



WORTHING BOROUGH  
C O U N C I L

4 May 2023

**Worthing Licensing and Control Sub-Committee B**

<b>Date:</b>	<b>15 May 2023</b>
<b>Time:</b>	<b>6.30 pm</b>
<b>Venue:</b>	<b>Committee Rooms, Worthing Town Hall</b>

**Committee Membership:** Councillors Mike Barrett, Kevin Jenkins and Rosey Whorlow (Chair)

**Agenda**

**Part A**

**1. Declarations of Interest / Substitute Members**

Members and Officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting. Members and Officers may seek advice upon any relevant interest from the Monitoring Officer prior to the meeting.

**2. Public Question Time**

So as to provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by **midday** on **Wednesday 10 May 2023**.

Where relevant notice of a question has not been given, the person presiding may either choose to give a response at the meeting or respond by undertaking to provide a written response within three working days.

Questions should be submitted to Democratic Services - [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk)

(Note: Public Question Time will last for a maximum of 30 minutes)

### 3. Members Questions

Pre-submitted Members questions are pursuant to rule 12 of the Council & Committee Procedure Rules.

Questions should be submitted by **midday on Wednesday 10 May 2023** to Democratic Services, [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk)

(Note: Member Question Time will operate for a maximum of 30 minutes.)

### 4. Licensing Act 2003 – Application for a new Premises Licence. (Pages 3 - 84)

To consider a report by the Director for Communities, copy attached as item 4.

## Part B - Not for publication - Exempt Information Reports

None.

<b>Recording of this meeting</b> Please note that this meeting is being audio live streamed and a recording of the meeting will be available on the Council's website. This meeting will remain on our website for one year and will be deleted after that period. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).	
For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Katy McMullan Democratic Services Officer 01903 221364 <a href="mailto:Katy.mcmullan@adur-worthing.gov.uk">Katy.mcmullan@adur-worthing.gov.uk</a>	Shelley-Ann Flanagan Lawyer 01903 221095 <a href="mailto:shelley-ann.flanagan@adur-worthing.gov.uk">shelley-ann.flanagan@adur-worthing.gov.uk</a>

**Duration of the Meeting:** Three hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.



Licensing & Control Sub-Committee

15 May 2023

Ward: Heene

## Licensing Act 2003 – Application for a new Premises Licence

**'Karma Lounge'**  
**171-173 Tarring Road**  
**Worthing, BN11 4HH**

### Report by the Director for Communities

#### 1. Recommendation

- 1.1 That a Sub Committee of the Licensing & Control Committee considers and determines the application made by:

**Mr Omar Rafique**

for a new Premises Licence to authorise the sale of alcohol at the above premises

#### 2. Reasons for Hearing

- 2.1 The application has been the subject of formal representation by two responsible authorities and 7 members of the public and it therefore falls to this sub-committee to determine.

#### 3. Background

- 3.1 An application was made by Mr Omar Rafique to the Licensing Authority, Worthing Borough Council, on 22 March 2023 for the grant of a new premises licence.
- 3.2 The premises had previously been authorised for the sale of alcohol, for consumption on & off the premises, by Premises Licence [REDACTED] held by [REDACTED] with [REDACTED] named as the Designated Premises Supervisor (DPS). This licence was granted on 20 October 2021 and ran until 06 February 2023 when it was withdrawn under Section 27 of the Licensing Act.

3.3 Section 27 of the Licensing Act 2003 states:

***Death, incapacity, insolvency etc. of licence holder***

*(1) A premises licence lapses if the holder of the licence —*

- (a) dies*
- (b) becomes a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to hold the licence*
- (c) becomes insolvent*
- (d) is dissolved, or*
- (e) if it is a club, ceases to be a recognised club.*

Tabularii Plc (Company number 11411760) was dissolved via a compulsory strike-off on 25 October 2022 and consequently the premises licence lapsed. The A&W Licensing Unit became aware of this on 06 February 2023 and immediately withdrew the premises licence forcing the cessation of licensable activity which resulted in the premises closing.

3.4 To re-open the premises and provide licensable activity a brand new premises licence is required because no application to resurrect Premises Licence 141730, under Section 50 of the Licensing Act, was received within the 28 day period allowed after it lapsed.

