actively participate in any local Town Watch initiative.
- 2.8 A CCTV system, shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition.
- 2.8.1 The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with correct date and time stamping.
- 2.8.2 Recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31 day period. The CCTV system shall be updated and maintained according to police recommendations.
- 2.8.3 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- 2.8.4 CCTV shall be downloaded on request of the Police or authorised officer of the council. Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.
- 2.8.5 A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained.
- 2.9 Refresher training shall be provided at least once every 6 months.
- 2.9.1 A record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by police, licensing or other authorised officers.
- 2.10 The supply of alcohol for all OFF SALES shall be ancillary to the purchase of a main meal from the menu and for delivery to a place of residence or business only.
- 2.11 A minimum of 50 covers (including inside and outside) shall always be made available during licensable hours for the service of hot food.
- 2.12 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.
- 2.12.1 In addition the holder of the premises licence shall undertake a written risk assessment to determine whether additional door supervisors are required to be deployed at the premises on any other occasion.
- 2.12.2 A copy of the risk assessment shall be available for inspection by the police on request and it shall be reviewed at least once every twelve months or at the request of the police or following any incident of violence or disorder that occurs at the premises.

Prevention of Public Nuisance

- 2.13 No waste shall be removed from the premises during the hours of 2200hrs - 0800hrs.
- 2.14 No deliveries other than that of newspapers shall take place between the hours of 2200hrs - 0800hrs.
- 2.15 Staff shall encourage customers to leave quietly and have regard for residents.

- 2.16 The outside of the premises including the terraced area shall be regularly monitored by staff and CCTV to ensure that the licensing objectives are being upheld and no customers are loitering outside premises.
- 2.17 Any movable furniture shall be removed inside at the end of licensable hours.
- 2.18 Signs shall be displayed at the exit requesting customers to leave the area quietly, having regard for local residents.
- 2.19 No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 2.20 Staff shall encourage delivery drivers to leave quietly, not loiter outside or in the vicinity of the premises and always have regard for residents.
- 2.21 All outside seating areas shall be vacated and closed by Midnight.

Protection of Children from Harm

- 2.22 Staff shall be trained in accordance with any guidance given by TSSW in relation to all age restricted goods.
- 2.23 A "No Proof of Age – No Sale" policy shall be adopted and records kept of that training at the premises. Such records shall be kept and made available to Licensing, Police or other authorised officers.
- 2.24 'Challenge 25' signage shall be displayed prominently on the premises. Written records of training and subsequent refresher training shall be kept for all staff involved in the sale of alcoholic beverages.
- 2.25 The only acceptable proof of age documents acceptable shall be UK photo driving licence, valid passport and ID cards bearing the PASS LOGO.
- 2.26 The delivery shall be provided by a reputable company operating in the area. Where the company directly employ a delivery driver they shall provide a delivery policy and training to their employee
- 2.27 Deliveries shall only be made to an address and handed to the purchaser who is inside that address and no deliveries made to outside areas or open spaces. Identification to be produced by the person receiving the delivery to correspond with the name on the credit /debit card of the person placing the order.
- 2.28 All persons making deliveries shall be instructed to report to the holder of the licence or the DPS any and all occasions when a delivery is refused and the reason for that refusal and a record of all such refusals shall be maintained at the premises. The record shall be checked by the DPS or manager in charge of the premises at least once a week and shall be signed to that effect.

Annex 3 – Conditions attached after a hearing by the licensing authority

None.

Annex 4 – Plans

This licence is issued in accordance with the plan M184278, dated 27.01.23, submitted with the application, as attached.

**Premises Licence
Part B**

Premises licence number: BH184278

Postal address of premises, or if none, ordnance survey map reference or description:

Nala Tapas & Cocktail Lounge 135 West Hill Road

Post town: Bournemouth

Post Code: BH2 5EG

Telephone number: [REDACTED]

Licensable activities authorised by the licence:

Late Night Refreshment and Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

Late Night Refreshment

Sunday to Wednesday - 23:00 to 00:00

Thursday to Saturday - 23:00 to 02:00

Provision of late-night refreshments will take place indoors and outdoors

Supply of Alcohol

Sunday to Wednesday - 10:00 to 23:30

Thursday to Saturday - 10:00 to 02:00

Non-standard timings for provision of late-night refreshments and supply of alcohol

At New Year the times are from the start of permitted hours on 31st December to the end of permitted hours on 1st January for a continuous period.

The opening hours of the premises:

Sunday to Wednesday - 10:00 to 00:30

Thursday to Saturday - 10:00 to 02:00

Non-standard timings

At New Year the times are from the start of permitted hours on 31st December to the end of permitted hours on 1st January for a continuous period

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:

Alcohol will be consumed on and off the premises

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mr Ismail Gunduz, [REDACTED]

Registered number of holder, for example company number, charity number (where applicable):

N/A

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Ismail Gunduz

State whether access to the premises by children is restricted or prohibited:

None

Issued: 20 April 2021

Revised: 20 May 2023 (Full Variation)

[REDACTED]
Mrs Nananka Randle

Licensing Manager



Chief Constable Scott Chilton MSt (Cantab)
www.dorset.police.uk

Mr Ismail Gunduz
Nala Tapas & Cocktail Lounge
135 West Hill Road
Bournemouth
BH2 5EG

Drug & Alcohol Harm Reduction Team
Bournemouth Police Station
Madeira Rd
Bournemouth
BH1 1QQ
Phone: 01202 227824
Email: licensing@dorset.pnn.police.uk

Date: 2nd August 2023
Our ref: 55210046742

WARNING LETTER

Dear Mr Gunduz

I am writing to you in your position as the Premises Licence Holder at Nala Tapas & Cocktail Lounge.

Further to a visit conducted at your premises on *31st July 2023*, we have identified that the premises is not complying with their licence.

In your own admission, you admitted to having music past 2300 hours and until closing. Your current licence does not permit you to have live or recorded music beyond 2300 hours. Therefore, you have been advised to cease any regulated entertainment past 2300 hours unless a TEN is submitted and approved by responsible authorities.

Section 136(1) Licensing Act 2003 provides that it is an offence for a person to carry on or attempt to carry on a licensable activity on/from any premises otherwise than under and in accordance with a premises licence or club premises certificate. The maximum penalty upon conviction is imprisonment for a term not exceeding six months and/or a fine.

Details of this breach have been passed to the Licensing Authority for their information and any action as appropriate. I would be grateful if you could confirm details of steps taken to rectify this breach.

Regards,



Gareth Gosling 2551
Sergeant

Sent: 03/08/23 09:11

Dear All

The premises are licensed for the following activities under the authorisation of a premises licence (numbered BH184278) -

Late Night Refreshment

Sunday to Wednesday - 23:00 to 00:00

Thursday to Saturday - 23:00 to 02:00

Provision of late-night refreshments will take place indoors and outdoors

Supply of Alcohol

Sunday to Wednesday - 10:00 to 23:30

Thursday to Saturday - 10:00 to 02:00

Non-standard timings for provision of late-night refreshments and supply of alcohol

At New Year the times are from the start of permitted hours on 31st December to the end of permitted hours on 1st January for a continuous period.

It is clear that there is a breach of the planning hours if they are as stated below and I have copied our planning team in on this email thread so that they are aware of the situation. I have also copied environmental health who deal with noise issues to take this on as a complaint.

The licensing -v- planning times is an issue but it has always been the case that premises operate pursuant to wholly separate pieces of legislation.

Planning will consider the principal use in light of the approved policies and the effects of the development on amenity (amongst various other considerations).

Licensing must carry out its functions with a view to promoting the four licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm). In the case of licensing there are a number of conditions attached to the licence and I have attached a copy for your information.

The permission given for the lesser hours, whether planning or licensing, will need to be varied. Planning is usually varied to remove the condition imposed on it regarding its operating hours once licensing has been determined. It is for the responsible authority to enforce if it is their hours which are being breached.

From the licensing side The Live Music Act does enable licensed premises to benefit from live and recorded music between the hours of 08:00 and 23:00 each day, provided there are no more than 500 people. Clearly after this time music should be reduced to a background level only and I shall make contact with the premises to advise them that we are aware of a potential breach and issue the necessary warning. This will also include any breach of the licence conditions.

Please do not hesitate to contact me should you require any further information or advice.

Kind regards

Sarah



Sarah Rogers

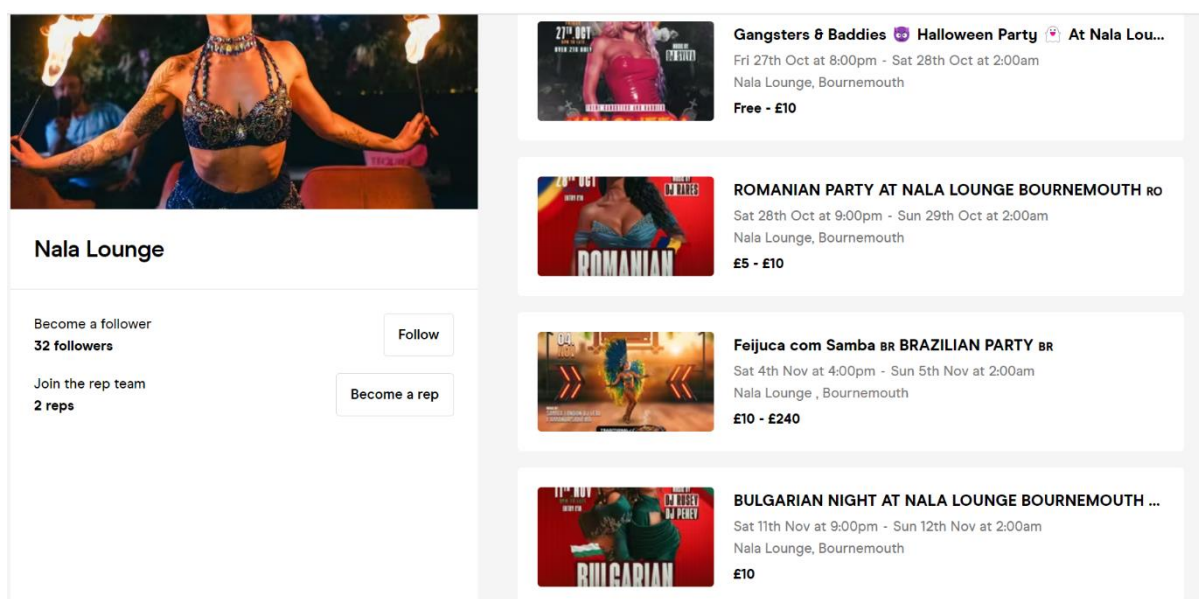
Senior Licensing Officer

Sent 02/11/23 13:16

Dear Mr Gunduz

It has come to our attention that a number of events are being advertised at your premises, as shown below.

According to our records no application has have been made for a Temporary Event Notice (TEN) for the upcoming events this weekend and next.



