

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 24 January 2024 at 10.00 am

Present:-

Cllr M Dower – Chair

Present: Cllr A Chapmanlaw, Cllr A Keddle

90. Election of Chair

RESOLVED that Cllr M Dower be elected Chair of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

91. Apologies

Apologies were received from Cllr G Farquhar. Cllr M Dower as first reserve stepped up as a committee member for this meeting. Cllr B Castle, second reserve, was also in attendance in an observational capacity.

92. Declarations of Interests

There were none.

93. Nala Lounge, 135-137 West Hill Road, Bournemouth, BH2 5EG

Attendance:

BCP Council:

Tania Jardim – Licensing Officer

Linda Cole – Legal Advisor to the Sub-Committee

Jill Holyoake – Clerk to the Sub-Committee

The Chair made introductions and explained the procedure for the hearing, which was agreed by all parties.

The Licensing Officer presented the report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book. The Sub Committee was asked to consider an application for a new premises licence for the premises known as Nala Lounge, 135 – 137 West Hill Road, Bournemouth BH2 5EG, to permit the following licensable activities:

Films (Indoors and Outdoors)

Monday to Sunday – 10:00 to 00:00

Live Music (Indoors)

Monday to Sunday – 10:00 to 00:00

Recorded Music (Indoors)

Monday to Sunday – 10:00 to 00:00
Performance of Dance (Indoors)
Monday to Sunday – 10:00 to 00:00
Supply of Alcohol (On and Off the premises)
Monday to Sunday – 10:00 to 00:00
Late Night Refreshment (Indoors and Outdoors)
Monday to Sunday – 23:00 to 00:30.
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.

The application had resulted in one representation from a Responsible Authority, Environmental Health, and four representations from Other Persons on the grounds that the licence if granted would undermine the prevention of crime and disorder, public safety and prevention of public nuisance licensing objectives.

A supplementary pack of information had been submitted on behalf of the applicant after the report was published, a copy of which had been circulated and which appears as Appendix B to these minutes in the Minute Book. This included an amended version of Section M of the application form which contained amended conditions agreed with Environmental Health following successful mediation after the publication of the report. This had resulted in the representation from Environmental Health being withdrawn.

It was noted that the application had been submitted as a form of mediation following an application to review the current premises licence at the same premises. The applicant's representative had indicated that the new licence, if granted, would only come into force if the existing licence was either revoked or surrendered.

The following persons attended the hearing and addressed the Sub Committee to expand on the points made in written submissions:

Applicant:

Mr Philip Day – Applicant's representative

The following persons were present with Mr Day but did not speak:

Ms Kathleen Rowley, on behalf of Nala Lounge Ltd - Premises Owner
Mr Ismail Gunduz, Designated Premises Supervisor
Mr Abdir Dirir, Premises Manager
Mr Jackson Warriner, attending with Mr Day in an observational capacity

Responsible Authorities:

Mr Andrew Hill – Environmental Health. Mr Hill did not address the Committee other than to confirm that he had withdrawn his representation. He remained in attendance in case any points of clarification were required.

In his submission Mr Day proposed the following minor amendment to prevention of public nuisance conditions listed in the revised Section M for the purpose of clarity:

- Add the following words in italics – ‘Patrons shall only be permitted to smoke in that part of the enclosed seating area that has a retractable roof and only when the roof is retracted ***and the windows open.***’

The Sub Committee asked various questions and were grateful for the responses received. Relevant parties were given the opportunity to ask questions and had the opportunity to sum up if they wished before the Sub-Committee retired to make its decision.

The Sub Committee resumed in public session to provide a summary of its decision to all parties. This was done to aid consideration of how to proceed with the next agenda item which was an application to review the existing premises licence for the same premises.

Full Decision

RESOLVED that the application for a new premises licence for the premises known as Nala Lounge, 135 – 137 West Hill Road, Bournemouth BH2 5EG to permit the following licensable activities be **GRANTED** subject to the conditions reproduced below as they appear in the amended version of Section M of the application form which includes the amendments agreed with Environmental Health following mediation and as updated by the applicant’s representative at the hearing:

Licensable Activities:

Films (Indoors and Outdoors)
Monday to Sunday – 10:00 to 00:00

Live Music (Indoors)
Monday to Sunday – 10:00 to 00:00

Recorded Music (Indoors)
Monday to Sunday – 10:00 to 00:00

Performance of Dance (Indoors)
Monday to Sunday – 10:00 to 00:00

Supply of Alcohol (On and Off the premises)
Monday to Sunday – 10:00 to 00:00

Late Night Refreshment (Indoors and Outdoors)
Monday to Sunday – 23:00 to 00:30

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.

