

LICENSING SUB-COMMITTEE



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

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

Background

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

Application History

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

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

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

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

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

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

Consultation

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

Options Appraisal

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

Summary of financial implications

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

Summary of legal implications

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

Summary of human resources implications

13. There are no human resources implications.

Summary of sustainability impact

14. There are no sustainability impact implications.

Summary of public health implications

15. There are no public health implications.

Summary of equality implications

16. There are no equality implications.

Summary of risk assessment

17. There are no risk assessment implications.

Background papers**BCP Council – Statement of Licensing Policy**

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

Hearing Regulations

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

Revised Guidance issued under Section 182 of the Licensing Act 2003 (December 2023)

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

Appendices

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