

# Notice of Licensing Sub-Committee



Date: Wednesday, 24 January 2024 at 10.00 am

Venue: Committee Room, First Floor, BCP Civic Centre Annex, St Stephen's Rd, Bournemouth BH2 6LL

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## Membership:

Cllr A Chapmanlaw

Cllr G Farquhar

Cllr A Keddie

## Reserves:

Cllr M Dower (1)

Cllr B Castle (2)

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All Members of the Licensing Sub-Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MId=5821>

If you would like any further information on the items to be considered at the meeting please contact: Jill Holyoake 01202 127564 on 01202 096660 or email [democratic.services@bcpCouncil.gov.uk](mailto:democratic.services@bcpCouncil.gov.uk)

Press enquiries should be directed to the Press Office: Tel: 01202 118686 or email [press.office@bcpCouncil.gov.uk](mailto:press.office@bcpCouncil.gov.uk)

This notice and all the papers mentioned within it are available at [democracy.bcpCouncil.gov.uk](https://democracy.bcpCouncil.gov.uk)

GRAHAM FARRANT  
CHIEF EXECUTIVE

16 January 2024

**DEBATE  
NOT HATE**



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on the Mod.gov app



## Maintaining and promoting high standards of conduct

### Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

#### Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

#### Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer  
([janie.berry@bcpcouncil.gov.uk](mailto:janie.berry@bcpcouncil.gov.uk))

### Selflessness

Councillors should act solely in terms of the public interest

### Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

### Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

### Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

### Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

### Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

### Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

# AGENDA

Items to be considered while the meeting is open to the public

## 1. Election of Chair

To elect a Chair of this meeting of the Licensing Sub-Committee.

## 2. Apologies

To receive any apologies for absence from Members.

## 3. Declarations of Interests

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

## 4. Protocol for Public Speaking at Licensing Hearings

5 - 10

The protocol for public speaking at Licensing Sub Committee hearings is included with the agenda sheet for noting.

## 5. Nala Lounge, 135-137 West Hill Road, Bournemouth, BH2 5EG

11 - 50

The Licensing Authority has received an application for a new premises licence for the premises known as Nala Lounge, 135 - 137 West Hill Road, Bournemouth. The application is to permit the following licensable activities: -

Films (Indoors and Outdoors)

Monday to Sunday – 10:00 to 00:00

Live Music (Indoors)

Monday to Sunday – 10:00 to 00:00

Recorded Music (Indoors)

Monday to Sunday – 10:00 to 00:00

Performance of Dance (Indoors)

Monday to Sunday – 10:00 to 00:00

Supply of Alcohol (On and Off the premises)

Monday to Sunday – 10:00 to 00:00

Late Night Refreshment (Indoors and Outdoors)

Monday to Sunday – 23:00 to 00:30.

At New Year, the times are from the commencement of hours on New Year's Eve until the end of permitted hours on New Year's Day.

As this application has resulted in representations, this matter is brought before the Licensing Sub Committee for determination.

No other items of business can be considered unless the Chair decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

## **LICENSING COMMITTEE AND SUB COMMITTEE – PROTOCOL FOR PUBLIC SPEAKING**

### **1. Introduction**

- 1.1 This protocol for public speaking applies to Licensing Committee and Sub Committee hearings in relation to matters including the licensing of alcohol, regulated entertainment, late night refreshment, gambling, sex establishments and hackney carriage and private hire drivers, vehicles and operators, as set out in Part 3.3 of the Council's Constitution.
- 1.2 These matters are considered in accordance with relevant legislation and associated regulations including the Licensing Act 2003 (as amended by the Police Reform and Social Responsibility Act 2011), the Gambling Act 2005, Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) and the Local Government (Miscellaneous Provisions) Act 1976.

### **2. Conduct of Hearings**

- 2.1 Chair welcomes everyone, matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent, etc.
- 2.2 Chair asks everyone present to introduce themselves and state their role.
- 2.3 Chair checks that all persons who have given notice of their intention to speak and any person who wishes to withdraw a representation or wishes not to speak have been identified.
- 2.4 Chair explains proposed procedure and order of speaking for hearing as set out in Appendix A or B of this protocol as appropriate. All parties confirm agreement or make representations on procedure proposed.
- 2.5 Licensing Officer's report is presented.
- 2.6 Parties speak in the order agreed.
- 2.7 With the exception of hackney carriage and private hire hearings, parties who are speaking should not repeat the information which they have already given in writing in their representation. They will be able to expand on the written information given, provided the information remains relevant. Any additional information should be limited to the grounds of their representation(s). For example, if they are objecting on the grounds of Public Nuisance, then they should confine their comments to matters relating to Public Nuisance.