3.5 Premises Licence 141730, when in force, authorised the sale of alcohol, for consumption on & off the premises, at a bakery & pizzeria known as Karma Lounge between 11:00 hrs and 22:40 hrs Monday - Sunday incl.

3.6 Karma Lounge occupies a commercial shop unit on the corner Tarring Road and St Botolph's Road. The unit is a single floor building with a large open pavement forecourt area to the front & side.

3.7 Tarring Road is a busy mainly commercial street with some residential dwellings and accommodation above some of the businesses. It contains a large variety of shops, including a Co-Op local, a car rental business, a dance studio, hairdressers, estate agents, offices, restaurants and takeaways some of which operate into the evening. St Botolph's Road is all residential including a number of rest/nursing homes.

3.8 Attached to the report are:

- A plan & photos of the area (Appendix A)
- A plan of the site (Appendix B)
- A copy of the application (Appendix C)
- The representations made by the Responsible Authorities (Appendix D)
- The representations received from the public (Appendix E)
- Details of the mediation conducted (Appendix F)

#### **4. The Application**

4.1 The Application is attached at Appendix C. However, in summary, the application is seeking authorisation for:

- Sale of alcohol for consumption on & off the premises:



- 11:00 hrs to 23:00 hrs Monday - Sunday incl.
- 11:00 hrs to 01:00 hrs (of the following morning) New Year's Day
- Opening to the Public:
  - 09:00 hrs to 23:00 hrs Monday - Sunday incl.
  - 09:00 hrs to 01:30 hrs (of the following morning) New Year's Day

4.2 As recommended by the Guidance issued under section 182 of the Licensing Act 2003 the applicant has completed an operating schedule as to how it is intended to address the Licensing Objectives if this application were granted.

4.3 The proposed designated supervisor (DPS) is [REDACTED] who holds a Personal Licence issued by [REDACTED]

## 5. Promotion of the Licensing Objectives

5.1 The Licensing Act 2003 and regulations require that the Council, as local licensing authority, carries out its functions with a view to promoting the four licensing objectives:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

5.2 In carrying out its licensing functions, the licensing authority must also have regard to the Guidance issued by the Secretary of State and its own Statement of Licensing Policy. Members are advised that the following sections of the Worthing Borough Council's Policy may be particularly relevant to consideration of this matter, though of course the Policy in its entirety must be considered. Sections indicated relate to paragraph numbers in the Policy itself:

### ***Prevention of Crime & Disorder***

4.8 *The Council places huge importance on the prevention of crime and disorder. A high standard of control is, therefore, expected to be exercised over licensed premises.*

4.10 *In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself, the Guidance issued under section 182 to the Act and this policy. The Council will give "due regard" to all possible implications and its Licensing & Control Committee will always consider all the information available and relevant representations made, including those from interested parties and the responsible authorities, particularly the Police.*

4.11 *In their role as a responsible authority, Sussex Police are an essential source of advice and information on the impact and potential impact of licensable activities in*

*the borough, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and usually have good working relationships with those operating in the local area. The council recognises that Sussex Police are the licensing authority's main source of advice on matters relating to the prevention of crime and disorder, but may also be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations. The Council will accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.*

- 4.16 *The Licensing Authority recognises that the Licensing Act is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night time economy in town centres.*

#### **Prevention of Public Nuisance**

- 4.24 *Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of disturbances impacting upon people living, working or sleeping in the vicinity of the premises or wider afield.*
- 4.25 *Noise disturbance can arise from entertainment or activities held within licensed premises and also from people or motor vehicles outside licensed premises. The Council will expect Operating Schedules to address these issues. Advice and guidance can be obtained from Licensing Officers or the Council's Environmental Protection Team. If representations are received the Council may utilise appropriate conditions to control noise disturbance and the use of such conditions will depend upon the activities/entertainment/hours of operation proposed; the nature of the locality; and existing background noise levels and ambient noise levels. Noise control conditions may include the satisfactory sound insulation of licensed premises; compliance with maximum noise levels; and limiting hours of operation.*
- 4.26 *When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type/construction of their premises, proposed activities and nature of locality) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule.*
- 4.27 *Anti-social behaviour such as excessive noise from access and egress or patrons littering should also be addressed in the Operating Schedule.*