The screenshot displays the Facebook profile of Nala Lounge. The profile picture shows a person in a costume holding a flaming torch. The page name is 'Nala Lounge'. Below the name, it says 'Become a follower' with '32 followers' and a 'Follow' button. It also says 'Join the rep team' with '2 reps' and a 'Become a rep' button. To the right, there is a list of upcoming events:

- Gangsters & Baddies Halloween Party At Nala Lou...**
Fri 27th Oct at 8:00pm - Sat 28th Oct at 2:00am
Nala Lounge, Bournemouth
Free - £10
- ROMANIAN PARTY AT NALA LOUNGE BOURNEMOUTH RO**
Sat 28th Oct at 9:00pm - Sun 29th Oct at 2:00am
Nala Lounge, Bournemouth
£5 - £10
- Feijuca com Samba BR BRAZILIAN PARTY BR**
Sat 4th Nov at 4:00pm - Sun 5th Nov at 2:00am
Nala Lounge , Bournemouth
£10 - £240
- BULGARIAN NIGHT AT NALA LOUNGE BOURNEMOUTH ...**
Sat 11th Nov at 9:00pm - Sun 12th Nov at 2:00am
Nala Lounge, Bournemouth
£10

After speaking with your planning/licensing consultant, Anthony Ramsden, he kindly agreed to make contact to make enquiries. I have now been updated by him that you are relying on the Live Music Act for the music until 23:00 and then the music will be reduced to background levels between 23:00 and 02:00. Failure to comply with these restrictions will be an offence under the Licensing Act 2003. Should action be taken the maximum penalty, if found guilty by the Magistrates' Court, is six months imprisonment and/or an unlimited fine.

Finally, the outside front conservatory area must not be used for smoking unless the roof/windows/doors are kept open to ensure that the area is not substantially enclosed. Again, if this is not complied with an offence under the Health Act will be committed. The offence of failing to prevent smoking in a smoke free place carries a maximum penalty of £2,500. In addition, your customers could be fined £200 if they are found to be smoking in a smoke free place by way of fixed penalty notice.

Monitoring of your premises shall take place to ensure compliance. It is important to ensure that all measures are taken to ensure that no breaches of either the Licensing Act or Health Act are witnessed. If evidence is produced to prove that there were breaches then I shall not hesitate to take formal enforcement action.

Regards

Sarah



Sarah Rogers

Senior Licensing Officer

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Licensing Team
BCP Council Civic Centre
Bourne Avenue
Bournemouth BH2 6DY



Premises Licence Part A

Premises licence number: BH184278

Postal address of premises, or if none, ordnance survey map reference or description:	
Nala Tapas & Cocktail Lounge 135 West Hill Road	
Post town: Bournemouth	Post Code: BH2 5EG
Telephone number:	

Licensable activities authorised by the licence:
Late Night Refreshment Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:
<p>Late Night Refreshment Monday - 23:00 to 00:00 Tuesday - 23:00 to 00:00 Wednesday - 23:00 to 00:00 Thursday - 23:00 to 02:00 Friday - 23:00 to 02:00 Saturday - 23:00 to 02:00 Sunday - 23:00 to 00:00 Provision of late-night refreshments will take place indoors and outdoors</p> <p>Supply of Alcohol Monday - 10:00 to 23:30 Tuesday - 10:00 to 23:30 Wednesday - 10:00 to 23:30 Thursday - 10:00 to 02:00 Friday - 10:00 to 02:00 Saturday - 10:00 to 02:00 Sunday - 10:00 to 23:30</p> <p><u>Non-standard timings for provision of late-night refreshments and supply of alcohol</u> At New Year the times are from the start of permitted hours on 31st December to the end of permitted hours on 1st January for a continuous period.</p>

The opening hours of the premises:
<p>Monday - 10:00 to 00:30 Tuesday - 10:00 to 00:30 Wednesday - 10:00 to 00:30 Thursday - 10:00 to 02:00 Friday - 10:00 to 02:00 Saturday - 10:00 to 02:00 Sunday - 10:00 to 00:30</p> <p><u>Non-standard timings</u> At New Year the times are from the start of permitted hours on 31st December to the end of permitted hours on 1st January for a continuous period.</p>

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:
Alcohol will be consumed on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mr Ismail Gunduz

██████
 ████████████████
 ██████████
 ████████

Registered number of holder, for example company number, charity number (where applicable):

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Ismail Gunduz

██████
 ████████████████
 ██████████
 ████████
 ████████

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

██████
 ████████████████

Annex 1 – Mandatory conditions

Mandatory Conditions (Sections 19,20,21 LA 2003)

- 1.1. There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
- 1.2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 1.3. Any person used to carry out a security activity as required under condition 2.12 below must be licensed by the Security Industry Authority.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

- 1.4.
 1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti- social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 1.5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 1.6.
 1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

1.7. The responsible person must ensure that -

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

1.8.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 -
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- 3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

General

- 2.1 There shall be approximately 60 covers including the terraced area.

Prevention of Crime & Disorder

- 2.2 All front of house staff shall be trained to a competent level including licensing law, drug awareness and will be trained to Level 2 Award in Conflict Management
- 2.3 A refusals book shall be maintained and shall be checked and signed by one of the management staff on a weekly basis.
 - 2.3.1 The refusals book shall be kept on the premises and made available for inspection by Licensing, Police and other authorised officers.
- 2.4 An incident log shall be kept at the premises. The log shall include the date and time of the incident and the name of the member of staff who has been involved. and made available on request to an authorised officer of the Council or the Police, which shall record the following:
 - (a) any complaints received
 - (b) any incidents of disorder
 - (c) any faults in the CCTV system / or searching equipment /or scanning equipment
 - (d) any refusal of the sale of alcohol
 - (e) any visit by a relevant authority or emergency service
 - (f) all crimes reported to the venue
 - (g) all ejections of patrons
 - (h) all seizures of drugs or offensive weapons
 - 2.4.1 This log shall be checked on a weekly basis by the DPS of the premises.
- 2.5 Challenge 25, shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport I Holographically marked PASS scheme identification cards). Appropriate signage advising customers of the policy shall prominently displayed in the premises.
- 2.6 All seated areas including the outside area shall be regularly monitored both by staff and CCTV and tables shall be cleared at regular intervals.

- 2.7 The premises shall actively participate in any local Town Watch initiative.
- 2.8 A CCTV system, shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition.
 - 2.8.1 The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with correct date and time stamping.
 - 2.8.2 Recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31 day period. The CCTV system shall be updated and maintained according to police recommendations.
 - 2.8.3 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
 - 2.8.4 CCTV shall be downloaded on request of the Police or authorised officer of the council. Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.
 - 2.8.5 A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained.
- 2.9 Refresher training shall be provided at least once every 6 months.
 - 2.9.1 A record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by police, licensing or other authorised officers.
- 2.10 The supply of alcohol for all OFF SALES shall be ancillary to the purchase of a main meal from the menu and for delivery to a place of residence or business only.
- 2.11 A minimum of 50 covers (including inside and outside) will always be made available during licensable hours for the service of hot food.
- 2.12 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.
 - 2.12.1 In addition the holder of the premises licence shall undertake a written risk assessment to determine whether additional door supervisors are required to be deployed at the premises on any other occasion.
 - 2.12.2 A copy of the risk assessment shall be available for inspection by the police on request and it shall be reviewed at least once every twelve months or at the request of the police or following any incident of violence or disorder that occurs at the premises.

Prevention of Public Nuisance

- 2.13 No waste shall be removed from the premises during the hours of 2200hrs - 0800hrs.
- 2.14 No deliveries other than that of newspapers shall take place between the hours of 2200hrs - 0800hrs.
- 2.15 Staff shall encourage customers to leave quietly and have regard for residents.

- 2.16 The outside of the premises including the terraced area shall be regularly monitored by staff and CCTV to ensure that the licensing objectives are being upheld and no customers are loitering outside premises.
- 2.17 Any movable furniture shall be removed inside at the end of licensable hours.
- 2.18 Signs shall be displayed at the exit requesting customers to leave the area quietly, having regard for local residents.
- 2.19 No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 2.20 Staff shall encourage delivery drivers to leave quietly, not loiter outside or in the vicinity of the premises and always have regard for residents.
- 2.21 All outside seating areas shall be vacated and closed by Midnight.

Protection of Children from Harm

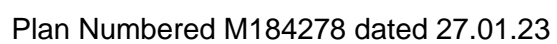
- 2.22 Staff shall be trained in accordance with any guidance given by TSSW in relation to all age restricted goods.
- 2.23 A “No Proof of Age – No Sale” policy shall be adopted and records kept of that training at the premises. Such records shall be kept and made available to Licensing, Police or other authorised officers.
- 2.24 ‘Challenge 25’ signage shall be displayed prominently on the premises. Written records of training and subsequent refresher training shall be kept for all staff involved in the sale of alcoholic beverages.
- 2.25 The only acceptable proof of age documents acceptable shall be UK photo driving licence, valid passport and ID cards bearing the PASS LOGO.
- 2.26 The delivery shall be provided by a reputable company operating in the area. Where the company directly employ a delivery driver they shall provide a delivery policy and training to their employee
- 2.27 Deliveries shall only be made to an address and handed to the purchaser who is inside that address and no deliveries made to outside areas or open spaces. Identification to be produced by the person receiving the delivery to correspond with the name on the credit /debit card of the person placing the order.
- 2.28 All persons making deliveries shall be instructed to report to the holder of the licence or the DPS any and all occasions when a delivery is refused and the reason for that refusal and a record of all such refusals shall be maintained at the premises. The record shall be checked by the DPS or manager in charge of the premises at least once a week and shall be signed to that effect.

Annex 3 – Conditions attached after a hearing by the licensing authority

None.

Annex 4 – Plans

This licence is issued in accordance with the plan M184278, dated 27.01.23, submitted with the application, as attached.



Premises Licence Part B

Premises licence number: BH184278

Postal address of premises, or if none, ordnance survey map reference or description:

Nala Tapas & Cocktail Lounge 135 West Hill Road

Post town: Bournemouth

Post Code: BH2 5EG

Telephone number: [REDACTED]

Licensable activities authorised by the licence:

Late Night Refreshment and Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

Late Night Refreshment

Sunday to Wednesday - 23:00 to 00:00

Thursday to Saturday - 23:00 to 02:00

Provision of late-night refreshments will take place indoors and outdoors

Supply of Alcohol

Sunday to Wednesday - 10:00 to 23:30

Thursday to Saturday - 10:00 to 02:00

Non-standard timings for provision of late-night refreshments and supply of alcohol

At New Year the times are from the start of permitted hours on 31st December to the end of permitted hours on 1st January for a continuous period.

