

LICENSING SUB-COMMITTEE



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

	<p>b) Refuse the application for a premises licence;</p> <p>c) Grant the premises licence subject to additional conditions.</p> <p>Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</p>
Reason for recommendations	<p>The Licensing Authority has received one representation from the Environmental Health Department and four representations from other persons in objection to the application on the grounds that to grant the application, would undermine the prevention of crime and disorder, public safety and prevention of public nuisance licensing objectives.</p> <p>The Licensing Authority may only consider aspects relevant to the application that have been raised in representation.</p> <p>Where representations have been received in relation to an application by a responsible authority or any other person, and the concerns have not been resolved through mediation between all parties, the Scheme of Delegation set out in the Council's Constitution states that these applications should be dealt with by the Licensing Sub-Committee.</p>

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

Background

1. An application for the new premises licence under Section 17 of the Licensing Act 2003 was made on 30 November 2023. The application is to permit Films (Indoors and Outdoors), Live Music (Indoors), Recorded Music (Indoors), Performance of Dance (Indoors) and Supply of Alcohol (On and Off the premises) Monday to Sunday 10:00 to 00:00 and Late Night Refreshment 23:00 to 00:30 Monday to Sunday as well as non-standard timing on New Year's Eve. A copy of the application, including plan of the premises is attached at Appendix 1.
2. The premises currently benefit from a premises licence which at the time of writing this report is subject to a Review sought by BCP Council's Licensing Department. The current premises licence permits the following: -
Late Night Refreshment (Indoors & Outdoors)
Sunday to Wednesday – 23:00 to 00:00
Thursday to Saturday – 23:00 to 02:00
And from the start of permitted hours on 31st of December to end of permitted hours on 1st of January for a continuous period.
Supply of Alcohol (On and Off the Premises)
Sunday to Wednesday – 10:00 to 00:30
Thursday to Saturday – 10:00 to 02:00
A copy of the current premises licence is attached at Appendix 2.
3. Mr Day submitted the application following the review application submitted by BCP Council's Licensing Authority and has advised on the application form that the new licence, if granted, would only come into force if the existing licence is either revoked or surrendered.

Consultation

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

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

Options Appraisal

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

Summary of financial implications

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

Summary of legal implications

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

Summary of human resources implications

12. There are no human resources implications.

Summary of sustainability impact

13. There are no sustainability impact implications.

Summary of public health implications

14. There are no public health implications.

Summary of equality implications

15. There are no equality implications.

Summary of risk assessment

16. There is no risk assessment requirement.

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

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

Hearing Regulations

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

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

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

Live Music Act 2012

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

Appendices

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