- 2.8 Members of the Licensing Committee or Sub Committee may ask questions after each party has spoken and once all parties have spoken. Parties will be allowed to ask questions through the Chair.
- 2.9 Once all parties have been heard, the parties will be given the opportunity to sum up. Party who spoke first to go last. The hearing will then conclude.
- 2.10 Members will deliberate in private with the clerk and legal representative as appropriate present.
- 2.11 The decision will be taken by the Committee and notification of the decision will be given as follows:
  - 2.11.1 For Licensing Act 2003 and Gambling Act 2005 hearings, determination must be within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the relevant Regulations, unless otherwise specified (for example, the issuing of a counter notice following objection to a TEN, in which case the determination must be at the conclusion of the hearing).
  - 2.11.2 For Sex Establishment and other hearings, where possible determination will be within the period of five working days beginning with the day or the last day on which the hearing was held.
  - 2.11.3 For Hackney Carriage and Private Hire hearings, notification of the decision will be given at the conclusion of the hearing, followed by a written decision letter where possible within the period of five working days beginning with the day or the last day on which the hearing was held.
- 2.12 Notification of the decision will include information for all parties of any right of appeal as appropriate.

### **3 General points**

- 3.1 Hearings convened under the Licensing Act 2003 and the Gambling Act 2005 and associated regulations may be held remotely as required, if the Chairman agrees it is expedient to do so in the circumstances.
- 3.2 The hearing may be adjourned at any time at the discretion of the Members.
- 3.3 Members may amend the procedure at any time if they consider it to be in the public interest or in the interest of a fair hearing.
- 3.4 The Sub Committee may decide to conduct all or part of a hearing in non-public session in accordance with the relevant Regulations and/or where exempt information is likely to be disclosed.

- 3.5 The Chair may exclude any person from a hearing for being disruptive.
- 3.6 Meetings of the Licensing Committee in public session are recorded by the Council for live and subsequent broadcast on its website.
- 3.7 The hearing will take the form of a discussion.
- 3.8 Only persons (or their representatives) who have made an application, are subject to an application or have submitted a written representation or objection to the Licensing Authority under the relevant Act are permitted to speak at the hearing.
- 3.9 Any further information to support an application, representation, objection or notice (as applicable) can be submitted before the hearing. It may only be submitted at the hearing with the consent of all parties in accordance with any relevant Regulations. Wherever possible the Licensing Authority encourages parties to submit information at the earliest opportunity to allow sufficient time for this to be considered before the hearing and avoid the need for adjournment.
- 3.10 If a party has informed the Authority that they do not intend to participate, or be represented at the hearing, or has failed to advise whether they intend to participate or not, the hearing may proceed in their absence.
- 3.11 For other matters which are the responsibility of the Licensing Committee and not included in this protocol, the Meeting Procedure Rules in Part 4D of the Council's Constitution in relation to public questions, statements and petitions shall apply. This includes such matters as making recommendations on relevant licensing policies, approving the level of fees charged by the Council, and making decisions on tariffs charged by the Public Carriage Trade.
- 3.12 The Council's Constitution can be accessed using the following link:  
<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

For further information please contact [democratic.services@bcpcouncil.gov.uk](mailto:democratic.services@bcpcouncil.gov.uk)

## Appendix A

### **Proposed procedure and order of speaking for hearings (other than hackney carriage and private hire hearings)**

1. The Licensing Officer presents report.
2. Questions of the Licensing Officer on their report. Members of the Sub-Committee to go first, then the applicant/licence holder.
3. Applicant will make their Application.
4. Questions of the Applicant by all parties, Members of the Committee/Sub-Committee to go first.
5. Responsible Authorities and Other Persons will make their representations.
6. Questions of the Responsible Authorities and Other Persons. Members of the Committee/Sub-Committee to go first.
7. All parties will be given an opportunity to sum up (with the party who spoke last to go first). The hearing will then conclude.
8. Sub-Committee will deliberate in private with Legal Adviser and Clerk present. (Councillors new to Licensing may observe but will not take part in the decision making).
9. Notification of the Sub Committee's decision will be given in accordance with the requirements of the Licensing Act and Gambling Act regulations. For other hearings, where possible determination will be within the period of five working days beginning with the day or the last day on which the hearing was held.
10. The notification of decision will include information about the right of appeal as appropriate.