The opening hours of the premises:

Sunday to Wednesday - 10:00 to 00:30

Thursday to Saturday - 10:00 to 02:00

Non-standard timings

At New Year the times are from the start of permitted hours on 31st December to the end of permitted hours on 1st January for a continuous period

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:

Alcohol will be consumed on and off the premises

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mr Ismail Gunduz, [REDACTED]

Registered number of holder, for example company number, charity number (where applicable):

N/A

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Ismail Gunduz

State whether access to the premises by children is restricted or prohibited:

None

Issued: 20 April 2021
Revised: 20 May 2023 (Full Variation)

[REDACTED]
Mrs Nandika Randle
Licensing Manager

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Licensing Act 2003 – Representation Form

Personal/Business Details	
Name: Andrew Hill on behalf of BCP Council Environmental Health	
Address: BCP Council Civic Centre Bourne Avenue,	
Town: Bournemouth	
Post Code: BH2 6DY	
Email: Andrew.hill@bcpcouncil.gov.uk	
Contact Telephone Numbers:	01202 123186

Premises Details <i>(Please give as much information as possible)</i>
Application Ref:
Name of Premises: Nala Lounge
Address of Premises: 135 – 137 West Hill Road

Reasons for Representation.
<p><u>The Prevention of Public Nuisance</u></p> <p>in July 2023 BCP Council's Environmental Health Team received a complaint from a resident opposite the premises known as NALA Lounge 135 – 137, West Hill Road, Bournemouth. The resident alleged that since the venue was granted permission to operate until 2am, that the premises has had a significant detrimental impact on the local residents. A video was provided to me which clearly showed the operation of the venue and the music was clearly audible in the complainants property.</p> <p>The venue was originally granted planning permission to operate as a restaurant with a limited amount of outside seating and with restrictions added so as not to be a nuisance to local residents.</p> <p>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.</p> <p>I have attached a copy of this planning decision notice to assist the committee. [ATH 01]</p> <p><i>[It should be noted that the premises has applied to lift these restrictions and to operate this area until 2am through a recent planning application. The Environmental Health team have recommended refusal of this request on the grounds of 'Loss of Amenity']</i></p> <p>On 22 March 2021 an application was made by Mr Ismail Gunduz for a new premises licence for a Mediterranean style restaurant with approximately 60 covers providing hot food and drink. It was described as being primarily a sit in restaurant but with a takeaway and home delivery service.</p>

Subsequent applications were then made to amend the conditions on the premises license. The condition stating that;

The premises shall be laid out as a restaurant and shall operate as a restaurant with alcohol ancillary to a table meal

Was changed to:

A minimum of 50 covers (including inside and outside) shall always be made available during licensable hours for the service of hot food.

Concerns were raised at this stage that the premises may be wishing to operate as a late night music venue, especially as the application also sought to increase the terminal hour until 02:00 on Thursdays to Saturdays.

However, the applicant described the business in the application as a '**tapas restaurant serving a selection of small plates and cocktails**'. The application was therefore viewed in a similar vein as the Nici Hotel in close proximity to the venue which has a similar offering

The applicant had not sought Live or Recorded Music and therefore music would need to be at **background levels only after 23:00**.

However, the Environmental Health team requested a condition stipulating that the outside area be vacated and closed by midnight.

On the 1st August 2023, I visited the premises and met with Mr Gunduz the co-owner and we discussed the complaints. At this stage it was disclosed to me that the original intention of the business was to operate as a restaurant but after 22:00 to operate as a cocktail bar providing live and or recorded music. This includes events and DJ's.

I advised Mr Gunduz that the premises is not licensed for Live and Recorded Music and therefore all music apart from background music should cease at 23:00. I also provided Mr. Gunduz with some advice on how they could control the noise emitted from the premises.

On the 1st August 2023, I also received an email from a licensing consultant acting on behalf of the venue requesting a number of Temporary Event Notices for this venue. These were for the 11th and 12th August and the 18^h 19th and 20th August for live music until **midnight**. Having met with Mr Gunduz in relation to ongoing noise complaints, I was satisfied that the additional controls such as the front doors being kept closed, the use of the house PA system as opposed to the DJ's using their own system and the outdoor area being closed at 23:00 would be implemented. I therefore sent an email to the licensing consultant advising that I would not object to the application for Temporary Event Notices. I submit this email as exhibit **ATH 02**

On the 9 August 2023 Sarah Rogers, the Senior licensing officer contacted Mr Gunduz advising of the complaints received and reminding that regulated entertainment was not authorized out of the scope of the Live Music Act, therefore music must be reduced to background levels only after 23:00. However she was aware that Temporary Event Notices (TENs) had been applied for which would temporarily allow the premises to provide live or recorded music after 23:00 for the next couple of weekends, until their premises license could be varied as necessary to add regulated entertainment.

This new application has now been received. However objections have been raised once again in relation to the proposed hours of operation.

The granting of TEN's however demonstrated my commitment to working with the business and offering them an opportunity to demonstrate that they can hold events and have live/recorded music after 23:00 without adversely affecting local residents.

I received a further complaint on the 18th August 2023 alleging that the venue continues to have live music after 23:00. The complainant alleged that the outside area is not being closed at midnight, carrying on with noisy drinkers, talking, laughing and singing well into the early hours. The complainant observed this to be happening until 01.30 am on Saturday 12th August 2023. The complainant alleged that there was music emanating from the outside area late into the night on Sunday 13th August 2023. A video was provided which demonstrated the noise suffered in the affected property.

This allegation concerned me for the following reasons;

- The temporary event notices were for live / recorded music until midnight and the resident was affected by noise until 01:30 on the 13th August 2023.
- The video also demonstrated that music was clearly audible in the residential property adjacent to the premises.
- The house PA system was unlikely to be used based on the volume of music audible in the submitted video

Therefore I was not satisfied, having granted TEN's for these events that the business could demonstrate that they could operate the venue in such a manner as to minimize the impact on local residents. They had not complied with the terms of the TEN and had not implemented the noise controls as I agreed.

It should be noted at this stage that there are planning restrictions on the use of the outside seated area beyond 23:00t. These appeared to also be disregarded by the venue operators. These breaches of planning regulations are however being addressed and therefore shall not form part of this submission.

On the 23rd August 2023 two further Temporary Event Notices were applied for in respect to the above venue. In view of the continued complaints, I raised an objection to the Temporary Event Notices. An email was sent to the applicant as well as BCP Council's licensing team outlining the reasons for my objection. I submit this email as exhibit **ATH 03**

On the 5th September 2023 a meeting was held at the premises, this was organized by Kathleen Rowley (Co-Owner) in an attempt to understand my concerns regarding noise from the events. The meeting was also attended by Mr Gunduz as well as a consultant appointed by the operators to assist them in navigating the planning and licensing concerns which the business has found itself in since opening. The meeting was attended by the general manager as well as the acoustic consultant providing advice to the business. The meeting was attended by myself and Sarah Rogers in which we outlined our concerns with the business. At the time of this meeting, we discussed the continued noise complaints, planning breaches and the continued use of the extension for smoking which is substantially enclosed and therefore not compliant with the relevant statutory provisions in respect to smoking in an indoor space.

During the course of this meeting, both myself and Sarah Rogers advised the business operators that the original application described the premises as a restaurant and the Environmental Health team would have objected to the application for a live music venue based on the concerns about the 'Prevention of Nuisance' objectives being undermined. The fact that this was always the intention of the business has resulted in a loss of faith by us the responsible authority as well as local residents as the impression is given that this was done in a deliberate attempt to minimize the amount of conditions imposed on the premises license.

Had this application been presented correctly at the outset, the likelihood is that conditions would have been imposed which would limit the use of the venue to more a restaurant type establishment rather than the live music venue which it has evolved into. The key message however in this meeting is that the venue does not have regulated entertainment on their license and therefore cannot have Live and Recorded Music after 23:00 and in order to seek the addition of this on the license. The premises would need to apply for a major variation of the premises license.

Sarah Rogers advised that the full variation process would give residents, responsible authorities and any other person the opportunity to make representations if they believed the premises were not upholding the licensing objectives. I advised if they were to proceed with this application, I would be seeking a lobby door and noise limiter to be installed and an inaudibility condition to be imposed to promote the prevention of public nuisance licensing objective. I advised the business operators Mr Gunduz and Ms Rowley that until such time as the required improvements were made in relation to the control of noise, I would not support any further TENS as I believed that the local residents would be affected by noise and therefore the 'Prevention of Nuisance' objective would be undermined.

I became aware on the 2nd November 2023 that the premises had held a number of events which were advertised as having DJ's and held until 2am. **No TENS were applied for to host these events.**

Both myself and Mrs Rogers advised the business formally through email of our concerns about the event on the 4th November going ahead past 23:00. The licensing Act 2003 states that *if live or recorded music is provided by way of entertainment after 11 p.m. at a time when the premises licence does not permit the same, an offence is committed punishable by an unlimited fine and up to 6 months imprisonment*

The venue, knowing that they would be committing an offence chose to deliberately hold the event past 23:00. Further investigations revealed that three events were held where DJ's were advertised – these were; GANGSTERS AND BADIES HALLOWEEN PARTY Fri 27th Oct at 8:00pm-Sat 28th Oct at 2:00am, REP YOUR FLAG Sat 21st Oct at 10:00pm-Sun 22nd Oct at 2:00am, ROMANIAN PARTY Sat 28th Oct at 9:00pm-Sun 29th Oct at 2:00am, I submit a screenshot of these events advertised as Exhibit **ATH 04**

There was therefore evidence to suggest that there were three incidences where the venue deliberately chose to have live or recorded music by way of entertainment after 11 p.m. at a time when the premises license did not permit this.

I therefore decided that based on the evidence that the business was likely to deliberately breach the conditions of their premises license, and being made aware of the likely existence of a statutory noise nuisance by local residents on the 4th November 2023, that I would be obliged to undertake a visit.

The local authority has a duty under the Environmental Protection Act 1990 to investigate allegations of Statutory Nuisances and therefore not investigating this allegation would have resulted in BCP Council failing in their duty under the Environmental Protection Act 1990. The Environmental Health team also have obligations under the Licensing Act 2003 as a responsible authority and therefore, I felt it appropriate to also investigate the potential for deliberate breaches of the Licensing Act 2003.

On the 4th November 2023, I undertook a noise survey at the premises located at 131 Westhill Road. Westcliff Apartments are a residential block located opposite the venue comprising of a number of permanently occupied residential properties as well as units used as holiday lets. I undertook my survey in the bedroom of a property facing the premises between the hours of 22:35 on the 4th November and 00:35 on the 5th November 2023. The noise survey was undertaken using a calibrated Bruel and Khjaer 2250 Type 1 noise meter.

I unfortunately witnessed excessive noise from the venue. This consisted of noise from patrons in the exterior seating area until 23:00 interspersed by the clear sound of drums and recorded music which was clearly audible in the bedroom of the residential property. Between the hours of 23:00 and until 00:25. The sound of drums and amplified Bass music was clearly audible at the survey location. The noise levels witnessed would result in sleep disturbance. I believed that the noise levels witnessed would amount to a Statutory Noise

Nuisance as outlined in Section 79 of the Environmental Protection Act 1990.

The following observations were made;

- The outside area did not appear well managed with the sound of patrons using the area clearly evident in the residential properties opposite
- The sound of music was clearly audible, despite assurances of the installation of a lobbied doorway every time the front doors were opened the sound of music was clearly audible, no lobby doorway was installed.
- The sound limiter which apparently had been installed was not being utilised as performers were likely using their own PA system. The sound of drums was clearly heard in the properties.

I therefore was obliged to serve a Noise Abatement notice preventing the use of the premises for live/recorded music after 23:00 (this was later changed to midnight after discussions with the venue).