## **DEMAND, SATURATION & HOURS**

- 6.1 *In accordance with the Government's guidance the Council recognises that demand is not a relevant criterion in considering an application under the Act.*
- 6.4 *Consideration will be given to imposing stricter conditions in respect of noise control where premises are situated in mainly residential areas. This will particularly apply in circumstances where, having regard to the location, size and nature of the licensed premises, it is likely that disturbance will be caused to residents in the vicinity of the premises, or its environs, by concentrations of people either present or leaving during normal night-time sleeping periods (23.00hrs to 07.00hrs).*

## **SPECIFIC CONSIDERATIONS**

### **Alcohol – On & Off Sales**

- 7.1 *It is now a mandatory condition that all licence holders selling alcohol put in place an age verification policy for the premises. In some circumstances the Licensing Authority will impose, where necessary to promote the Licensing Objectives, implicit conditions on the checking of the age of those who appear under 21 or 25 to ensure that alcohol is not sold to those under 18 years of age.*
- 7.2 *Licence holders need to have sufficient day to day control of operations at their premises. They will be held responsible for breaches of the licence and ensuring there is adequate staffing and training. The authorities will continue to use young people for the 'test purchasing' of alcohol and CCTV evidence, which has proved its usefulness in prosecutions for unlawful sales of alcohol. The likely consequences of a Review of licence for underage sales include the imposition of additional conditions such as the attendance of a personal licence holder, licence suspensions and in some cases revocation to act as deterrence.*

## **6. Consultation**

- 6.1 The application has been subject to the statutory consultation and statutory public advertisement arrangements in accordance with the provisions of the Act, in respect of which relevant representations were received from the following:
- Responsible Authorities
    - Sussex Police
    - A&W Environmental Health Food and H&S Team
  - Other Persons
    - 7 from members of the public

## **7. Relevant Representations**

- 7.1 Detail of the relevant representation received is reproduced at Appendices D & E. They are considered to relate to the statutory licensing objectives as follows:

- Prevention of Crime & Disorder
- Prevention of Public Nuisance
- Public Safety

7.2 Sussex Police made a number of comments and listed a number of conditions that they consider are required to enable this premise to meet the licensing objectives if members were of a mind to grant a licence.

7.3 A&W's Environmental Health Food and H&S Team made a number of comments regarding the provision of sanitary facilities at the premises as against the proposed capacity. Emphasising the need to meet minimum standards of provision as required by the British Standards adopted by Adur & Worthing Councils.

7.4 Seven representations were received from the public expressing concerns regarding possible crime & disorder, anti-social behaviour and public nuisance implications that can be associated with alcohol sales. These are relevant to the Licensing Authority's consideration. Some of the information included in the representations, whilst of a serious nature, is regarded as not relevant to a licensing application. This includes representations regarding staff attitude to neighbours & customers, accusations of food poisoning, vermin, local amenity and other planning issues. These should not be considered. However, the representations have been reproduced in their entirety and it is for members to carefully decide how much weight, if any, should be attached to some of the information included.

7.5 The applicant and all those that made relevant representations have been formally notified of this hearing and invited to attend.

## 8. Mediation

8.1 The Licensing Act 2003 encourages mediation.

8.2 Sussex Police expressed some concerns regarding the application and sought a number of conditions to address the licensing objectives. These have now been successfully mediated with the applicant, Mr Rafique, agreeing that if a licence were to be granted the following conditions would be placed on any licence as enforceable conditions of licence in addition to those included in the operating schedule.

- *.Alcohol will be served by waiter/waitress service to customers seated at tables, or customers seated on stools at the bar in the area marked on the floor plan served by bar staff or waiter/waitress service. Customers may purchase alcohol directly from the bar which they take back to their tables to consume whilst seated.*
- *There will be no vertical drinking at the premises.*
- *All off sales of alcohol will be made in sealed containers.*
- *Any incidents of a criminal nature that may occur on the premises will be reported to the Police.*
- *Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas including the entrance to the*

*premises and the outside tables and chairs area. The system shall be on and recording at all times the premises licence is in operation.*