## Appendix B

### **Proposed procedure and order of speaking for Hackney Carriage and Private Hire hearings**

1. The Licensing Officer presents their report.
2. Questions of the Licensing Officer on their report. Members of the Sub-Committee to go first, then the applicant/licence holder.
3. Applicant/licence holder presents their case.
4. Questions of the applicant/licence holder by all parties, Members of the Committee/Sub-Committee to go first.
5. All parties will be given an opportunity to sum up (with the party who spoke last to go first). The Hearing will then conclude.
6. Sub-Committee will deliberate in private with Legal Adviser and Clerk present. (Councillors new to Licensing may observe deliberations but will not take part in the decision making).
7. Notification of the decision will be given following deliberations at the conclusion of the hearing, to be followed by a written decision letter where possible within the period of five working days beginning with the day or the last day on which the hearing was held.
8. The Legal Adviser will advise parties of any right of appeal as appropriate at the conclusion of the Hearing. Information about the right of appeal as appropriate will also be included in the written decision letter.

Adopted by the Licensing Committee on 7.12.23

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## LICENSING SUB-COMMITTEE



Report subject	<b>Nala Lounge, 135-137 West Hill Road, Bournemouth, BH2 5EG</b>
Meeting date	24 January 2024
Status	Public Report
Executive summary	<p>Mr Philip Day of Lacey's Solicitors has made application on behalf of Nala Lounge Limited for a premises licence at 135-137 West Hill Road, Bournemouth. The application is to permit the following licensable activities: -</p> <p><u>Films</u> (Indoors and Outdoors) Monday to Sunday – 10:00 to 00:00</p> <p><u>Live Music</u> (Indoors) Monday to Sunday – 10:00 to 00:00</p> <p><u>Recorded Music</u> (Indoors) Monday to Sunday – 10:00 to 00:00</p> <p><u>Performance of Dance</u> (Indoors) Monday to Sunday – 10:00 to 00:00</p> <p><u>Supply of Alcohol</u> (On and Off the premises) Monday to Sunday – 10:00 to 00:00</p> <p><u>Late Night Refreshment</u> (Indoors and Outdoors) Monday to Sunday – 23:00 to 00:30.</p> <p>At New Year, the times are from the commencement of hours on New Year's Eve until the end of permitted hours on New Year's Day.</p> <p>The Licensing Authority has received one representation from BCP Council's Environmental Health Department and four representations from other persons on the basis that the grant of the licence would undermine the prevention of crime and disorder, public safety and prevention of public nuisance licensing objectives.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>Members are asked to decide whether to:-</b></p> <p><b>a) Grant the application for a premises licence as made;</b></p>

	<p><b>b) Refuse the application for a premises licence;</b></p> <p><b>c) Grant the premises licence subject to additional conditions.</b></p> <p><b>Members of the Licensing Sub-Committee 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.</b></p>
Reason for recommendations	<p>The Licensing Authority has received one representation from the Environmental Health Department and four representations from other persons in objection to the application on the grounds that to grant the application, would undermine the prevention of crime and disorder, public safety and prevention of public nuisance licensing objectives.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in representation.</p> <p>Where representations have been received in relation to an application by a responsible authority or any other person, and the concerns have not been resolved through mediation between all parties, the Scheme of Delegation set out in the Council's Constitution states that these applications should be dealt with by the Licensing Sub-Committee.</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 the new premises licence under Section 17 of the Licensing Act 2003 was made on 30 November 2023. The application is 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 as well as non-standard timing on New Year's Eve. A copy of the application, including plan of the premises is attached at Appendix 1.
2. The premises currently benefit from a premises licence which at the time of writing this report is subject to a Review sought by BCP Council's Licensing Department. The current premises licence permits the following: -  
Late Night Refreshment (Indoors & Outdoors)  
Sunday to Wednesday – 23:00 to 00:00  
Thursday to Saturday – 23:00 to 02:00  
And from the start of permitted hours on 31<sup>st</sup> of December to end of permitted hours on 1<sup>st</sup> of January for a continuous period.  
Supply of Alcohol (On and Off the Premises)  
Sunday to Wednesday – 10:00 to 00:30  
Thursday to Saturday – 10:00 to 02:00  
A copy of the current premises licence is attached at Appendix 2.
3. Mr Day submitted the application following the review application submitted by BCP Council's Licensing Authority and has advised on the application form that the new licence, if granted, would only come into force if the existing licence is either revoked or surrendered.

## Consultation

4. The application was served on all responsible authorities and Mr Day has confirmed that the statutory notices were displayed on site and published in the local newspaper.

