



**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Sarah Rogers on behalf of BCP Council Licensing Authority

(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

135 – 137 West Hill Road

Post town Bournemouth

Post code (if known) BH2 5EG

Name of premises licence holder or club holding club premises certificate (if known)

Mr Ismail Gunduz

Number of premises licence or club premises certificate (if known)

BH184278

Part 2 - Applicant details

I am

Please tick ✓ yes

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

☐

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

☒

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

☐

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

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

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Sarah Rogers
Senior Licensing Officer
Public Protection
BCP Council Civic Centre
Bourne Avenue
Bournemouth
BH2 6DY

Telephone number (if any)

01202 123789

E-mail address (optional)

sarah.rogers@bcpcouncil.gov.uk

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

☐☒☒☐

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No such application for variation was received.

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

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

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

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

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

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

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

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

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

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

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

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

level and appeared compliant.

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

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

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

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

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

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

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

November 2023

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

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

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

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

Please tick ✓ yes

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

☐

If yes please state the date of that application

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

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

Please tick ✓

yes

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

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

Signature *Sarah Rogers*

.....

Date 13 November 2023

.....

Capacity Senior Licensing Officer

.....

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

Notes for Guidance

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

**Premises Licence
Part A**

Premises licence number: BH184278

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

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

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

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

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

Part 2

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

Mr Ismail Gunduz

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

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

██
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Annex 1 – Mandatory conditions

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

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

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

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

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

1.7. The responsible person must ensure that -

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

The Licensing Act 2003 (Mandatory Conditions) Order 2014

1.8.

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

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

Where —

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

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

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

Annex 2 – Conditions consistent with the operating schedule

General

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

Prevention of Crime & Disorder

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

- 2.7 The premises shall actively participate in any local Town Watch initiative.
- 2.8 A CCTV system, shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition.
- 2.8.1 The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with correct date and time stamping.
- 2.8.2 Recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31 day period. The CCTV system shall be updated and maintained according to police recommendations.
- 2.8.3 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- 2.8.4 CCTV shall be downloaded on request of the Police or authorised officer of the council. Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.
- 2.8.5 A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained.
- 2.9 Refresher training shall be provided at least once every 6 months.
- 2.9.1 A record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by police, licensing or other authorised officers.
- 2.10 The supply of alcohol for all OFF SALES shall be ancillary to the purchase of a main meal from the menu and for delivery to a place of residence or business only.
- 2.11 A minimum of 50 covers (including inside and outside) shall always be made available during licensable hours for the service of hot food.
- 2.12 An SIA registered door supervisor shall be deployed at the premises to work exclusively in a security capacity from 2100hrs until the premises closes to the public on each day when licensable activities are taking place.
- 2.12.1 In addition the holder of the premises licence shall undertake a written risk assessment to determine whether additional door supervisors are required to be deployed at the premises on any other occasion.
- 2.12.2 A copy of the risk assessment shall be available for inspection by the police on request and it shall be reviewed at least once every twelve months or at the request of the police or following any incident of violence or disorder that occurs at the premises.

Prevention of Public Nuisance

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

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

Protection of Children from Harm

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

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

None.

Annex 4 – Plans

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

**Premises Licence
Part B**

Premises licence number: BH184278

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

Nala Tapas & Cocktail Lounge 135 West Hill Road

Post town: Bournemouth

Post Code: BH2 5EG

Telephone number: [REDACTED]

Licensable activities authorised by the licence:

Late Night Refreshment and Supply of Alcohol

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

Late Night Refreshment

Sunday to Wednesday - 23:00 to 00:00

Thursday to Saturday - 23:00 to 02:00

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

Supply of Alcohol

Sunday to Wednesday - 10:00 to 23:30

Thursday to Saturday - 10:00 to 02:00

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

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

The opening hours of the premises:

