

## Licensing Act 2003 – Representation Form

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

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

<b>Reasons for Representation.</b>
<p><b><u>The Prevention of Public Nuisance</u></b></p> <p>in July 2023 BCP Council's Environmental Health Team received a complaint from a resident opposite the premises known as NALA Lounge 135 – 137, West Hill Road, Bournemouth. The resident alleged that since the venue was granted permission to operate until 2am, that the premises has had a significant detrimental impact on the local residents. A video was provided to me which clearly showed the operation of the venue and the music was clearly audible in the complainants property.</p> <p>The venue was originally granted planning permission to operate as a restaurant with a limited amount of outside seating and with restrictions added so as not to be a nuisance to local residents.</p> <p>The current planning permission stipulates that the outside area is only allowed to have background music, can only be used for dining and needs to be vacated by 10 pm Sunday to Thursday and by 11 pm Friday and Saturday. This is to minimize the impact of the use of this area on local residents.</p> <p>I have attached a copy of this planning decision notice to assist the committee. <b>[ATH 01]</b></p> <p><i>[It should be noted that the premises has applied to lift these restrictions and to operate this area until 2am through a recent planning application. The Environmental Health team have recommended refusal of this request on the grounds of 'Loss of Amenity' ]</i></p> <p>On 22 March 2021 an application was made by Mr Ismail Gunduz for a new premises licence for a Mediterranean style restaurant with approximately 60 covers providing hot food and drink. It was described as being primarily a sit in restaurant but with a takeaway and home delivery service.</p>

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

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

Was changed to:

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

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

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

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

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

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

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

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

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

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

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

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

This allegation concerned me for the following reasons;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The following observations were made;

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

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

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

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

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

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

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

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

1. No regulated entertainment shall be permitted in that part of the premises identified as the "enclosed seating area" ( *this differs slightly from the condition offered by Mr Day In that they seek to only limit the use of this area after 23:00 which I would not be in agreement with*)
2. Whenever regulated entertainment is provided inside the premises. The retractable roof over part of the enclosed seating area shall be kept closed and all windows kept shut;
3. The holder of the licence shall ensure that the entrance door into the enclosed seating area and from the enclosed seating area into the main part of the building are not open at the same time
4. Persons wishing to smoke shall not be permitted to do so within any part of the enclosed seating area.
5. All amplified music shall be routed through a noise limiting device. The level(s) at

which the device is set shall be determined in consultation with the Environmental Health Officer. Access to the device shall be restricted to the manager of the premises and a noise consultant retained by the premises.

6. Staff (including any SIA registered door supervisors) shall be instructed:  
To monitor compliance with the conditions of the licence; and to ensure that patrons smoking outside the premises on the street are not causing a nuisance to local residents.
  7. A sign shall be prominently displayed at the exit from the premises requesting customers to leave quietly and have regard to local residents.
  8. The premises shall ensure that its website includes a telephone number to which local residents can refer any concern about noise and other issues.
- Reduce the terminal hour from **02.00 to 00.00** on Thursdays to Saturdays inclusive

## Conclusion

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

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

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

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

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

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

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

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

Signed .....Andrew Hill.....

Dated .....06/12/23.....

# Town Planning Decision Notice

TOWN AND COUNTRY PLANNING ACT 1990

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

## GRANT OF PLANNING PERMISSION

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

Application No: 7-2021-2888-M

Location of Development:  
135-137 West Hill Road, Bournemouth, BH2 5EG

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

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

Subject to the following standard condition:

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

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

and to the following condition(s):

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

TQRQM21083080843390  
102/GA/03  
101/WHI/P03

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

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

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

TO: Mr I Gunduz

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

(Mr I Gunduz)

PLEASE REFER TO NOTES ENCLOSED

Signed

[Redacted Signature]

Interim Director of Planning

(DEL)

Dated: 21 June 2023



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

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

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

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

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

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

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

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

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

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

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

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

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

## Andrew Hill

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

Hi David

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

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

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

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

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

Kind Regards



**Andrew Hill**  
**Senior Environmental Health Officer**  
Communities  
T. 01202 123186  
[bcpcouncil.gov.uk](http://bcpcouncil.gov.uk)

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**From:** DAVID RAMSAY [REDACTED]

**Sent:** 01 August 2023 15:30

**To:** Dorset Police Licensing <licensing@dorset.pnn.police.uk>

**Cc:** Andrew Hill <andrew.hill@bcpcouncil.gov.uk>; Dorset Police Licensing <licensing@dorset.pnn.police.uk>

**Subject:** LATE TEN - NALA TAPAS & COCKTAIL LOUNGE

Good afternoon,

Attached is a late TEN for the above premises

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

Regards

Dave

David Ramsay  
Licensing Consultant  
[REDACTED]

## Andrew Hill

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

Dear Licensing

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

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

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

Kind Regards



**Andrew Hill**  
**Senior Environmental Health Officer**  
Communities  
T. 01202 123186  
[bcpcouncil.gov.uk](http://bcpcouncil.gov.uk)

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

Good evening,

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

Regards

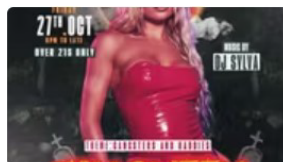
Dave

David Ramsay  
Licensing Consultant  
[REDACTED]