5. The application prompted four representations from other persons under the prevention of crime and disorder, public safety and prevention of public nuisance licensing objectives. A copy of these representations is attached at Appendix 3.
6. The Environmental Health officer and Mr Day attempted mediation and discussed conditions in relation to the control of noise as a result of concerns regarding music emanating from the area marked as 'enclosed seating area after 23:00, however, the Environment Heath Officer was not satisfied that the discussed conditions are sufficient to mitigate the risks associated with the playing of music, other than at background level, and the Environmental Health officer has advised he does not have confidence that the public nuisance licensing objective would be promoted. Copy email of discussions is attached at Appendix 4.
7. Dorset Police had initially requested that a condition requiring an SIA registered door supervisor be deployed at the premises to work exclusively in a security capacity from 21:00 hrs until the premises closes to the public on each day when licensable activities are taking place. However, following discussions with Mr Day the application offered a risk-assessed condition relating to door-staff, Dorset Police were satisfied and no representation was made.
8. There are no representations from any other Responsible Authorities.

### **Options Appraisal**

9. Before making a decision, Members are asked to consider the following matters: -
  - The representation made by the Environmental Health Officer.
  - The representations made by Other Persons.
  - The relevant licensing objectives, namely the prevention of crime and disorder, public safety and prevention of public nuisance.
  - The Licensing Act 2003, appropriate Regulations, Statutory Revised Guidance issued under Section 182 of the Licensing Act 2003 (December 2023) and the Council's Statement of Licensing Policy.

### **Summary of financial implications**

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

### **Summary of legal implications**

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

### **Summary of human resources implications**

12. There are no human resources implications.

### **Summary of sustainability impact**

13. There are no sustainability impact implications.

### **Summary of public health implications**

14. There are no public health implications.

### **Summary of equality implications**

15. There are no equality implications.

### **Summary of risk assessment**

16. There is no risk assessment requirement.

### **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](https://assets.publishing.service.gov.uk/media/6579dec8095987000d95e063/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf)

#### **Live Music Act 2012**

<https://www.legislation.gov.uk/ukpga/2012/2/section/2/enacted>

### **Appendices**

- 1 – Copy Application and layout plan.
- 2 – Copy of current premises licence and approved plan.
- 3 – Copy representations from other persons
- 4 – Copy Environmental Health representation and subsequent correspondence.

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## 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 <b>Nala Lounge</b> 135 West Hill Road			
<b>Post town</b>	Bournemouth	<b>Postcode</b>	<b>BH2 5EG</b>

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

### 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

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (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	<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5) None.		
Wed	10:00	00:00			
Thur	10:00	00:00	<b><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></b> (please read guidance note 6) From the commencement of hours on New Year's Eve until the end of permitted hours on New Year's Day		
Fri	10:00	00:00			
Sat	10:00	00:00			
Sun	10:00	00:00			

## E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (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	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)  None.		
Thur	10:00	00:00			
Fri	10:00	00:00	<b>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</b> (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

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (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	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)  None.		
Thur	10:00	00:00			
Fri	10:00	00:00	<b>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</b> (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

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (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	<b><u>Please give further details here</u></b> (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	<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)  None.		
Thur	10:00	00:00			
Fri	10:00	00:00	<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (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

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (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	<b><u>Please give further details here</u></b> (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	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)  None.		
Thur	23:00	00:30			
Fri	23:00	00:30	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (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

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (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	<b>State any seasonal variations for the supply of alcohol</b> (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	<b>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</b> (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):

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

# K

<p><b>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</b> (please read guidance note 9).</p> <p>No adult entertainment, services activities etc will be provided.</p>
--

## L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b><u>State any seasonal variations</u></b> (please read guidance note 5)  None.
Day	Start	Finish	<b><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></b> (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.**