I visited the venue on the 7th November to serve a Noise Abatement Notice at the premises, on Mr Gunduz and Ms Rowley. Subsequent discussions held with Mr Philip Day (Lacey's Solicitors) regarding the terms of the Abatement Notice. This notice is submitted as **as exhibit ATH 05**

Based on my observations on the 4th November and the history of the premises. The decision was therefore made that this premise license is no longer suitable in its current format and the 'Prevention of Nuisance' objective is being undermined. I therefore had no option but to bring my concerns to the attention of the Senior Licensing Officer Sarah Rogers who decided it appropriate to instigate proceedings to call this premises license in for review.

I believe that the operation of this venue until 2am is not in keeping with the area, this venue has an adverse impact on the use and enjoyment of properties in the local vicinity. A number of licensed venues which operate in the vicinity of Nala lounge do not have the same offering as Nala Lounge in terms of the provision of live and recorded music after midnight and operate as a restaurant with music at background levels only.

I therefore believe that in order to ensure that the 'Prevention of Nuisance' licensing objective is upheld that the Sub-Committee should consider the following;

- Disapply the provisions of the Live Music Act under section 177A of the Licensing Act 2003 so that any provision of live or recorded music at any time is licensable and subject to **conditions on the licence.**

These conditions have been offered by the applicant through their licensing solicitor Mr Philip Day for a subsequent new premises license application and therefore I am broadly in agreement with them apart from the 1st condition.

1. No regulated entertainment shall be permitted in that part of the premises identified as the "enclosed seating area" (*this differs slightly from the condition offered by Mr Day In that they seek to only limit the use of this area after 23:00 which I would not be in agreement with*)
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;
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
4. Persons wishing to smoke shall not be permitted to do so within any part of the enclosed seating area.

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.

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.
 7. A sign shall be prominently displayed at the exit from the premises requesting customers to leave quietly and have regard to local residents.
 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.
- Reduce the terminal hour from **02.00 to 00.00** on Thursdays to Saturdays inclusive

Conclusion

I am concerned that by allowing this venue to operate as a restaurant until 22:30 and then a live music venue until 02:00, that BCP council will send out the message that it would be acceptable to introduce late night licensed venues into largely residential areas.

This would be at the detriment of the local residents whose use and enjoyment of their residential properties are adversely affected by such businesses.

We need to consider that in this instance the venue is the 'Agent of Change'. The properties adjacent to the venue have a long established use as residential and holiday accommodation and the introduction of a venue characterized by loud music and patrons congregating in the external seated area has had a detrimental impact on the use and enjoyment of these properties.

The manner in which this applicant originally applied for planning consent and a premises license for a restaurant which eventually became a late night vertical drinking establishment licensed until 2am offering Shisha in the external covered area as well as offering live and recorded music until 2am sends out the message that an applicant can misrepresent the intentions of the business at the application stage to limit the amount of restrictions placed on a business. They can then retrospectively apply for planning consent and submit minor variations to the premises license to bring it in line with the original intent. This undermines the planning and licensing process and sends out the message that once a venue is established the regulatory authorities are unable to take action.

As a regulation team, we rely on businesses proactively foreseeing the impact their offering may have on local residents, and taking appropriate actions at the planning and licensing stage to pre-empt these concerns and implement appropriate controls by being transparent in their intentions for the business and working with regulatory authorities to ensure that the introduction of the business does not have a detrimental impact on the community.

The licensing Act 2003 is clear in that the 4 licensing objectives must be met. And whilst I can only speak of the impact of this premise on the 'prevention of nuisance' objective. I must also consider the impact of this business on the Health of Local residents as defined in section 79 of the Environmental Protection Act 1990. I have already had reason to serve a Noise Abatement notice on the venue to protect local residents from noise nuisance which would result in sleep disturbance. I believe that further nuisances may be committed such as light pollution affecting neighboring properties.

I hope that colleagues in the Police will make representations regarding the prevention of crime and disorder.

I declare that the information I have provided is true and correct.

SignedAndrew Hill.....

Dated06/12/23.....

Town Planning Decision Notice

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

GRANT OF PLANNING PERMISSION

This permission does not carry any approval or consent which may be required under any enactment, byelaw, order or regulation (eg in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990.

Application No: 7-2021-2888-M

Location of Development:

135-137 West Hill Road, Bournemouth, BH2 5EG

Description of Development:

Alterations, change of use of part of the ground floor from Hotel to Restaurant (Class E) and formation of external seating area

In pursuance of their powers under the above mentioned Act, The Local Planning Authority, HEREBY GRANT PLANNING PERMISSION for the development described above in accordance with the details given in the application numbered above,

Subject to the following standard condition:

- a) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act, 1990.

and to the following condition(s):

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

TQRQM21083080843390

102/GA/03

101/WHI/P03

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The restaurant use hereby permitted shall not be open to customers outside the following times:

8:00a.m. - 11:00p.m. Sunday to Thursday

8:00a.m. - 11:30p.m. Friday to Saturday

TO: Mr I Gunduz

[Redacted]
[Redacted]
[Redacted]
[Redacted]

(Mr I Gunduz)

Signed

[Redacted Signature]

Interim Director of Planning

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

3. The Outside Seating Area shown on drawing number 102/GA/03 shall be operated in accordance with the Horizon Garden Policy received on 12/01/2023 at all times in order to reduce nuisance to local residents.

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

4. The external seating area shown on drawing number 102/GA/03 shall accommodate not more than 28 covers. The use of the external seating area shown on drawing number 102/GA/03 shall be permitted to operate only between the hours of 0800 and 2200 Sunday to Thursday; and 0800 and 2300 on Friday and Saturday.

Reason: Numbers in excess of 28 covers and the use of the external seating area outside the hours stipulated would create a level of activity likely to affect adversely the amenities of surrounding properties and would be contrary to Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

5. No amplified music shall be played nor any public address system be used either inside the premises or within the curtilage of the premises at any time. Music shall be limited to background music only, and no music shall be played within the curtilage of the premises outside the following times: 0800 hours and 2300 hours.

Reason: To safeguard the interests of occupiers of adjoining and nearby residential properties in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

6. The extraction system as shown on the Horizon Drawing Number 101/WH/P03 shall be installed prior to commencement of the use hereby permitted and shall be permanently retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

The extraction system shall only be used during the hours of 0700 hours and 2300 hours and not at any other time.

Weekly, 6 monthly and yearly maintenance of the extraction system shall be carried out in accordance with the details as set out in the Horizon Drawing Number 101/WH/P03, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of adjoining properties and to protect the general environment in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan Core Strategy (October 2012).

In accordance with paragraph 38 of the revised NPPF the Council, as Local Planning Authority, takes a positive and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance the applicant/agent was updated of any issues after the initial site visit, the applicant was provided with the opportunity to address issues identified by the case officer and permission was granted.

Andrew Hill

From: Andrew Hill
Sent: 02 August 2023 08:15
To: DAVID RAMSAY; Dorset Police Licensing
Cc: Dorset Police Licensing
Subject: RE: LATE TEN - NALA TAPAS & COCKTAIL LOUNGE

Hi David

I have received a number of noise complaints from residents in close proximity to the premises. I visited yesterday and met with Mr Gunduz where we discussed the noise complaints. It appears that the concern with local residents is not only the noise from the venue but the understanding that when the application was made and indeed advertised that the venue would operate primarily as a restaurant. The concern is that this premises is becoming a bar/ nightclub characterised by loud music and dancing which is not in keeping with the local amenity and contrary to what us as the Local Authority were led to believe would be the intended use of the premises.

The meeting with Mr Gunduz was very productive and I established that the venue is indeed currently operating primarily as a restaurant. An agreement was reached that further controls would be implemented moving forward to ensure that music from the occasional event would be controlled.

- The front doors would be kept closed apart from access and egress
- I provided advice regarding the use of the House PA system rather than allowing DJ's to use their own PA system as there is no control over the volume. I would therefore suggest that for this event that the DJ uses the house PA system
- The outdoor area shall be closed at 11pm as agreed yesterday.

As this is a late TEN, I can not ask for the above conditions to be attached, however would highly recommend that Mr Gunduz adopts the above controls to prevent further noise complaints.

I therefore will not be objecting to the TEN however, need to be clear from the outset that we would not support the transition of this premises from a restaurant to a predominantly late night drinking establishment. Mr Gunduz understands this position and I hope that we can continue to work together to ensure that local residents are not affected by this premises.

Kind Regards



Andrew Hill
Senior Environmental Health Officer
Communities
T. 01202 123186
bcpcouncil.gov.uk

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From: DAVID RAMSAY [REDACTED]
Sent: 01 August 2023 15:30
To: Dorset Police Licensing <licensing@dorset.pnn.police.uk>
Cc: Andrew Hill <andrew.hill@bcpcouncil.gov.uk>; Dorset Police Licensing <licensing@dorset.pnn.police.uk>
Subject: LATE TEN - NALA TAPAS & COCKTAIL LOUNGE

Good afternoon,

Attached is a late TEN for the above premises

Please do not hesitate to contact me for further information and/or payment.

Regards

Dave

David Ramsay
Licensing Consultant
[REDACTED]

Andrew Hill

From: Andrew Hill
Sent: 29 August 2023 07:07
To: DAVID RAMSAY; Licensing Com
Cc: Dorset Police Licensing; Sarah Rogers - Licensing
Subject: RE: TEN applications - Nala Tapas & Cocktail Bar (SATURDAY 2ND SEPTEMBER UNTIL 0200HRS SUNDAY 3RD SEPTEMBER) (SATURDAY 9TH SEPTEMBER UNTIL 0200HRS SUNDAY 10TH SEPTEMBER)

Dear Licensing

I have been contacted by a local resident expressing concern about noise from this venue, and the impact this is having on the use of their property. The resident advises me that the outside area which continues to be used until the early hours of the morning, as well as the break out noise from music from within the premises is audible in their property. A concern has been raised that this premises continues to be operated contrary to the way it was presented during the planning and licensing process.

The noise associated with persons drinking, and singing in this area carries into the properties, the most recent incident was at 01:30 on Saturday the 12th August when a TEN was granted for the venue. The resident advises me that there is no supervision of persons in the area and the operation on the venue in the early hours of the morning is affecting local residents

I wish to raise an objection to this TEN as I am unable to support any further TENS due to concerns raised by local councillors and residents regarding the operation of this venue after 24:00 and the Impact this has on local residents. I am currently not satisfied that the 'Prevention of Nuisance' objective is being upheld and therefore am obliged to raise an objection to these TENSs being granted.