Conditions:

a) General – all four licensing objectives (b, c, d and e)

- This licence shall have no effect unless and until Premises Licence number BH184278 is either surrendered or revoked.
- Substantial food in the form of table meals appropriate to the time of day shall be available from when the premises open until 22:30 hours or 30 minutes before the intended closing time of the premises on any particular day, whichever is earlier. This shall include the enclosed seating area.
- A waiter/waitress service shall operate at all times the premises are open to the public. This shall include the enclosed seating area.
- Non-alcoholic beverages (including tea and coffee) shall be available at all times the premises are open to the public.
- A minimum of 40 covers (i.e. tables and chairs that can be used for dining) will be provided internally from when the premises open until 22:30 hours or 30 minutes before the intended closing time of the premises on any particular day, whichever is earlier.

b) The prevention of crime and disorder

CCTV:

- The holder of the premises will install and then maintain in good working order a digital CCTV system which covers all internal parts of the premises open to the public (except the lavatories), the area immediately outside any entrance to the premises and (if it is in use), the external area. Recordings shall be retained for a minimum period of 31 days and made available for inspection by police and other authorised officers immediately on request with copies provided in a readable format as soon as practicable provided that any request to view or be provided with copies of recordings is compliant with data protection legislation and that if the premises are closed when the request is made, the request be complied with as soon as reasonably practicable.
- A person conversant with the operation of the CCTV system who is also authorised to access the same shall be on duty whenever the premises are open to the public.
- The system shall be checked on at least a weekly basis - a written or electronic record shall be maintained of all such checks, any fault shall be recorded and immediate action taken to rectify the same. The record shall be made available for inspection by Police and other authorised officers on request.

Refusals Register and Incident Reporting:

- The premises shall maintain (either in writing or electronically and either as a single document or separately):
 1. A record of each and every occasion the sale or supply of alcohol is refused, the reason for the refusal, the name of the person

- refusing the sale/supply and (if possible) the name or description of the person who has been refused
2. A record of any incident involving the commission or suspect commission of any criminal offence or anti-social behaviour occurring within the premises (including the external area if in use) to include a description of the incident, the name(s) of any staff member involved and the action taken.
 3. A record regarding the removal of any person from the premises (other than at closing time), to include the reason for removal and the name(s) of any staff member dealing with the incident.
 4. 4. Any official visit or inspection undertaken by an authorised person (as defined by the Licensing Act 2003).

Door Supervision:

- The holder of the licence or the DPS shall also undertake a risk assessment to determine whether it is appropriate to deploy door supervisors on any other particular day, occasion or time.
- The risk assessment will take into account the risks associated with any act of terrorism directed at the premises, disorder within or associated with the premises and the risk of nuisance being caused by (for example but not limited to) persons smoking outside the building after 23:00 hours.
- A copy of the risk assessment will be provided to the Police and Licensing Authority on request and will be reviewed and updated:
 1. Annually;
 2. If it is intended to provide regulated entertainment on a Thursday after 23:00 hours;
 3. If any other event is scheduled to take place at the premises that differs substantially from the normal operation of the premises (for example the showing of a major sporting event on television that might give rise to conflict within the premises between rival supporters);
 4. At the request of the Police; or
 5. Following any incident involving serious crime at or associated with the premises.

Pub Watch:

- The premises shall join any local “Pub Watch” scheme, regularly attend meetings and actively support its initiatives.

d) The prevention of public nuisance

- No regulated entertainment shall be permitted in that part of the premises identified as the “enclosed seating area” on the approved plans, after 23:00 hours.
- 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 after 20:00 Hours.