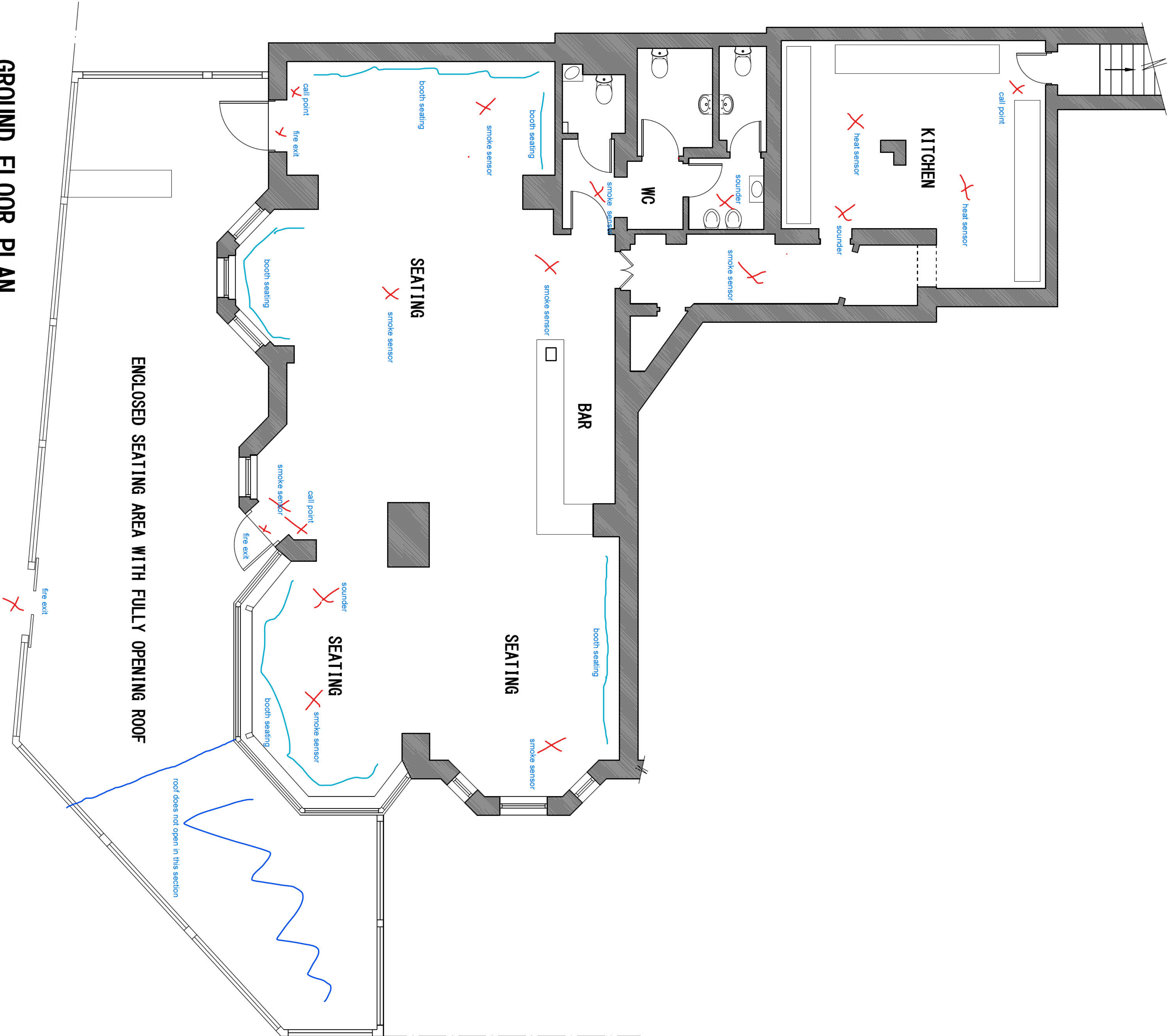
<b>Declaration</b>	<ul style="list-style-type: none"><li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or 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).</li><li>• 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)</li></ul>
Signature	Philip J Day for Laceys Solicitors LLP
Date	30 <sup>th</sup> 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	<b>Bournemouth</b>	Postcode	<b>BH2 5QR</b>
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.**





GROUND FLOOR PLAN

**PAPER SIZE A1**  
**SCALE BAR 1:50**



Naia Lounge  
135 West Hill Road  
Bournemouth  
RETROSPECTIVE PLANNING APPLICATION FOR:  
EXTENSION TO RESTAURANT  
EXISTING FLOOR PLANS  
1551/003



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



## Premises Licence Part A

Premises licence number: BH184278

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

<b>Licensable activities authorised by the licence:</b>
Late Night Refreshment Supply of Alcohol

<b>The times the licence authorises the carrying out of licensable activities:</b>
<p><b>Late Night Refreshment</b>  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><b>Supply of Alcohol</b>  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>

<b>The opening hours of the premises:</b>
<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>