- *The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside and outside the premises at all times.*
- *CCTV footage will be stored for a minimum of 31 days.*
- *The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.*
- *Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police. The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or authorised officer recent data or footage with the absolute minimum of delay when requested. The CCTV system will have internet connectivity, in order to facilitate the uploading of requested footage to SussexPolice Digital media systems.*
- *The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. Times will be updated promptly when British Summer Time starts and ends.*
- *Any breakdown or system failure will be notified to the police immediately with a written and dated receipt/acknowledgement from Police Licensing obtained and retained for production on request) & remedied as soon as practicable.*
- *In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.*
- *An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The log book should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence.*
- *The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:*
  - *The lawful selling of age restricted products*
  - *Refusing the sale of alcohol to a person who is drunk*
- *Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed three months, with the date and time of the verbal reinforcement/refresher training documented.*
- *All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be*

*kept on the premises and made available to officers of any responsible authority upon request.*

- *Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway beyond the licensed outside tables and chairs area of the premises whilst smoking or otherwise congregating outside of the premises beyond the licensed area.*
- *Appropriate fire safety procedures will be in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances will be inspected annually. All emergency exits shall be kept free from obstruction at all times.*
- *The use of the external seating area by customers for the consumption of food and/or drinks to cease at 22:00 hrs each day. All customers will be asked to leave quietly with clear and legible notices prominently displayed to remind customers to leave quietly and have regard to the neighbours.*
- *There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.*
- *The premises will operate a Challenge 25 policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licences with a photograph, photographic military ID or proof of age cards bearing the PASS mark hologram.*
- *Suitable and sufficient signage advertising the Challenge 25 policy will be displayed in prominent locations in the premises. A register of refused sales shall be kept and maintained on the premises.*
- *Conditions for alcohol delivery service:*
  - *Alcohol deliveries will only be made to a residential or business address and not to a public place.*
  - *The age verification policy (including challenge 25) shall clearly be advertised at each stage of the order and on all advertising. All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly state that alcohol should only be purchased for delivery to intended recipients (or persons who will accept delivery on behalf of the named recipient) who are aged over 18. Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.*
  - *At the time the order is placed a declaration will be required from the person placing the order that that person is aged over 18 years of age, and that the intended recipient is over 18 years of age. This process will be documented, (tick box before proceeding, record of verbal acknowledgement or similar). These records must be retained for no less than twelve months and produced on request to an officer of a Responsible Authority.*
    - *For deliveries where the alcohol is delivered by a third party, the alcohol is concealed in a secure sealed package, and the DPS has no direct supervision or control over the delivery (such as an independent courier*

*or Royal Mail), there cannot be an age verification challenge on delivery, but the above conditions will be followed.*

- *For deliveries made directly by the DPS or their employees, staff or agent or persons instructed by the DPS/PLH, the person accepting the delivery must be aged 18 years or over. Where the person accepting delivery appears to be under 25, a recognised photographic ID must be produced prior to delivery. No ID, no delivery.*
- *Where the premises contracts a third party to deliver alcohol on their behalf and the person collecting the alcohol from the premises delivers it directly to the customer within a short timescale (such as Deliveroo, Just Eats), the premises will ensure that the third party:*
  - *only employs delivery employees or agents aged 18 or over;*
  - *is aware that alcohol is included in the delivery;*
  - *that the delivery person actively engages with the person receiving delivery and operates a challenge 25 policy rather than just handing the delivery over; that in the event that the recipient of the alcohol is challenged for ID and does not provide appropriate and valid ID, the delivery person will retain the alcohol and return it to the premises.*

As a result Sussex Police have withdrawn their objections.

- 8.3 Mediation between the applicant and the A&W Environmental Health Team is ongoing. Members will be informed if there are any developments.
- 8.4 No information regarding the progress of mediation between the applicant and other parties has been provided to date. Members will be informed if there are any developments.

## **9. Consideration**

- 9.1 Members must take into consideration the following when determining this application:
- The four statutory licensing objectives.
  - Worthing Borough Council's Statement of Licensing Policy
  - Guidance issued by the Home Secretary
  - The relevant representations from all parties and any mediated agreements reached.
- 9.2 These are the only matters to be addressed by the authority when considering this application. The statutory Licensing objectives are the only grounds on which representations can be made, and the only grounds on which an authority will be able to refuse an application or impose conditions in addition to statutory conditions and those proposed by the applicant in the Operating Schedule.
- 9.3 When considering this application for a premises licence the following options are available to the Sub-Committee:
- Grant the licence, as requested,

- Grant the licence, as requested, with additional conditions appropriate to the promotion of the specific licensing objectives on which relevant representations have been received.
- Reject the whole or part of the application.