Kind Regards



Andrew Hill
Senior Environmental Health Officer
Communities
T. 01202 123186
bcpcouncil.gov.uk

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From: DAVID RAMSAY [REDACTED]
Sent: Wednesday, August 23, 2023 7:34 PM
To: Licensing Com <licensing@bcpcouncil.gov.uk>
Cc: Dorset Police Licensing <licensing@dorset.pnn.police.uk>; Andrew Hill <andrew.hill@bcpcouncil.gov.uk>
Subject: TEN applications - Nala Tapas & Cocktail Bar

Good evening,

Attached applications for 2 x TENS (one late) for the above premises

Regards

Dave

David Ramsay
Licensing Consultant
[REDACTED]



Follow

Become a rep



Gangsters & Baddies 🐾 Halloween Part

Fri 27th Oct at 8:00pm - Sat 28th Oct at 2:00am
Nala Lounge, Bournemouth

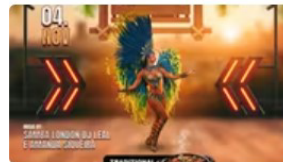
Free - £10



ROMANIAN PARTY AT NALA LOUNGE B

Sat 28th Oct at 9:00pm - Sun 29th Oct at 2:00am
Nala Lounge, Bournemouth

£5 - £10



Feijuca com Samba BR BRAZILIAN PARTY

Sat 4th Nov at 4:00pm - Sun 5th Nov at 2:00am
Nala Lounge , Bournemouth

£10 - £240



BULGARIAN NIGHT AT NALA LOUNGE B

Sat 11th Nov at 9:00pm - Sun 12th Nov at 2:00am
Nala Lounge, Bournemouth

£10

Direct line: 01202 454675

This matter is being dealt with by: Mr Andrew Hill

Our Ref: 6ESv2: Requests: 290322: ATH01125

Email: andrew.hill@bcpcouncil.gov.uk



ENVIRONMENTAL PROTECTION ACT 1990

Section 80

Abatement Notice in respect of a Statutory Nuisance

TO: Kathleen Helen Gertrude ROWLEY
135-137 West Hill Road Bournemouth BH2 5EG

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council BCP Council being satisfied of the likely recurrence of a statutory nuisance under section 79(1) (g) of that Act within the district of the said council arising from:

LIVE AND RECORDED AMPLIFIED MUSIC AFTER 24:00

at the premises known as:

Nala Tapas & Cocktail Lounge 135-137 West Hill Road Bournemouth

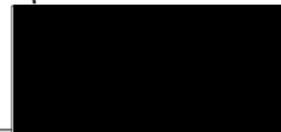
HEREBY REQUIRE YOU as one of the person(s) responsible for the said nuisance forthwith from the service of this notice to abate the same and also **HEREBY RESTRICT** the recurrence of the same and for that purpose require you to:

ENSURE THAT LIVE AND RECORDED MUSIC AT THE ABOVE PREMISES REMAINS AS BACKGROUND MUSIC ONLY AFTER 24:00

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale (currently £5000), together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice the Council may execute the works and recover from you the necessary expenditure incurred.

Dated: 29th November 2023



Authorised Officer

Any correspondence or enquiry regarding this Notice should be addressed to:
Environmental Health Team, BCP Council Civic Centre, Bourne Avenue, Bournemouth BH2 6DY

N.B. The person served with this notice may appeal against the notice to a magistrates' court within twenty-one days beginning with the date of service of the notice. See notes on the reverse of this form.

Any personal information you provide us with, will be held and used in accordance with the law and the Data Protection Act 2018. If you would like to find out more information about how we use your information, please see our Privacy Notice here: bcpcouncil.gov.uk/privacy

bcpcouncil.gov.uk

'BCP Council' is the operational name for Bournemouth, Christchurch and Poole Council.

The Statutory Nuisance (Appeals) Regulations 1995
APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT, 1990

The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 act (appeals to magistrates) against an abatement notice served upon him by a local authority.

The grounds on which a person served with such a notice may appeal under Section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-

that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);

that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);

that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;

that the time or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;

where the nuisance to which the notice relates-

is a nuisance falling within section 79(1) (a), (d), (e), (f), (fa) or (g) of the 1990 Act and arises on industrial, trade or business premises, or

is a nuisance falling within section 79(1) (b) of the 1990 Act and the smoke is emitted from a chimney, or;

is a nuisance falling within section 79(1) (ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, or

is a nuisance falling within section 79(a)(fb) of the 1990 Act and-

(aa) the artificial light is emitted from industrial, trade or business premises or

(bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act

that the best practicable means were used to prevent, or to counteract the effects of the nuisance;

f) that, in the case of a nuisance under section 79(1) (g) or (ga) of the 1990 Act (noise emitted from the premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-

any notice served under section 60 or 66 of the Control of Pollution Act 1974 (control of noise on construction sites and from certain premises) or

any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or

any determination made under section 67 of the 1974 act (noise control of new buildings);

g) that, in the cases of a nuisance under section 79(1) (ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1) (a) of the Act are more onerous than the requirements for the time being in force in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise & Statutory Nuisance Act 1993 (loudspeakers in streets or roads);

h) that the abatement notice should have been served on some person instead of the appellant, being-
the person responsible for the nuisance, or

the person responsible for the vehicle, machinery or equipment, or

in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or

in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

i) that the abatement notice might lawfully have been served on some person instead of the appellant, being-

in the case where the appellant is the owner of the premises, the occupier of the premises,

in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;

j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being-

a person also responsible for the nuisance, or

a person who is also owner of the premises, or

a person who is also an occupier of the premises

a person who is also the person responsible for the vehicle, machinery or equipment

and that it would have been equitable for it to have been so served.

3. If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

4. Where the grounds upon which an appeal is brought include a ground specified in paragraph (2) (i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations applies he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

5. On the hearing of an appeal the court may-

quash the abatement notice to which the appeal relates, or

vary the abatement notice in favour of the appellant in such manner as it thinks fit, or

dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

6. Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit-

with respect to the person by whom any work is to be executed & the contribution to be made by any person towards the cost of the work, or

as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

7. In exercising its powers under paragraph (6) above the court-

shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and

shall be satisfied before it imposes any requirement there under on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

1. Where-

an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and

either-

compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or

in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and

either paragraph (2) does not apply, or if it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

2. This paragraph applies where-

the nuisance to which the abatement notice relates-

is injurious to health, or

is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance,

3. Where paragraph (2) applies the abatement notice shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and shall include a statement as to which of the grounds set out in paragraph (2) apply.

I, the undersigned, hereby certify that I served a Notice of which this is a true copy, by personal delivery

at NARA Lounge

on the 29th day

of November 2023 at 12.25

Signed: [Redacted]

Name: Adam Min

Direct line: 01202 454675

This matter is being dealt with by: Mr Andrew Hill

Our Ref: 6ESv2: Requests: 290322: ATH01125

Email: andrew.hill@bcpcouncil.gov.uk



ENVIRONMENTAL PROTECTION ACT 1990

Section 80

Abatement Notice in respect of a Statutory Nuisance

TO: Mr Ismail GUNDUZ
135-137 West Hill Road Bournemouth BH2 5EG

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council BCP Council being satisfied of the likely recurrence of a statutory nuisance under section 79(1) (g) of that Act within the district of the said council arising from:

LIVE AND RECORDED AMPLIFIED MUSIC AFTER 24:00

at the premises known as:

Nala Tapas & Cocktail Lounge 135-137 West Hill Road Bournemouth

HEREBY REQUIRE YOU as one of the person(s) responsible for the said nuisance forthwith from the service of this notice to abate the same and also **HEREBY RESTRICT** the recurrence of the same and for that purpose require you to:

ENSURE THAT LIVE AND RECORDED MUSIC AT THE ABOVE PREMISES REMAINS AS BACKGROUND MUSIC ONLY AFTER 24:00

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale (currently £5000), together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice the Council may execute the works and recover from you the necessary expenditure incurred.

Dated: 29th November 2023



Authorised Officer

Any correspondence or enquiry regarding this Notice should be addressed to:
Environmental Health Team, BCP Council Civic Centre, Bourne Avenue, Bournemouth BH2 6DY

N.B. The person served with this notice may appeal against the notice to a magistrates' court within twenty-one days beginning with the date of service of the notice. See notes on the reverse of this form.

Any personal information you provide us with, will be held and used in accordance with the law and the Data Protection Act 2018. If you would like to find out more information about how we use your information, please see our Privacy Notice here: bcpcouncil.gov.uk/privacy

bcpcouncil.gov.uk

'BCP Council' is the operational name for Bournemouth, Christchurch and Poole Council.

The Statutory Nuisance (Appeals) Regulations 1995
APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT, 1990

The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 act (appeals to magistrates) against an abatement notice served upon him by a local authority.

The grounds on which a person served with such a notice may appeal under Section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-

that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);

that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);

that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;

that the time or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;

where the nuisance to which the notice relates-

is a nuisance falling within section 79(1) (a), (d), (e), (f), (fa) or (g) of the 1990 Act and arises on industrial, trade or business premises, or

is a nuisance falling within section 79(1) (b) of the 1990 Act and the smoke is emitted from a chimney, or;

is a nuisance falling within section 79(1) (ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, or

is a nuisance falling within section 79(a)(fb) of the 1990 Act and-

(aa) the artificial light is emitted from industrial, trade or business premises or

(bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act

that the best practicable means were used to prevent, or to counteract the effects of the nuisance;

f) that, in the case of a nuisance under section 79(1) (g) or (ga) of the 1990 Act (noise emitted from the premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-

any notice served under section 60 or 66 of the Control of Pollution Act 1974 (control of noise on construction sites and from certain premises) or

any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or

any determination made under section 67 of the 1974 act (noise control of new buildings);

g) that, in the cases of a nuisance under section 79(1) (ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1) (a) of the Act are more onerous than the requirements for the time being in force in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise & Statutory Nuisance Act 1993 (loudspeakers in streets or roads);

h) that the abatement notice should have been served on some person instead of the appellant, being-

the person responsible for the nuisance, or

the person responsible for the vehicle, machinery or equipment, or

in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or

in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

i) that the abatement notice might lawfully have been served on some person instead of the appellant, being-

in the case where the appellant is the owner of the premises, the occupier of the premises,

in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;

j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being-

a person also responsible for the nuisance, or

a person who is also owner of the premises, or

a person who is also an occupier of the premises

a person who is also the person responsible for the vehicle, machinery or equipment

and that it would have been equitable for it to have been so served.

3. If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

4. Where the grounds upon which an appeal is brought include a ground specified in paragraph (2) (i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations applies he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

5. On the hearing of an appeal the court may-

quash the abatement notice to which the appeal relates, or

vary the abatement notice in favour of the appellant in such manner as it thinks fit, or

dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

6. Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit-

with respect to the person by whom any work is to be executed & the contribution to be made by any person towards the cost of the work, or

as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

7. In exercising its powers under paragraph (6) above the court-

shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and

shall be satisfied before it imposes any requirement there under on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

1. Where-

an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and

either-

compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or

in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and

either paragraph (2) does not apply, or if it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

2. This paragraph applies where-

the nuisance to which the abatement notice relates-

is injurious to health, or

is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance,

3. Where paragraph (2) applies the abatement notice- shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and shall include a statement as to which of the grounds set out in paragraph (2) apply.

I, the undersigned, hereby certify that I served a Notice,
of which this is a true copy, by personal delivery

at Nan Long
on the 29th day
of November 2023 at 12:25
Signed: [Redacted]
Name: Alan Hill

Nala Tapas & Cocktail Lounge

This representation is in support of an Application for Review of a Licensed Premises submitted on behalf of the Licensing Authority. This report is intended to provide both the members of the Licensing Sub-Committee and the licence holder (and their representative) with additional information, context, and evidence in support of the representation. This representation 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

Nala Tapas & Cocktail Lounge had initially opened as a Mediterranean Restaurant with approximately 60 customers anticipated at any one time, with a focus on provision of food and refreshment to their customers, alongside a take-away and home delivery service.