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

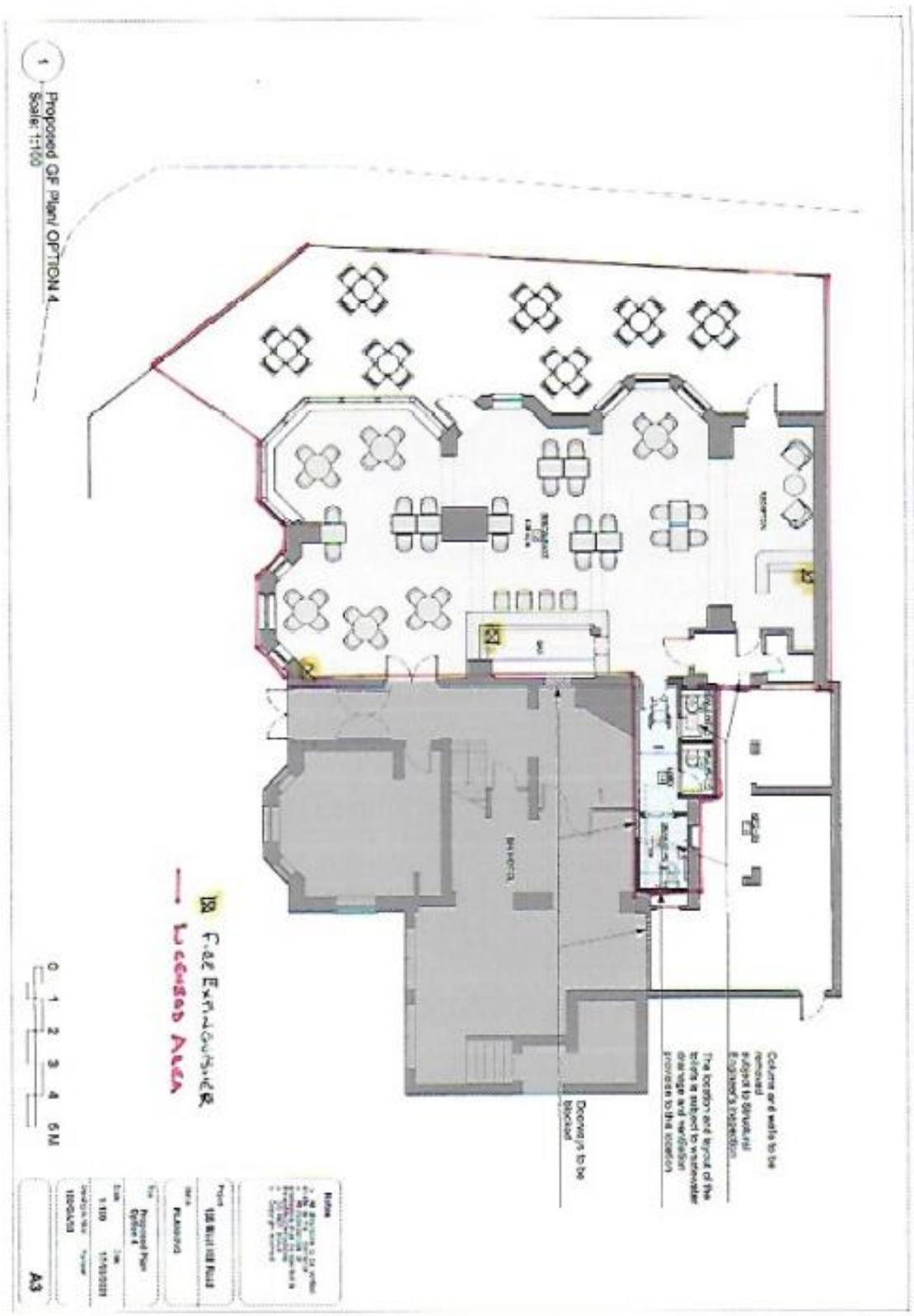
- 2.22 Staff shall be trained in accordance with any guidance given by TSSW in relation to all age restricted goods.
- 2.23 A "No Proof of Age – No Sale" policy shall be adopted and records kept of that training at the premises. Such records shall be kept and made available to Licensing, Police or other 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.



Plan Numbered M184278 dated 27.01.23

## 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 Nandana Randle

Licensing Manager

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**NALA LOUNGE, 135-137 WEST HILL ROAD**

**NEW APPLICATION**

**REPRESENTATIONS BY OTHER PERSON**

Number	Name	Representation	Licensing Objectives
1	Carl Jacolette	<p>Dear BCP Licensing</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Lastly, the potential for a nightclub to negatively impact property values in the area should not be overlooked.</p> <p>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.</p>	<p>Prevention of Crime and Disorder</p> <p>Public Safety</p> <p>Prevention of Public Nuisance</p>