Sunday to Wednesday - 10:00 to 00:30

Thursday to Saturday - 10:00 to 02:00

Non-standard timings

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

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

Alcohol will be consumed on and off the premises

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

Mr Ismail Gunduz, [REDACTED]

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

N/A

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

Mr Ismail Gunduz

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

None

Issued: 20 April 2021

Revised: 20 May 2023 (Full Variation)

[REDACTED]
Mrs Nananka Randle

Licensing Manager



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

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

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

Date: 2nd August 2023
Our ref: 55210046742

WARNING LETTER

Dear Mr Gunduz

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

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

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

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

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

Regards,



Gareth Gosling 2551
Sergeant

Sent: 03/08/23 09:11

Dear All

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

Late Night Refreshment

Sunday to Wednesday - 23:00 to 00:00

Thursday to Saturday - 23:00 to 02:00

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

Supply of Alcohol

Sunday to Wednesday - 10:00 to 23:30

Thursday to Saturday - 10:00 to 02:00

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

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

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

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

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

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

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

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

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

Kind regards

Sarah



Sarah Rogers
Senior Licensing Officer

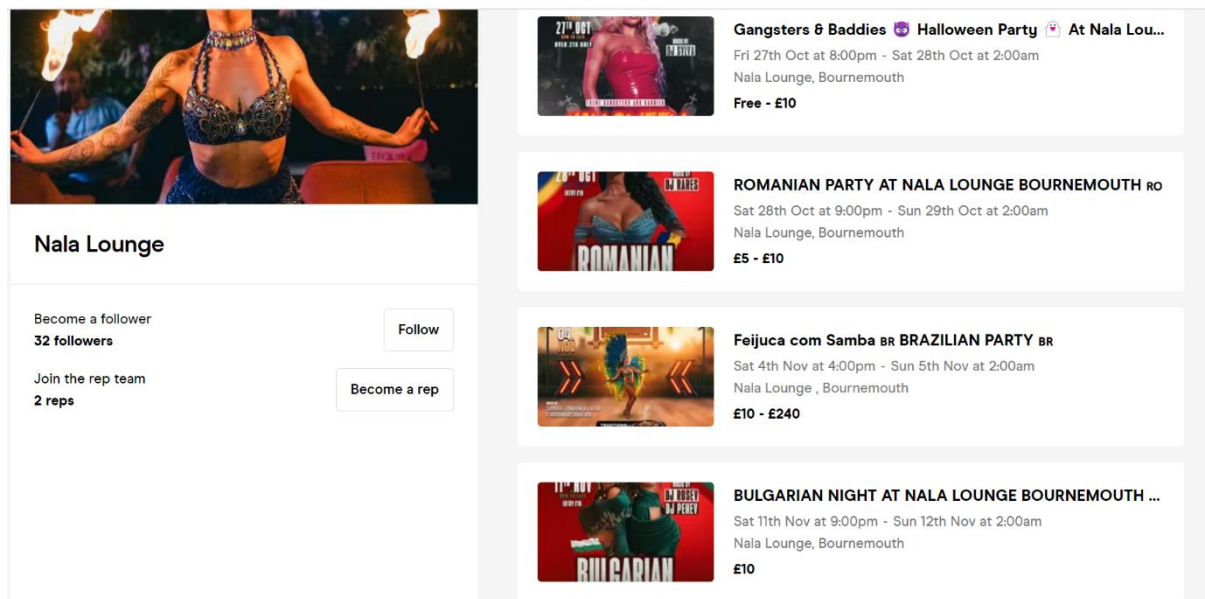
APPENDIX 4

Sent 02/11/23 13:16

Dear Mr Gunduz

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

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



The screenshot displays the Facebook profile of 'Nala Lounge'. The profile picture shows a person in a dark, sequined outfit performing. The page has 32 followers and 2 representatives. To the right, a list of upcoming events is shown:

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

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

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

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

Regards

Sarah



Sarah Rogers

Senior Licensing Officer