Following several complaints received via Environmental Health, visits were conducted by Dorset Police and our partners which identified that the premise was not being operated as initially intended, with a greater emphasis on entertainment and activities that would likely generate a greater impact on the local community.

Between January 2023 and April 2023, two variation applications were received which demonstrated that the operator intended to evolve the focus of the premise away from being a restaurant. The variations included the removal of key 'restaurant conditions' including the requirement to enjoy a table meal alongside alcohol and operating hours being restricted to those that are commensurate with a restaurant. The variation also included a change to the name of the premise. These changes, whilst agreed by Dorset Police, soon led to complaints being received by Environmental Health.

Police Licensing Officers attended the premise on the 31st July 2023 and discovered that the premise was operating beyond the permitted hours for Regulated Entertainment. This led to Dorset Police issuing a Warning Letter to the premises licence holder.

Concerns

Dorset Police are concerned that this premise, together with its existing Premises Licence, has not been 'fit-for-purpose' both for intentions of the licence holder and the community which it serves, for some time.

The venue is clearly intended to be far more versatile than how it had initially been portrayed. I am grateful to the licensing authority for bringing their concerns before the Sub-Committee, which will also provide an opportunity for other interested parties to highlight any concerns that they have experienced.

A premise which operates in the manner which it has evolved to operate must accept that there is a far greater risk of crime and disorder occurring, which must be proactively mitigated where it is foreseeable.

Experienced operators will understand and accept that it is necessary to ensure that key areas of concern are managed through effective and consistent conditions, which must be always met. Dorset Police are concerned that this operator has not operated to a consistently high standard, and in accordance with their licence conditions and we remain concerned that this premise will continue to evolve further to the detriment of the local community.

The below are important considerations that are highlighted as common measures to be introduced to licensed premises of this style and will assist the operator to promote the licensing objectives. Dorset Police would invite any perspective applicant to apply conditions addressing these areas within any future application for a Premises Licence. This list is not exhaustive and simply demonstrates some of the key, generic areas of concern for a venue of this current style.

- Staff Training including Challenge 25
- Provision of accredited SIA Contractor
- CCTV with appropriate recording function
- Incident Logs
- Refusals Register/Policy
- Dispersal Policy
- Drug Policy
- Use of Glass within / outside the premise
- First Aid / Welfare Provision
- Presence of a Personal Licence Holder to ensure that the minimum standards of providing licensable activities are met.

Available Outcomes to the Sub-Committee

To assist the members of the Sub-Committee in their determination, Dorset Police make the following submissions in relation to the available outcome options in respect of this Application for Review of a Premises Licence. Please note that Dorset Police make this submission in respect only of the licensing objective to prevent crime & disorder and we revert to Environmental Health and Licensing Authority for advice in respect of the other licensing objectives not being promoted.

Take No Action

Dorset Police are concerned that this premise has evolved significantly over the past 12 months. Whilst it is accepted that a natural evolution will occur for licensed premises, ensuring that the premises licence is appropriate for the premise is imperative to ensure that the operators are supported to consistently promote the licensing objectives.

The concerns identified by Dorset Police and those highlighted by Environmental Health and the Licensing Authority, following receipt of complaints from the community, demonstrates that taking no action should not be an appropriate outcome to this hearing.

Exclude Licensable Activities from the Premises Licence

The current Premises Licence includes the following Licensable Activities up to a maximum of 0200hrs at the weekends and until midnight on other days of the week -

- Late Night Refreshment (terminal hours of midnight on weekdays and 0200hrs at weekend)
- The sale by retail of alcohol for consumption ON and OFF the premises (2330hrs terminal hour Sun-Wed and 0200hrs Thu-Sat)

There are exceptions for New Year's Eve which provides for 24 hours of provision.

Dorset Police do not propose to exclude any of the above licensable activities in isolation, although, Dorset Police consider that it may be appropriate for sale of alcohol for consumption OFF the premises to be removed from the existing licence.

Dorset Police understand that the operators intend to offer Regulated Entertainment at this premise, however, this is currently not listed as a licensed activity and further considerations/conditions should need to be determined/agreed before that could be implemented to the licence.

Modify / Add Existing Conditions

If the Sub-Committee members were inclined to consider modifying the existing conditions, Dorset Police draw the attention of the members to the existing conditions attached to the Premises Licence and ask that consideration be given to their suitability for the existing premise.

Dorset Police are aware that the existing operator has applied for a further Premises Licence for this site, which is currently in the statutory consultation period at the time of preparing this report. Dorset Police do not intend to comment on that application at this time as consideration of that application will be entirely separate from this Review process.

Remove the Designated Premises Supervisor

Paragraph 11.21 of the Revised Guidance under Section 182 of the Licensing Act 2003 states that, *“licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decision made by the individual”*.

Dorset Police can evidence that this premise is being operated differently to the style that had originally been proposed and it is unclear why the current Premises Licence Holder have allowed issues to emanate because of the incompatible Premises Licence rather than proactively seek to remedy the inconsistencies between the operating practices and the permissions granted through the licensing process. Doing so would likely have avoided this Application for a Review of a Premises Licence from having been necessary.

Dorset Police cannot provide many examples of the mismanagement of the premise; however, the Guidance invites the members of the Sub-Committee at Paragraph 11.22 to be satisfied that the *“poor management is [not] a direct reflection of poor company practice”* and Dorset Police invite the Sub-Committee to seek appropriate reassurance that this is not the case before considering this option as a potential outcome following the hearing.

Suspend the licence for a period (not exceeding 3 months)

Any temporary suspension of this Premises Licence is unlikely to result in any substantial improvement. Dorset Police only support a short suspension of the Premises Licence if the Sub-Committee members would be reassured that a short suspension, whilst the Premises Licence Holder put in place any necessary measures as required in the final determination, would assist the Premises Licence Holder and provide increased confidence to the members of the Sub-Committee.

Revoke the Licence

Dorset Police support the view that this option should be a last resort for the Sub-Committee. Whilst fiscal issues are outside of the considerations of the Sub-Committee, Dorset Police consistently adopt a proportionate approach, wherever possible, to remain sensitive to commercial viability of businesses and to ensure that we support an outcome which reflects the concerns identified.

Dorset Police acknowledge the value that licensed premises add to communities as places of social and economic value, however, where the presence of a licensed premise becomes detrimental to a community or presents a risk to those that enjoy the use of a licensed premise, appropriate action must be taken to seek improvement and address those concerns.

If the options proposed above are not considered appropriate by the members of the Sub-Committee, Dorset Police propose that this Premises Licence be revoked.

Conclusion

Dorset Police invite the Sub-Committee to follow the Section 182 Guidance, issued by the Secretary of State, which invites the members of the Sub-Committee to consider the above options in their determination. It is our view that to avoid the revocation of the Premises Licence, the members of the Sub-Committee should be satisfied that one of the alternative outcomes will mitigate the concerns that have been highlighted above, and separately by our partners.

Dorset Police do not intend to repeat our above concerns to the members of the Sub-Committee during the hearing, however, as the Licensing Authority’s main source of advice on matters relating to crime and disorder, we will be pleased to answer any further questions that you may have during the hearing.

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Licensing Act 2003 – Representation Form

Personal/Business Details	
Name: Brian Sutcliffe	
Address:	
[REDACTED]	
[REDACTED]	
[REDACTED]	
Email: [REDACTED]	
Contact Telephone Numbers:	[REDACTED]

Premises Details <i>(Please give as much information as possible)</i>
Application Ref: M213237
Name of Premises: Nala Tapas and Cocktail Lounge
Address of Premises:
135 – 137, West Hill Road, Bournemouth, BH2 5EG

<p>Reasons for Representation. Please, give information under the relevant Licensing Objective. <i>(Please note you are not required to complete all the boxes unless you feel it is relevant.)</i></p>
<p>The Prevention of Crime and Disorder:</p>
<p>The Prevention of Public Nuisance: I am aware that the law requires that licensing and planning are required to operate independently. A planning application for change of use of this venue from Hotel to a Restaurant and to develop the outside area was submitted in August 2021. Approval was not granted until June 2023. The first application for a drinks license to support the operation of a restaurant was made in March 2021. At this time the premises had planning approval to operate as a hotel. The relevant Home Office Guidance Issued under Section 182 of the Licensing Act 2003 states:: “Where businesses have indicated, when applying for a license under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of <u>agreeing mutually acceptable operating hours and scheme designs.</u>” Subsequent applications to vary the license were made during the period that the planning application was under public consultation and review. It is now evident that throughout this period there were no representations made by the planning authority to the licensing authority and no discussion between counterparts with the aim of agreeing mutually acceptable operating hours. (we are instead faced with very substantial differences between the planning authority and licensing authority) The Planning authority, acting independently of the licensing authority, has properly assessed the public representations and has reasonably assessed the risks of <u>public nuisance</u>. Accordingly in order to mitigate the risks of <u>public nuisance</u> the planning approval, as granted in</p>

June 2023, lays down conditions on noise limits, opening hours and number of covers.

In summary the specified planning conditions are:

- The restaurant use hereby permitted shall not be open to customers outside the following times:
8:00a.m. - 11:00p.m. Sunday to Thursday
8:00a.m. - 11:30p.m. Friday to Saturday
- The external seating area shown on drawing number 102/GA/03 shall accommodate not more than 28 covers.
- The external seating area shall be permitted to operate only between the hours of 0800 and 2200 Sunday to Thursday; and 0800 and 2300 on Friday and Saturday.
- No amplified music shall be played nor any public address system shall be used within the curtilage of the premises at any time.
- Music shall be limited to background music only, and no music shall be outside the hours of 0800 to 2300.

The granted license opening times are :

- Monday - 10:00 to 00:30
- Tuesday - 10:00 to 00:30
- Wednesday - 10:00 to 00:30
- Thursday - 10:00 to 02:00
- Friday - 10:00 to 02:00
- Saturday - 10:00 to 02:00
- Sunday - 10:00 to 00:30
-

It is clear that there is a very substantial difference between the Planning Authority and the Licensing Authority conditions. (It is difficult to understand why it could possibly have been considered reasonable to allow opening to 2.00 am on Thursday in a residential area where residents need to work and attend school etc., on a Friday)

The licensing authority has clearly not taken cognizance of the fact that this is a quiet residential area with a number of up market hotels and restaurants which typically cease trading at about 9.00 pm. This is not the right location for the nightclub and Shisha Bar which is now operating within the Nala lounge.