		<p>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.</p> <p>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.</p> <p>If the Nala lounge continues to operate into the night our existing business will be non viable as a family holiday flat.</p> <p>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.</p>	
2	Melanie Chaggar	<p>To whom it may concern,</p> <p>I'm writing as owner of flat west cliff apartments 131 west hill road to object to the latest licence application made by Nala Lounge.</p> <p>This is predominantly a residential area. Our flat overlooks the main road and is directly opposite the premises.</p> <p>It is entirely inappropriate for late night music and alcohol to be served in this area, as the disruption to those trying to sleep and enjoy the peace of their homes is too great.</p> <p>Customers will be leaving late at night, waiting for taxis, queuing for entry. Music will certainly be heard outside the venue - the construction of which (having a large conservatory area) is completely unsuitable for what is effectively an attempt to turn an existing restaurant into a nightclub / late night drinking venue.</p> <p>We note that an enforcement notice has already been issued to the premises relating to hours of business as a breach of existing planning regulations has taken place. This undermines what little confidence we have that the proprietors would act in a considerate manner to local residents, and increases our concern regarding any potential licence extension.</p> <p>I would be grateful therefore if you could think of those living close to this premises when considering this application, who would find it unacceptable and hugely disruptive to be living across the road from a night club.</p>	Prevention of Public Notice
3	WITHELD	<p>Dear Licensing team</p> <p>I am writing to object to the terms of the license that the above premises has applied for on the basis of a public nuisance in terms of noise and disturbance.</p>	Prevention of Crime



		<p>We own two flats directly opposite this venue and we have been affected by the noise of talking, music and additional traffic of cars, cabs and pedestrians into the late hours that this venue has operated to date.</p> <p>The planning permission granted for this premises has the following conditions and this application to vary these conditions by way of a license is not in line with the local residents welfare.</p> <p>These are the Planning conditions that would be contravened by the granting of this license.</p> <p><b>Hours of operation</b></p> <p>Planning permission states: The premises has planning permission for a restaurant, not a late night drinking party venue, to only operate until 11.00pm Sunday to Thursday and until 11.30 pm on Fridays and Saturdays. The external seating has the condition that this area is cleared by 10pm Sunday to Thursday and 11pm Friday and Saturday.</p> <p><b>Reason:</b> 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.</p> <p>The hours applied for in this license application directly contradicts the reason this condition was applied by the Planning Dept. So would directly adversely affect us by disturbance and nuisance from late night noise.</p> <p><b>Numbers of covers</b></p> <p>The Planning permission states: The external seating area has been approved for no more than 28 covers.</p> <p><b>Reason:</b> numbers in excess of this outside the hours stipulated by the planning conditions would create a level of activity likely to affect adversely the amenities of the surrounding properties and would be contrary to Policies CS38 and CS41 of the Bournemouth Local Plan.</p> <p>The granting of the license for music and extended hours allows this venue to operate as a late night drinking/party venue. There has been observed on many occasions when up to around 100 people are drinking, talking and Shisha smoking in the partly covered outside space alone, late into the night which creates a great noise nuisance for us. The outside area is set up as a lounge/smoking area with a bar and high bar tables so a large number of people are expected to congregate here.</p> <p><b>Music</b></p> <p>Planning permission states: 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 is to be limited to background music only and no music shall be played within the curtilage of the premises outside the hours 0800-2300 hours.</p> <p><b>Reason:</b> To safeguard the interests of occupiers of adjoining and nearby properties and in accordance with the Policies CS38 and CS41 of the Bournemouth Local Plan.</p>	<p>and Disorder</p> <p>Prevention of Public Nuisance</p>
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		<p>The license application that I have seen does not specify which days the hours and activities are to operate. I can therefore only assume that they are requesting every day of the week and also 24 hours over New Year. This is completely unacceptable for a public nuisance in terms of late noise and disturbance after 11pm for school and work nights. The 24 hours of serving alcohol, films, music and performance over New Year is not appropriate for the Westcliff area and can only serve to promote anti social behaviour from leaving party revellers who have not even needed to book accommodation.</p> <p>It is assumed that a license is granted to a responsible person who will honour its conditions. What is concerning is that the applicant has not shown, so far, to want to conform with conditions or be in align with the local community and neighbours. From my understanding, he has run such noisy party events that Environmental Health had to serve a noise abatement order on them. He did not comply with the hours that he should now operate which has seen a Breach of Conditions notice served on them. He did not apply or obtain planning permission for the outside structure and has now had an enforcement order placed on them to remove it. The venue is operating as a late night drinking venue which is outside its class E of use. This is just in the six months of operating.</p> <p>My main concern is that any license that allows operation after the planning hours or conditions will be a green light for noisy events.</p>	
4	Brian Sutcliffe	<p>Licence Application – Nala Lounge – 135 West Hill Road, I object to any extension of the licencing hours or any approval of music and entertainment that breaches the conditions of the planning approval for this venue</p> <p>The above premises was granted change of use planning approval (7-2021-2888-M) to change use of the ground floor from a hotel to a restaurant. The approval was granted subject to the following conditions:</p> <ul style="list-style-type: none"> <li>- The restaurant use hereby permitted shall not be open to customers outside the following times: 8:00a.m.</li> <li>- 11:00p.m. Sunday to Thursday 8:00a.m. - 11:30p.m. Friday to Saturday</li> <li>- 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.</li> <li>- 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.</li> </ul> <p>These conditions were clearly appropriate and reasonable for a restaurant operating in a residential area. There is clearly no restaurant trade in the area outside of these hours. The premises has</p>	Prevention of Public Nuisance