Follow

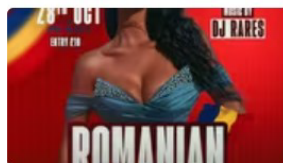
Become a rep



### Gangsters & Baddies 🐾 Halloween Part

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

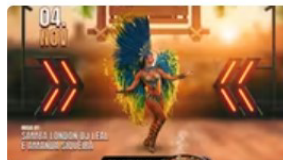
Free - £10



### ROMANIAN PARTY AT NALA LOUNGE B

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

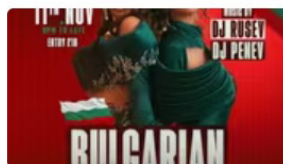
£5 - £10



### Feijuca com Samba BR BRAZILIAN PARTY

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

£10 - £240



### BULGARIAN NIGHT AT NALA LOUNGE B

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

£10

Direct line: 01202 454675

This matter is being dealt with by: Mr Andrew Hill

Our Ref: 6ESv2: Requests: 290322: ATH01125

Email: [andrew.hill@bcpcouncil.gov.uk](mailto:andrew.hill@bcpcouncil.gov.uk)



## **ENVIRONMENTAL PROTECTION ACT 1990**

### **Section 80**

#### **Abatement Notice in respect of a Statutory Nuisance**

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

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

#### **LIVE AND RECORDED AMPLIFIED MUSIC AFTER 24:00**

at the premises known as:

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

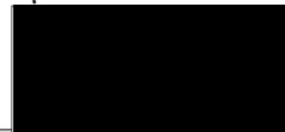
**HEREBY REQUIRE YOU** as one of the person(s) responsible for the said nuisance forthwith from the service of this notice to abate the same and also **HEREBY RESTRICT** the recurrence of the same and for that purpose require you to:

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

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

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

**Dated: 29<sup>th</sup> November 2023**



**Authorised Officer**

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

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

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

**[bcpcouncil.gov.uk](http://bcpcouncil.gov.uk)**

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

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

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

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

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

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

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

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

where the nuisance to which the notice relates-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a person also responsible for the nuisance, or

a person who is also owner of the premises, or

a person who is also an occupier of the premises

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

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

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

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

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

quash the abatement notice to which the appeal relates, or

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

dismiss the appeal;

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

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

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

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

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

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

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

**SUSPENSION OF NOTICE**

1. Where-

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

either-

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

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

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

2. This paragraph applies where-

the nuisance to which the abatement notice relates-

is injurious to health, or



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

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

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

at NARA Lounge  
on the 29<sup>th</sup> day  
of November 2023 at 12.25  
Signed: [Redacted]  
Name: Adam Min

Direct line: 01202 454675

This matter is being dealt with by: Mr Andrew Hill

Our Ref: 6ESv2: Requests: 290322: ATH01125

Email: [andrew.hill@bcpcouncil.gov.uk](mailto:andrew.hill@bcpcouncil.gov.uk)



## **ENVIRONMENTAL PROTECTION ACT 1990**

### **Section 80**

#### **Abatement Notice in respect of a Statutory Nuisance**

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

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

**LIVE AND RECORDED AMPLIFIED MUSIC AFTER 24:00**

at the premises known as:

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

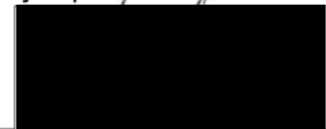
**HEREBY REQUIRE YOU** as one of the person(s) responsible for the said nuisance forthwith from the service of this notice to abate the same and also **HEREBY RESTRICT** the recurrence of the same and for that purpose require you to:

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

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

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

**Dated: 29<sup>th</sup> November 2023**



**Authorised Officer**

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

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

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

where the nuisance to which the notice relates-

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

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

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

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

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

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

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

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

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

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

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

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a person who is also an occupier of the premises

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

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

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

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

quash the abatement notice to which the appeal relates, or

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

dismiss the appeal;

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

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

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

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

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

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

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either-

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

2. This paragraph applies where-

the nuisance to which the abatement notice relates-

is injurious to health, or

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

3. Where paragraph (2) applies the abatement notice-

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

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

at NPA Lounge  
on the 29<sup>th</sup> day  
of November 2023 at 12:25  
Signed: [Redacted]  
Name: Adam Hill

## **Nala Tapas & Cocktail Lounge**

*This representation is in support of an Application for Review of a Licensed Premises submitted on behalf of the Licensing Authority. This report is intended to provide both the members of the Licensing Sub-Committee and the licence holder (and their representative) with additional information, context, and evidence in support of the representation. This representation is being completed and submitted as soon as practicable for the benefit of all parties. Whilst all details are correct at the time of completion, Dorset Police reserve the right to amend / introduce additional information and evidence in advance of the hearing.*

### **Background**

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

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

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

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

### **Concerns**

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

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

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

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

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

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

### **Available Outcomes to the Sub-Committee**

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

### **Take No Action**

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

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

### **Exclude Licensable Activities from the Premises Licence**

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

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

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

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

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

### **Modify / Add Existing Conditions**

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

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

### **Remove the Designated Premises Supervisor**

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

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

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

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

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

### **Revoke the Licence**

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

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

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

### **Conclusion**

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

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