May I also observe that many publicans claim that the enactment of the smoking regulations in 2007 has severely impacted on the pub trade. Smokers are typically relegated to open smoking shelters at the rear of the licensed property. What the Nala lounge has demonstrated is that if an illegal smoking lounge is made the center of a venue, then it will thrive. At weekends there are typically 40 or 50 people taking advantage of this smoking lounge. If the law was to be enforced, then these patrons would need to smoke on the public highway causing additional public nuisance. (there is no space within the curtilage of the premises for the construction of a legal smoking shelter) However, if the law was to be enforced the business would no longer have an unfair advantage over other venues within the area and would no longer attract such large numbers of drinkers and smokers. The issue is that there are complexities of overlapping issues and breaches which cannot be addressed individually. Any single resolution will impact on another and may result in an increase in public disruption,

Legally, however the most restrictive conditions must apply. As such the law is paramount and the planning approval takes precedence over the licensing conditions in respect of opening times. This is not what is happening. The lounge provides live and amplified music through to the early hours as are listed in the license not those prescribed by the planning approval. Consequently, and as predicted in the review of the planning application, the operation is causing serious public nuisance that has generated reasonable and justified public nuisance complaints.

(In assessing complaints, the authority must give due consideration to the required disclosures of property owners on property information form TA6. Residents are very wary of making official complaints that must be subsequently disclosed when the owner sells the property)

The revision to licensing hours proposed in the Review are still not acceptable for a residential area and is not necessary for a licensed restaurant. However regardless of the licensing hours , it is the more stringent limits imposed by the planning approval that must prevail. The situation has developed to a state where there are overlapping conflicts and breaches, the shisha lounge is not legal and the building has been constructed without planning approval. It can serve to suppress noise levels but if it has to be demolished or 50% permanently opened then it will not suppress noise levels. With such a situation there must be a clear holistic base line understanding of how the venue will operate legally. The concerns are that pursuing breaches on a piecemeal basis rather than holistically could result in an increase in Public Nuisance.

Public Safety:

The Nala Lounge has been operating as a Shisha lounge; regardless of whether the roof/windows are open or closed, any smoking within the lounge is illegal and is unsafe. It is evident that there are misunderstandings that need to be corrected. Section 2 of The Smoke-free (Premises and Enforcement) Regulations 2006 states that Premises are substantially enclosed if they have a ceiling or roof [see para 4 below] but there is—(a)an opening in the walls; or (b)an aggregate area of openings in the walls, which is less than half of the area of the walls, including other structures that serve the purpose of walls and constitute the perimeter of the premises. (3) In determining the area of an opening or an aggregate area of openings for the purposes of paragraph (2), NO ACCOUNT IS TO BE TAKEN OF OPENINGS IN WHICH THERE ARE DOORS, WINDOWS OR OTHER FITTINGS THAT CAN BE OPENED OR SHUT. (4) In this regulation “roof” includes any fixed or moveable structure or device which is capable of covering all or part of the premises as a roof,

It is evident that smoking within the lounge area, regardless of whether windows are open, is illegal. It is a criminal offence.

Nonsmokers/ and employees, waiters etc., are being subjected to passive smoking which is an offence under the Health and Safety at work Act.

There also appears to be a lack of signage as required by legislation to designate smoking and nonsmoking areas and noting the dangers of smoking to health.

The Protection of Children from Harm:

The lounge advertises itself as a family restaurant. I have noted smoking within the lounge during the afternoon and early evening. Any children dinning with parents will potentially be subjected to dangerous levels of passive smoke.

I do not wish my details to be include in the Public Documents for the following reasons:

I declare that the information I have provided is true and correct.

SignedBrian Sutcliffe

Date.12/11/2023.....

From: [BCP Council - Do not reply](#)
To: [Licensing Com](#)
Subject: Contact us enquiry for Licensing - CU-122069
Date: 27 November 2023 12:59:19

Dear Licensing,

You have the following message from a customer using the Contact Us option on the website.

Customer first name - Artur

Customer last name - Gebka

Customer email address - [REDACTED]

Customer message - Hello, This is in regards to a blue note left on the door - review of premises license - Nala Tapas and Cocktail Lounge 135-137 West Cliff Rd, Bmth, BH2 5EG .

I would like to voice my concerns regarding this recently opened venue. It was supposed to be a restaurant, as per the description of one of the joint owners in the local newspaper - <https://www.bournemouthecho.co.uk/news/23652055.bournemouth-turkish-restaurant-nala-lounge-opens/> and as much as probably most of the locals have embraced this idea, the place actually turned to be nothing near to a restaurant, but rather a very busy night club open to late hours, selling drinks and shisha to large crowds of alcohol and drug intoxicated club goers (yes, sometimes cars stop nearby and clearly some stuff is being sold by the open windows). During the summer months, the CLUB was packed with people, with noisy music playing constantly, people standing in hordes on the pavement smoking or drinking, cars passing by, and constantly using loud signals to warn the ones crossing the busy street. By all means, this is not the "al-fresco dining" concept we all expected here. This part of West Cliff has now become loud, messy, and unsafe - even the simple evening trip to the local NISA store opposite for groceries is now a challenging and intimidating task. I would like you to please forward this observation to the relevant team in the BCP council before the 11th of December before the license review takes place. Thank you very much in advance. Artur Gebka

Reference - CU-122069

If you believe you have been sent this message in error please forward it to: enquiries.bournemouth@bpcouncil.gov.uk

Kind Regards,

Customer Services Team

enquiries.bournemouth@bpcouncil.gov.uk

From: [REDACTED]
To: [Tania Jardim](#)
Cc: [Licensing Com](#); [REDACTED]; [Andrew Hill](#); [REDACTED]
Subject: Licence review Nala Lounge Ref: 213237
Date: 08 December 2023 15:50:37

Dear Tania

I would like to support the fact that the licence for the Nala Lounge should be reviewed on the grounds that it currently causes the following issues:

Public nuisance - the noise and disturbance from this venue which is allowed by this licence to be operate until 2.00 am Thursday-Saturday is unacceptable. We own two properties directly opposite this venue which are run as quality family holiday lets. All our windows face this venue. Our guests and other residents in the building have publicly complained about the noise from this venue. The number of people that are going to this venue for late night drinking and parties, which the hours of this licence allows for, far exceeds the number expected to visit if it was a restaurant, as per its planning class. This causes a noise nuisance directly to us from talking, socialising, music, late night noisy pedestrians and extra late night traffic. Car doors slamming in the early hours of the morning, cabs waiting outside with their engines running. People shouting. Westcliff is a quiet mostly residential area in which residents do not want late night drinking party venues due to the noise and anti social behaviour that this brings. The licence hours seem completely unreasonable for local residents who need to sleep to go to school or work. The hours of operation that were approved by Planning for this restaurant were in keeping with local residents needs. Now it is not possible for our guests or tenants to open the windows at night, when it is usually quiet in Westcliff, due to this noisy venue.

It is unreasonable to include Thursday night as a late night as it is a school and work night as the noise is a nuisance which adversely affects sleep and stress levels.

The outside area offers little privacy to its neighbours or sound mitigation during the additional hours that this licence allows over the agreed planning permission.

Public safety - The hours and type of drinking/night club operation that this licence allows for means that many more people can attend as they do not have to be seated. This causes people to gather outside the entrance to the venue which is located near the traffic lights. Pedestrians have to walk in the road to pass. This is hazardous for pedestrians and motorists. Now we find that cars are being parked right on the junction on the double yellow lines. This was not happening before the Nala Lounge started operating. This restricts visibility for other motorists and pedestrians.

Affecting local businesses - The problems outlined above have and will continue to cause our business to suffer as guests and tenants will not want to come to somewhere they cannot have peace and quiet at night. Since the Nala Lounge has been operating as a late night party/drinking venue, guests have posted reviews publicly online that our property is not suitable for families due to the late night noise from the 'nightclub' opposite. We have spent a considerable sum of money to provide quality holiday let apartments and have successfully hosted families for many years. Families are our target market in this area due to its location near the beach and the family friendly amenities that Westcliff has to offer.

As for staying open for 24 hours over New Year, not only will this cause an unacceptable noise nuisance overnight it will also encourage party revellers not to use any accommodation as they can party there all night, potentially leaving in a undesirable state the next day. This is not what is wanted in the Westcliff area.

The hours approved by the planning permission were to safeguard the amenities of occupiers of adjoining and nearby properties and in accordance with the policies CS38 and CS41 of the Bournemouth local plan.

I would like to see the hours and conditions of the planning permission be enforced as the operating hours. Our biggest concern about noise is the outside area. If all noise can be contained inside the building with appropriate windows and doors and the 'outside' area cleared by 10pm in the week and 11 pm at weekends (Fridays and Saturdays) as per planning then that would be more acceptable. However our concern would be how the outside

area would continue to be managed. It has been used as a late night outside drinking, smoking/music area and has proven to be a great noise nuisance.

Kind regards

[Redacted signature block]

From: [Peter Curtis](#)
To: [Tania Jardim](#)
Cc: [Licensing.Com](#)
Subject: Licence Review Nala Lounge Ref 213237
Date: 09 December 2023 18:06:29

Dear Tania,

I write to complain about the current terms of the licence on Nala Lounge which allows the property to be open until the early hours of the morning, serving drinks until 02:00 Thursday to Saturday and until 23:30 on Sunday to Wednesday nights. I understand that the current licence allows for live and recorded music being 20:00 and 23:00 hours although the property owners have been ignoring that restriction and blasting out loud music well past that time and usually until closing time.

My property is a first floor flat directly opposite the Nala Lounge and has a section 106 restriction on its use for holidays during the spring-summer months.

I don't live at the property but have stayed over on a few occasions since the Nala Lounge started operating as a nightclub - in breach of planning regulations - in July 2023.

Nala Lounge has been a major problem for me and is likely to affect my business in that the noise generated by the property until the early hours of the morning will put most potential guests off choosing the property for a holiday. The noise is bad enough in the colder months when windows can be shut but is a nightmare in warmer weather when people want to open the windows.

From my understanding, the owners of the Nala Lounge have already erected a building in the "outside" area without seeking planning permission and, when caught out, submitted a new retrospective proposal for the area in front of the main building to allow it to be built for use as a restaurant. Fortunately, that was rejected but they are likely to appeal or submit another application, I expect.

I have no objection to the building being used as a restaurant and operating within normal restaurant hours - until 22:30 like all the other restaurants in the area. However, the property is actually being used as a shisha lounge/ nightclub and operating until 02:00 some nights and midnight on every night it would seem. The venue generates loud noise from the music system and, as there are shisha pipes in use, requires good ventilation hence the loud noise cannot be suppressed in any way. The "outside" area is not being used for dining as there are very few dining tables in it. The loud noise (music and human hubbub caused by people talking loudly over the music) is unacceptable in itself but is accompanied by antisocial behaviour as the often drunken visitors stumble out of the premises in the early hours of the morning shouting and yelling goodbyes to friends.

The area around the Nala Lounge has very little on road parking available so cars belonging to people attending the Nala Lounge often park on the double yellow lines around our block, obstructing vehicle access to the parking spaces of our visitors and on occasion taking our parking spaces. Needless to say, there are no traffic enforcement officers around at these times to issue tickets for the parking offences which I consider to also be antisocial behaviour.

The Nala Lounge is situated in a quiet residential, conservation area and the location is not suited to locating a noisy nightclub with the resultant negative behaviour that accompanies it. Had the owners of Nala Lounge actually been honest with their plans to open a nightclub in that location, I feel sure that it would never have been approved so I'm urging you to review and reduce the operating/licenced hours now. If the operating hours are not restricted in line with the other restaurants and pubs in the locality, it will lower the standard of living for local residents and visitors as a nightclub is not required in the location.