		<p>consistently breached the planning conditions and has pursued late night operation as a Shisha bar and night club often opening until the early hours of the morning. Before the Nala lounge commenced late night operation there was no late-night economy in the area. The lounge is not serving an established late-night economy but has created one where none existed. There is no infrastructure in the area to support this late-night economy. The area is not sufficiently policed, there is no late-night parking enforcement, there are no taxi ranks. The late-night operation is clearly inappropriate for the area. Not only does the venue cause disturbance to neighbouring residents, the comings and goings including illegal and inconsiderate parking causes disturbance to the surrounding areas.</p> <p>Under planning application 7-2023-2888-P the applicant sought a relaxation of the above noted conditions. This application was refused. The conditions as stated above, which are clearly wholly reasonable and appropriate for a restaurant operating in this part of the conservation were upheld and the application was rejected.</p> <p>This licence application, which is proposing operating hours significantly beyond those defined in the planning approval conditions and entertainment to midnight which will not only also breach the planning conditions but has been proven to cause unacceptable disturbance to local residents, including families with children, must be rejected. The planning conditions which have been subject to due process of appraisal and public consultation and are fair and reasonable and as such they must prevail.</p> <p>Bournemouth is already struggling to manage its late-night economy. BCP is already struggling to finance management and enforcement of late-night venues in established areas. Dorset police are already failing to police the established areas. Regardless of whether or not these bodies object to this application, as a council tax payer, I strongly object to such random and inappropriate expansion of late-night entertainment venues into residential areas. This practice can only result in negative impacts on the community and additional costs to tax and council tax payers.</p>	
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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](#)

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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](mailto: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)

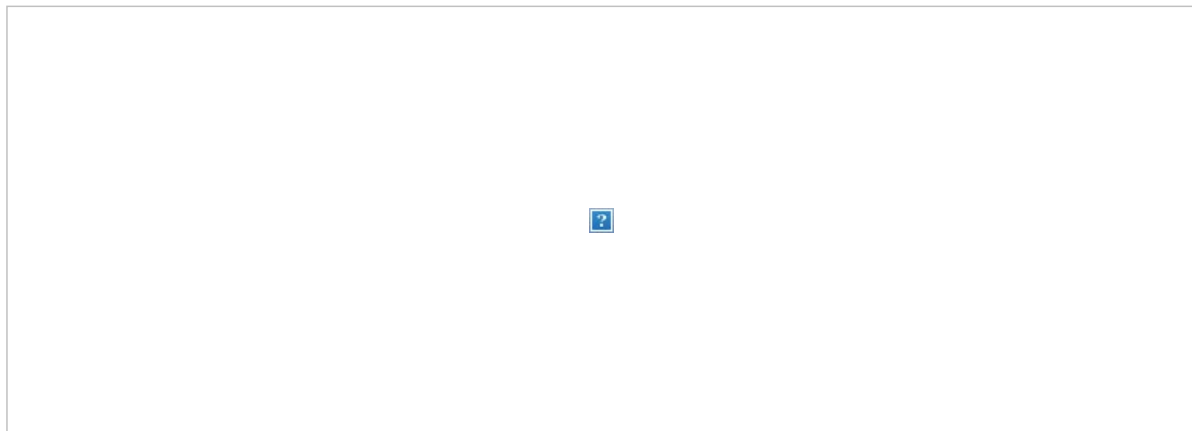
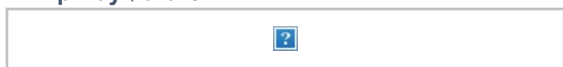
Dear Andrew

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 21<sup>st</sup> through to the afternoon of the 2<sup>nd</sup> 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**  
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