- Whenever regulated entertainment is provided inside the premises (i.e. that part excluding the enclosed seating area), the following conditions shall apply:
 - The retractable roof over part of the enclosed seating area shall be kept closed and all windows kept shut; 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; and persons wishing to smoke shall not be permitted to do so within any part of the enclosed seating area.
 - 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.
 - Patrons shall only be permitted to smoke in that part of the enclosed seating area that has a retractable roof when no regulated entertainment is taking place inside the premises and only when the roof is retracted and all windows open.
 - 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.
 - A sign shall be prominently displayed at the exit from the premises requesting customers to leave quietly and have regard to local residents.
 - The premises shall ensure that its website includes a telephone number to which local residents can refer any concern about noise and other issues.
 - No waste shall be removed from the premises nor deliveries made to the premises between 22:00 and 08:00 hours.
- e) The protection of children from harm
- The premises shall operate a “Challenge 25” policy whereby any person who appears to be under the age of 25 will be required to provide photographic proof of age in one or other of the forms required by the mandatory conditions before being supplied with alcohol. Signs advertising the policy shall be prominently displayed at the entrance to the premises and at any or all serveries supplying alcohol.
 - All staff concerned with the sale or supply of alcohol shall be trained regarding restricted sales (to persons who are intoxicated or under the age of 18 either in person or by proxy), the terms and restrictions of this licence and the “Ask Angela scheme” (whereby a customer may alert staff if they feel threatened or intimidated by another customer) before they commence their duties and refresher training shall be provided at least once every 12 months.

- Written or electronic records shall be maintained with regard to all training, including the name of the person trained, the nature of the training and the person who delivered the training. The records shall be retained for at least 12 months and made available for inspection by the Licensing Authority, Police, Trading Standards and other authorised officers

Reason for decision:

The Sub-Committee considered all of the information which had been submitted before the hearing and contained in the report for Agenda Item 5 and the supplementary information submitted by the applicant's representative, Mr Philip Day, and to the verbal submissions made by Mr Day at the hearing. The Sub Committee also had regard to the points raised in the written representations made by four Other Persons who did not attend/speak at the hearing.

The Sub Committee was mindful that it considers Environmental Health as its main source of advice on public nuisance. The Sub Committee noted the email correspondence between Mr Andrew Hill, Senior Environmental Health Officer, and Mr Day, which had been included at Appendix 4 of the report and further work undertaken since the report was published. The Sub Committee was grateful to Mr Hill for his work in undertaking successful mediation with the applicant, resulting in the submission of an amended version of Section M of the application form which contained amended conditions agreed with Environmental Health. At the hearing Mr Hill confirmed that he was withdrawing his representation.

While the Sub Committee noted that the other representations had not been withdrawn, Members agreed that the concerns previously raised had been acknowledged by the applicant and addressed by the revised conditions and the reduction in hours. The Sub Committee were of the view that the hours applied for in respect of licensable activities (ending at 00:00hrs except for late-night refreshment (00:30hrs)) were more appropriate for the type of premises proposed, in this location and would give some reassurance to local residents.

The Sub Committee noted that these premises like any other were subject to other legislation in addition to the Licensing Act 2003, such as the Town and Country Planning Act 1990, Environmental Protection Act 1990 and the Health Act 2006. The Sub-Committee wished to remind the applicant that any conditions and permissions included in this Premises Licence do not override the requirements of any other Act and they expect any Premises Licence Holder to operate responsibly and in accordance with all legislation that affects them.

The Environmental Health Team have a continued duty to investigate further reported incidents, and if necessary, take relevant enforcement action. It was noted that a further review of the premises licence could be applied for at any time by a Responsible Authority or any other person

should there be any issues associated with the premises in the future that undermined the licensing objectives.

In conclusion the Sub-Committee was satisfied that if the premises operated in accordance with the above conditions, that the premises should not undermine the licensing objectives, particularly the prevention of public nuisance and as such the application should be granted.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the revised guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003.

All parties to the application have the right to appeal to the Magistrate's Court within the period of twenty-one days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing.

94. Review of Nala Tapas and Cocktail Lounge, 135 - 137 West Hill Road, Bournemouth BH2 5EG

The Sub Committee received an update from the Legal Adviser in respect of the application to review the premises licence for the premises known as Nala Tapas and Cocktail Lounge, 135 - 137 West Hill Road, Bournemouth BH2 5EG.

This hearing had been adjourned by the Licensing Sub Committee on 17 January 2024 pending the outcome of the new premises licence application for the same premises. In view of the Sub Committee's decision to grant the new premises licence, it was proposed to further adjourn the review hearing until 13 March 2024 to enable sufficient time for the licence subject to review to be surrendered to the Licensing Authority. It was noted that should the licence be surrendered, a hearing would not be required as there would be no licence to review.

The applicant's representative, Mr Philip Day, confirmed that he had been instructed to surrender the licence subject to review and thanked all parties for their assistance.

RESOLVED that the hearing to review the premises licence for the premises known as Nala Tapas and Cocktail Lounge, 135 - 137 West Hill Road, Bournemouth BH2 5EG, be further adjourned until 13 March 2024.

The meeting ended at 11.27 am

CHAIR