

Minutes of a meeting of the
Worthing Licensing and Control Sub-Committee
18 October 2021
at 6.30 pm

Councillor Charles James (Chairman)

Councillor Russ Cochran

Councillor Rosey Whorlow

Absent

Councillor Hazel Thorpe

LCSC/8/21-22 Declarations of Interest / Substitute Members

There were no declarations of interest

Councillor Rosey Whorlow declared substitution for Councillor Hazel Thorpe

LCSC/9/21-22 Public Question Time

There were no questions from the Public

**LCSC/10/21-22 Licensing Act 2003 - Application for a new Premises Licence -
Karma Lounge 171-173 Tarring Road**

Before the Committee was a report by the Interim Director for Communities a copy of which had been circulated to all members, a copy of which is attached to the signed copy of these minutes as item 3. The application before members had been the subject of formal representation by two responsible authorities and 16 members of the public and it therefore fell to the sub-committee to determine.

Presentation of the Licensing Officer

The Licensing Officer introduced the report to the Committee. Of note Members were given the proposed hours of opening and told that the proposed Designated Premises Supervisor (DPS) was applying for a personal licence. Sussex Police had withdrawn their objections following restriction of hours. The applicant confirmed that

Questions for the Licensing Officer from Members

There were no questions for Members

Representations by Members of the Public

There were members of the public present at the meeting whose representations are summarised as follows

- The applicant had a previous premises that had operated poorly;
- The applicant's previous refusal to co-operate with authorities was concerning;
- Seating for 50 outside and 50 inside would mean a capacity of 100;
- The application had given the impression that the premises was looking like a bar rather than a restaurant;
- The way that building had taken place had been done so without any regard to the public or authorities;
- There was a fear that the premises would not be controlled properly;
- Noise from the outside seating could not be controlled;
- Not enough people were made aware of the application;
- The application was causing residents anxiety;
- Although the premises was on a commercial street, there were three residential streets that ran parallel to the premises;
- Residents had concerns about the premises causing anti-social behaviour;
- Alcohol consumption at the premises would be likely to cause sleep disturbance;
- The actions of the applicant relating to building at the premises had eroded trust with residents;
- Building had taken place at the premises without planning permission;
- It was doubted that the applicant would be respectful of conditions;
- A resident claimed that it was doubtful that the premises would be a restaurant and that it would likely be a bar given the small size of the kitchen;
- It was questioned as to whether patrons could buy drinks without food;
- A resident told that the previous 4 months had been miserable and had created a negative impact on their lives;
- Photographs in the committee report did not show the premises' proximity to a parallel residential street;
- The forecourt was below the window of a room used by children which was not acceptable;
- Children walking home from school would be subjected to adults drinking;
- Anti-social behaviour late at night would frighten children living in the vicinity of the premises;
- Families needed to be safeguarded;
- The property was single glazed which would not help noise prevention;
- There would be no issue if the premises operated as a bakery without an alcohol licence;
- There was not a fully operating kitchen at the premises and the premises was not currently connected to gas;
- The operating times of the premises would lead to excess noise and anti-social behaviour late in the evenings;
- The application did not contain methods to mitigate negative noise effects of the property;
- Deliveries to the property would create noise;

Questions for the public from Members

Members of the public were questioned on their relationship, knowledge and history of the area.

Applicant's questions for the Public

There were no questions

Representation of the applicant

The applicant's representative was present at the meeting whose representation is as follows:

- Planning matters were a separate consideration;
- Hours sought were modest;
- The terminal hour would be 22:40 with everyone leaving the premises by 23:00hrs which was within policy framework hours;
- Police had withdrawn objections;
- The Environmental Health department had withdrawn objections after it was agreed that trade would cease in the outside area after 22:00;
- Environmental Health, the Licensing Authority or Planning had raised no objection to the application;
- The Act and guidance asked the committee to look to responsible authorities for guidance and there had been no material objections raised following mediation;
- There was no vertical drinking, it was table service only, the premises could only be described as a small premises;
- It was located on a commercial road where there were other premises located nearby, the commercial landlord was entitled to apply to change the use of the premises;
- It was the applicants responsibility to make sure that the kitchen was completed as set out in the plan and it was not for the Committee to consider if this had been completed or not;
- The premises would be shut at 23:30 hours;
- Highways and Planning were not relevant considerations;
- Each application should be considered on its own merits;
- Matters referred to historically happened a long time ago (over 20 years) were not relevant to the application;
- If the Police thought the applicants were not appropriate to hold a Licence they would have made a representation setting out as such;

Members questions for the Applicant

A Member asked about licensable activities being carried out in the premises and it was confirmed that the application was for the sale by retail of alcohol. The applicant had not asked for other types of licensable activity.

A Member asked if door staff would be provided and was told that this was not necessary or proportionate

Public questions for the Applicant

The applicant was asked about the Police's awareness of the proposed DPS. Members were told that the Police could raise an objection upon application for the position of DPS.

Summing up of the Applicant

The summing up of the applicant is summarised as follows

- Responsible authorities had raised no objections to the application, any conditions relating to door staff were not appropriate or proportionate;
- The application was modest and situated in a commercial road;
- Conditions agreed with the Police and Environmental Health were appropriate and proportionate in all of the circumstances;
- The planning was a separate regime and it was not lawful to consider these matters as part of the Licensing procedure.

Summing up of members of the public

- It was understood that there was no protection in planning law for those moving in near to commercial property and asked the council to use the alcohol licence to protect residents from harmful activity;
- It was asked that the licence not be granted until planning permission had been received for the outdoor seating area;
- There should be a more holistic approach between Planning and Licensing in relation to permissions for the premises;

The Sub-Committee adjourned at 7:55pm to consider its decision

In reaching its decision the Licensing Sub-Committee has given due regard to the following:

- The statutory licensing objectives
- Worthing Borough Councils Statement of Licensing Policy
- Guidance under section 182 by the Home Secretary and Licensing Act 2003.
- The application, written/oral representations made at the hearing and in writing.
- The Committee also gave regard to human rights legislation and the rules of natural justice.

In discharging its functions the Committee did so with a view to promoting the Licensing objectives, the relevant objectives here were the prevention of crime and disorder and prevention

Resolved: that the premises licence should be granted with all of the additional conditions agreed with Sussex Police and the condition agreed with environment health.

The reason for the decision: The licencing committee have listened carefully and considered all written and oral representations that have been made. They were however satisfied that with all of the additional conditions agreed between the Applicant and the responsible authorities that the licencing objectives would not be undermined.

Advice to parties: Those who have made representations in connection with this application are reminded that they may appeal against this decision within 21 days by giving notice to the Magistrates Court.

Interested parties are reminded that they may apply for a review of this licence “after a reasonable interval” pursuant to Section 51 of the Licensing Act.

Any licence granted under the Licencing Act 2003 does not override any planning restrictions on the premises nor any restrictions that may be attached to the lease of these premises.

The applicant is reminded that it is a criminal offence under the Licensing Act 2003 to carry on licensable activities from any premises when you do not have a licence in place and you may be prosecuted.

The meeting ended at 7.55 pm