Members may also:

- Grant the licence but exclude certain licensable activities from the licence,
- Refuse to specify a particular person as a premises supervisor,
- Approve different parts of the premises for different activities.

9.4 Members are required to give reasons for their decision.

## 10. Legal Implications

10.1 Under Section 181 and Schedule 5 of the Act, the following rights of appeal to the Magistrates' Court in respect of applications for a premises licence includes:

- (1) The applicant may appeal against any decision to modify the conditions of the licence.
- (2) The applicant may appeal against a rejection in whole or part of an application.
- (3) A person who has made relevant representations may appeal against a licence being granted, or against the modification or lack of modification of any conditions.

10.2 The Act allows for the local licensing authority to undertake a review following the grant of a premises licence, when requested to do so by a responsible authority, such as the police or the fire authority, or any other party, such as a resident living in the vicinity of the premises. The government's guidance states:

*The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with licensing objectives are occurring after the grant or variation of a premises licence.*

*At any stage, following the grant of a premises licence, a responsible authority, or any other person, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.*

10.3 In determining this application, the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses will be given due weight.

10.4 Members must consider each application on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.



- 10.5 All applications, before the Sub-Committee, must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.
- 10.6 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from interested parties and the responsible authorities particularly the Police.

## **11. Other Implications**

- 11.1 Any decision taken will have regard for the local environment and, in particular, any conditions attached for the purposes of preventing public nuisance will take this principle into account. There are no significant direct race relations or equal opportunity implications that have been identified.

## **12. Recommendation**

- 12.1 Members are requested to determine the application for a new Premises Licence made on behalf of Mr Omar Rafique for his cafe bar known as the 'Karma Lounge' situated at 171-173 Tarring Road, Worthing and give reasons for that determination.**

**Interim Director for Communities  
Tina Favier**

### **Principal Author and Contact Officer:**

Simon Jones

Senior Licensing Officer - Tel: 01273 263191 or [simon.jones@adur-worthing.gov.uk](mailto:simon.jones@adur-worthing.gov.uk)

### **Background Papers:**

- Licensing Act 2003  
<https://www.legislation.gov.uk/ukpga/2003/17/contents>
- Guidance issued under section 182 of the Licensing Act 2003 (revised 20 Dec 2022)  
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
- Worthing Borough Council's Statement of Licensing Policy  
<http://www.adur-worthing.gov.uk/licensing-and-permits/consultations-policy-forum/policy-and-forum/>

**Appendices:**

- Appendix A - Plan & photos of the area
- Appendix B - Plan of the site.
- Appendix C - The Application Form.
- Appendix D - Representations received from the Responsible Authorities
- Appendices E - Representations received from the public objecting to the application
- Appendix F - Details of the mediation conducted

Town Hall, Worthing

██████████ – Karma Lounge

Date: 17 April 2023.

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█  
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Appendix A  
Map & Photos of Location

