

**NALA LOUNGE
135 WEST HILL ROAD, BOURNEMOUTH**

**NEW LICENCE APPLICATION AND ADJOURNED APPLICATION FOR A
LICENCE REVIEW**

SUBMISSION ON BEHALF OF THE APPLICANT

HEARING 24th JANUARY 2024

Background

The application for the grant of a new Premises Licence was made as part and parcel of an attempt to mediate the application made for a review of the existing licence. The review was considered last on 17th January and adjourned at my request so that it could be considered at the same hearing as the new licence application but on the basis that the new application be considered first.

Although the new licence application is made on the basis that if successful, the current licence would be surrendered, I am mindful that the sub-committee might want time to consider its decision and that does give rise to a technical issue regarding the review.

I propose to discuss this aspect with your legal advisor but my submission will be that either:

The review application is considered (after the new licence application) and for the reasons set out in my earlier submission (copy attached), no action should be taken;
OR

That the review application is further adjourned so that my clients can consider the decision on the new licence application once the same has been received. If they are content with the grant of a new licence, they can then surrender the existing rendering the review application unnecessary.

Overview – the new licence application

The application has attracted one representation from Environmental Health and four from “other persons” who either live or own residential properties near the application site.

It should please be noted that:

The Police (as the lead on matters of crime and disorder) have not made any representation regarding the application;

Although there are planning issues regarding the premises, neither the Planning Authority nor the Licensing Authority itself have made any representations.

It would appear (see further below) that a number of the “other persons” who have made representations did so solely without having seen a copy of the full application

(and therefore assumed that it was for a new “nightclub licence” extending into the early hours.

There is of course a presumption of grant (in the absence of any Cumulative Impact Policy) in accordance with the proposed operating schedule and as outlined in the submission regarding the review application, conditions should not be imposed that duplicate other statutory requirements etc.

Representations – EHO

There have been extensive discussions and mediation as members will have noted from appendix 4 to the agenda which, I am pleased to report, has been overtaken by events not least because:

There have been no complaints from residents since engagement between Mr Hill and the operators of the premises has taken place (including the service of the Noise Abatement Notice in particular); and

There has been an acceptance of the legal argument that I submitted to the effect that licence conditions should not duplicate planning and other restrictions.

Note for information – various planning applications remain to be determined but these will be considered entirely separately.

The outcome is that with but a few minor changes, the conditions proposed in section M of the application have been agreed – the changes are highlighted in the attached document relating to section M of the application.

It follows that there has been successful mediation and the sub-committee will be invited to grant the application on the basis of the amended conditions.

Representations – other persons

All of those who have made representations regarding the new licence application also made representations regarding the review application but none appeared at the hearing on 17th January and it is understood that none have given notice of an intention to appear at the hearing on 24th January.

At the risk of oversimplification, the representations focus largely on what appears to be a misunderstanding regarding the present application (it seems that few if any have seen the complete application) – they refer to a “nightclub” whereas the application seeks only permitted hours that would apply to a restaurant and has any number of conditions regarding to the playing of amplified music etc.

They also refer to planning conditions but as mentioned above and elsewhere, licence conditions should not replicate other statutory requirements.

Some also raise concerns about potential issues of crime and disorder but the police have no concerns in that respect – no such issues have been reported.

Conclusion

As alluded to in the submission made in respect of the review application, both Mr Gunduz when he originally acquired the premises and subsequently Ms Rowley when (as Nala Lounge Ltd – the present applicant) she became the effective owner, have not been particularly well advised by others. That however is neither a matter for the sub-committee nor a matter for now.

This “saga” (if I may call it that) has been traumatic and expensive for them – thanks to press coverage that has not been entirely accurate and (for example) having to deal with Noise Abatement Notices that were only withdrawn following legal argument. As a result, many of the 20 or so staff originally employed have been laid off.

No issue is taken with regards to Mr Gunduz being the DPS and Ms Rowley has extensive experience in the licensing trade locally.

Their investments in the property have transformed it from a derelict building occupied by homeless drug addicts into a prestigious establishment frequented by people of all ages and backgrounds where they can not only feel but are safe.

Her “mission” is to responsibly operate a respected establishment that brings something new and different to Bournemouth.

I therefore invite you to grant the new licence as requested (and deal with the review application as suggested above).

Philip Day
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