In my experience, nightclubs are required to be closed buildings which do not generate unsuppressed noise and are not located in quiet residential areas. Knowing that such a building is directly opposite my flat would put most families off booking any of the flats in our block or nearby making the area less desirable for that use and we will need to consider whether we need to take action to remove the section 106 restriction on our flats. Alternatively, perhaps we should do as the owners of the Nala Lounge have done and just completely ignore the rules most decent people abide by.

As an indication of the audacity of the owners of Nala Lounge, I noticed that, until recently, they were advertising a number of party events on their Facebook page which will be noisy and antisocial and which will go on until 02:00 - causing misery for people living or staying nearby.

Apart from the noise and general nuisance problems, I have a concern for public safety as the vast numbers of people who visit the property after pub closing time results in an overspill of people outside the front of the building onto the pavement creating an obstacle for pedestrians using the path who often have to walk in the road creating another nuisance and risk to pedestrians' safety. The lack of nearby parking results in cars on double yellow lines creating another potential hazard for drivers and pedestrians.

I understand that the nightclub is applying to stay open 24 hours over New Year which is likely to be a real problem for the holiday visitors booked into my flat over the period so I am urging you not to approve the application.

The Nala Lounge operating hours approved by the planning department were agreed to safeguard the amenities of occupiers of nearby properties in accordance with policies CS38 & CS41 of the Bournemouth local plan. By agreeing different, much extended, licenced hours for the property, this has caused misery for local residents and guests who have had to endure loud music, traffic congestion and anti social behaviour until the early hours of the morning throughout the Summer.

I urge you to review the licence to factor in the views of local residents and visitors like myself.

Regards,

Peter & Lynn Curtis

Westcliff Apartments, 131 West Hill Road BH2 5PH

Sent from my iPhone

From: [Simon Grimston](#)
To: [Licensing Com](#)
Subject: Nala Lounge West Hill Road Bournemouth
Date: 11 December 2023 01:27:48

Here is my letter of objection

Prevention of Crime.

Allowing smoking in an enclosed space is an offence. The holder of this premises licence is clearly allowing the smoking of Shisha pipes in the premises contrary to the Health Act 2006.

Planning application 7-2021-2888-M was granted subject to a condition that it was not to trade beyond 11pm. It is in a residential area and this condition was imposed to protect those who live in the area. This condition has not been adhered to and the premises has continued to trade after this time.

The extension out to the pavement was, I understand, built without consent, and in a conservation area, without due regard to following the correct process in law.

Public Safety

The Health Act 2006 ban on smoking was introduced to protect the health of staff and other users of the premises. With blatant disregard of the safety of the public the premises has permitted and encouraged smoking in an enclosed space.

The crowds of people gather around the premises, made worse by the extension built out to the pavement edge so there is nowhere for people to gather outside without blocking the pavements.

The Prevention of Public Nuisance

As the premises has been used in a manner contrary to the planning consent, there are complaints about noise nuisance disturbing families trying to sleep, exactly as was predicted in the planning application comments.

For these reasons it would seem obvious that the current licence holder is not fit and proper to hold such a licence and the licence should be removed.

Vice Chair

West Hill Residents Association

Sent from [Outlook for Android](#)

From: [Councillor David d'Orton-Gibson](#)
To: [Tania Jardim](#)
Subject: RE: LICENSING APPLICATIONS RECEIVED FROM 10TH TO 16TH NOVEMBER 2023
Date: 11 December 2023 22:15:11
Attachments: [image003.jpg](#)
[image004.jpg](#)
[image005.png](#)

I think my ward colleague ay have already replied but in case you have not got it, here is the basis of our objections. This licence holding is clearly breaking many laws and so cannot be considered fit and proper to hold such a licence.

Prevention of Crime.

Allowing smoking in an enclose space is an offence. The holder of this premises licence is clearly allowing the smoking of Shisha pipes in the premises contrary to the Health Act 2006. I have seen this myself when walking past the premises late at night.

Planning application 7-2021-2888-M was granted subject to a condition that it was not to trade beyond 11pm. It is in a residential area and this condition was imposed to protect those who live in the area. This condition has not been adhered to and the premises has continued to trade after this time, breaking the conditions of their planning approval. These problems were raised as part of the planning application and the fears of local residents have come about exactly as forecast due to the failure to trade in accordance with the permission granted and with a total disregard for the law. The licence holder either does not understand that getting a licence to trade to a later time than his planning permission does not make this trading lawful.

The extension out to the pavement was, I understand, built without consent, and in a conservation area, without due regard to following the correct process in law.

Public Safety

The Health Act 2006 ban on smoking was introduced to protect the health of staff and other users of the premises. With blatant disregard of the safety of the public the premises has permitted and encouraged smoking in an enclosed space. For a space not to be enclosed it must have PERMANENTLY open walls to at least 50% of the sides. Windows and doors are clearly excluded from that calculations as they can be opened and closed.

The crowds of people gather around the premises, made worse by the extension built out to the pavement edge so there is nowhere for people to gather outside without blocking the pavements, creates a safety issue for the public trying to walk past a group when they have to step into the road.

The Prevention of Public Nuisance

During the planning application process to change from a hotel to a restaurant, local residents expressed concerns about noise nuisance in what is really a residential area. As the premises has been used in a manner contrary to the planning consent, we are now receiving complaints about noise nuisance disturbing families trying to sleep, exactly as was predicted in the planning application comments.

For these reasons it would seem obvious that the current licence holder is not fit and proper to hold such a licence and the licence should be removed.

Councillor David d'Orton-Gibson
Westbourne & West Cliff Ward

Bournemouth Christchurch & Poole Council
T. 01202 126776
david.dortongibson@bcpcouncil.gov.uk
bcpcouncil.gov.uk

From: [Carl Jacolette](#)
To: [Licensing Com](#)
Subject: Ref 213237 Nala lounge
Date: 10 December 2023 22:22:46

Dear BCP Licensing

I believe the Nala lounge is effectively operating as a nightclub and not as a restaurant, I will refer to them as a nightclub in this objection

I am writing to express my strong objection to the granting of a license for a nightclub in the residential area of our community. While I understand the need for entertainment venues, I firmly believe that situating a nightclub in such a location would have numerous detrimental effects on the quality of life for residents.

First and foremost, the noise pollution generated by a nightclub can be a serious disruption for those living nearby. In a residential area, people expect a certain degree of peace and tranquility, especially during nighttime hours. A nightclub's extended operational hours would undoubtedly result in loud music, vehicle noise, and rowdy patrons, all of which would significantly disturb residents' sleep patterns and overall well-being.

Additionally, the potential for increased crime and antisocial behavior is a genuine concern. Nightclubs often attract large crowds, some of whom may engage in excessive alcohol consumption and illicit drug use. This, unfortunately, can lead to an uptick in incidents such as fights, vandalism, and even assault. The safety and security of residents, particularly children and the elderly, should be of paramount importance when considering the suitability of a nightclub in a residential area.

Furthermore, the increased traffic and parking issues stemming from the nightclub's operation are likely to burden the surrounding streets. Residential areas are typically not engineered or equipped to accommodate large numbers of vehicles, which could result in congestion, limited parking spaces, and potential clashes between residents and nightclub visitors seeking parking alternatives.

Lastly, the potential for a nightclub to negatively impact property values in the area should not be overlooked. Homeowners have invested in their properties with the expectation of a certain quality of life and a peaceful neighborhood. The presence of a nightclub, its associated noise and disturbances, may deter potential homebuyers and devalue properties in the vicinity.

In conclusion, it is my belief that granting a license for a nightclub in our residential area would have severe repercussions on the tranquility, safety, and property values of the neighborhood. I kindly urge you to consider the concerns of the residents and place greater emphasis on the welfare of those directly affected by this decision.

We own and run a holiday flat the other side of the road to the Nala lounge and we have received public reviews that our holiday home is no longer suitable for families due to the late night noise and disturbance from the Nala lounge, these reviews were received while the Nala lounge were running against the restrictions in place from bcc planning. These reviews have been very damaging to our business and we are reviewing our possible legal action against them for damages.

If the Nala lounge continues to operate into the night our existing business will be non viable as a family holiday flat.

We have no objection to the Nala lounge running as a restaurant with ambient music, and to normal restaurant opening hours, but No amplified live music and late opening

Thank you for your attention to this matter, and I trust that you will take all factors into account when making your decision.

Sincerely,
Carl Jacolette


West cliff apartments
131 West Hill Rd

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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

LACEYS SOLICITORS



01202 377800 (Reception) 01202 377982 (Support Team)

laceyssolicitors.co.uk 9 Poole Road Bournemouth, BH2 5QR



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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
bcpCouncil.gov.uk

-
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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)

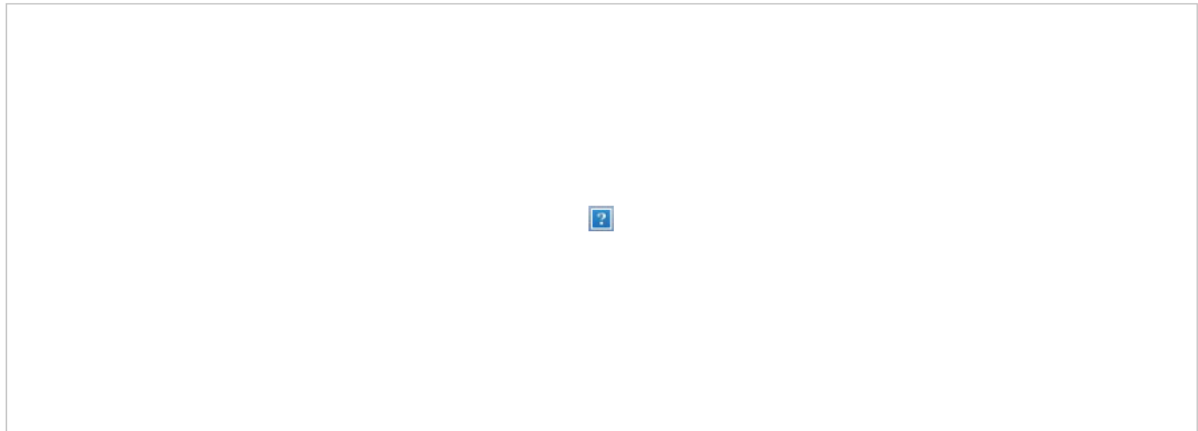
Dear Andrew

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.

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;

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.

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.
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.
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.

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.....

Kind Regards



Andrew Hill
Senior Environmental Health Officer
Communities
T. 01202 123186
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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			
Wed	10:00	00:00	<u>State any seasonal variations for the exhibition of films</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 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		
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)			Will the performance of dance take place indoors or outdoors or both – please tick (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	Please give further details here (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	State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur	10:00	00:00	None.		
Fri	10:00	00:00	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 (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)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (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	Please give further details here (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	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	23:00	00:30	None.		
Fri	23:00	00:30	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 (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

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).
No adult entertainment, services activities etc will be provided.

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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