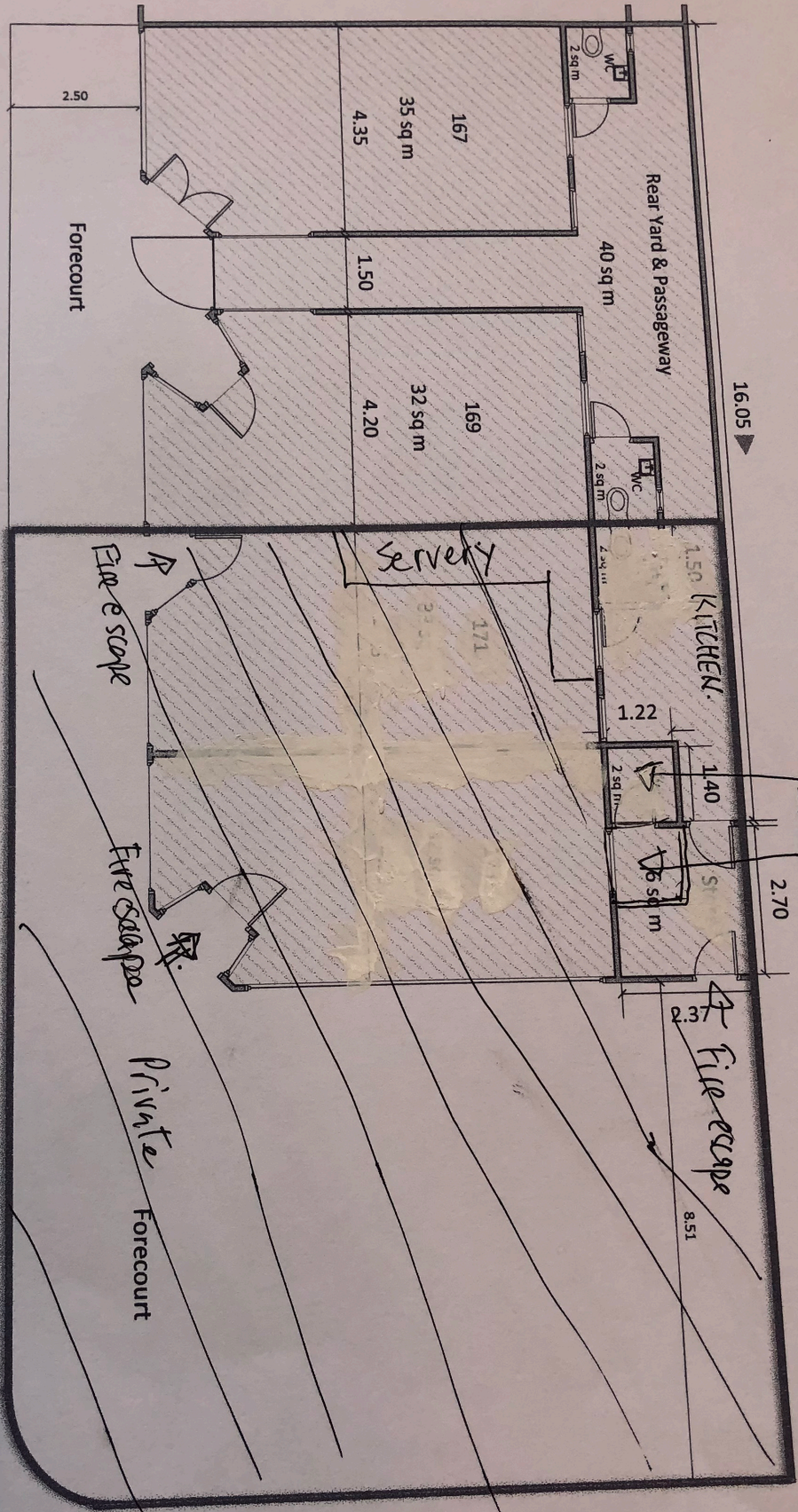












toilets

171-173 Tarring Road

Boundary =

Liability =

Activity.



15 FEB 2023

..... Initials



Public Health & Regulation – Licensing  
Portland House, Richmond Road, Worthing, BN11 1HS

**Licensing Act 2003 -  
New Premises Licence Application pack including  
Application Form & Designated Premises Supervisor Consent**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

I **OMAR RAFIQUE** ..... (insert name(s) of applicant ) **apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description <b>171-173 TARRING ROAD</b>	
Post town <b>WORTHING</b>	Post code <b>BN11 4HH</b>

Telephone number at premises (if any)

Non domestic rateable value of premises

**Part 2 – Applicant Details**

Please state whether you are applying for a Premises Licence as:

- |                                                                                                                       |                                                                 |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| a) an individual or individuals*                                                                                      | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual*                                                                                 | <input type="checkbox"/> please complete section (B)            |
| i. as a limited company                                                                                               | <input type="checkbox"/> please complete section (B)            |
| ii. as a partnership                                                                                                  | <input type="checkbox"/> please complete section (B)            |
| iii. as an unincorporated association or                                                                              | <input type="checkbox"/> please complete section (B)            |
| iv. Other (for example a statutory corporation)                                                                       | <input type="checkbox"/> please complete section (B)            |
| c) a recognised club                                                                                                  | <input type="checkbox"/> please complete section (B)            |
| d) a charity                                                                                                          | <input type="checkbox"/> please complete section (B)            |
| e) The proprietor of an educational establishment                                                                     | <input type="checkbox"/> please complete section (B)            |
| f) A health service body                                                                                              | <input type="checkbox"/> please complete section (B)            |
| g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/> please complete section (B)            |
| h) The chief officer of police of a police force in England and Wales                                                 | <input type="checkbox"/> please complete section (B)            |

Please tick ✓

\*If you are applying as a person described in (a) or (b) please confirm:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - Statutory function; or
  - A function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

Surname: **RAFIQUE** First names: **OMAR**

Date of Birth

Nationality

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

Surname: First names:

Date of Birth

Please tick ✓  
I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)



**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
1	0	03
2	0	23

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

If 5000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Please give a general description of the premises (please read guidance note 1)

What licensable activities do you intend to carry on from the premises?  
 (Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

Please tick ✓

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |  |  |  |  |  |  |  |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|--|--|--|--|--|
| <ul style="list-style-type: none"> <li>a) plays (if ticking yes, fill in box A)</li> <li>b) films (if ticking yes, fill in box B)</li> <li>c) indoor sporting events (if ticking yes, fill in box C)</li> <li>d) boxing or wrestling entertainment (if ticking yes, fill in box D)</li> <li>e) live music (if ticking yes, fill in box E)</li> <li>f) recorded music (if ticking yes, fill in box F)</li> <li>g) performance of dance (if ticking yes, fill in box G)</li> <li>h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)</li> </ul> | <table border="1" style="border-collapse: collapse; width: 30px; height: 180px;"> <tr><td style="width: 100%; height: 100%;"></td></tr> <tr><td style="width: 100%; height: 100%;"></td></tr> <tr><td style="width: 100%; height: 100%;"></td></tr> <tr><td style="width: 100%; height: 100%;"></td></tr> <tr><td style="width: 100%; height: 100%;"></td></tr> <tr><td style="width: 100%; height: 100%;"></td></tr> <tr><td style="width: 100%; height: 100%;"></td></tr> <tr><td style="width: 100%; height: 100%;"></td></tr> <tr><td style="width: 100%; height: 100%;"></td></tr> </table> |  |  |  |  |  |  |  |  |  |
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**Provision of late night refreshment (if ticking yes, fill in box I)**

**Sale by retail of alcohol (if ticking yes, fill in box J)**

**In all cases complete boxes K,L and M**

## A

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)</b>	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

## B

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of a films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)</b>	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

### C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Tue			
Wed			
Thur			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list.</b> (please read guidance note 5)
Fri			
Sat			
Sun			

### D

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				<b>State any seasonal variations for the boxing or wrestling entertainment</b> (please read guidance note 4)		
Thur						
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list.</b> (please read guidance note 5)			
Sat						
Sun						

## E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both</b> – please tick (✓) (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both		
Tue						
Wed				<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur						
Fri				<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list.</b> (Please read guidance note 5)		
Sat						
Sun						

## F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both</b> – please tick (✓) (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both		
Tue						
Wed				<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur						
Fri				<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list.</b> (please read guidance note 5)		
Sat						
Sun						



## G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	Outdoors
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 3)		
Tue			Please give further details here (please read guidance note 3)		
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur			State any seasonal variations for the performance of dance (please read guidance note 4)		
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sun			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 5)		

## H

Anything of a similar description to that falling within (e),(f) or(g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	Outdoors
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue			Please give further details here (please read guidance note 3)		
Wed			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within e, f) or g) at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within e, f) or g) at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sun			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within e, f) or g) at different times to those listed in the column on the left, please list. (please read guidance note 5)		

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed				State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
Thur					
Fri					
Sat				Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5)	
Sun					

J

Sale of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon	11 AM	11 PM	State any seasonal variations for the sale of alcohol (please read guidance note 4)	Both	✓
Tue	11 AM	11 PM			
Wed	11 AM	11 PM			
Thur	11 AM	11 PM		Non standard timings. Where you intend to use the premises for the sale of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5)	
Fri	11 AM	11 PM			
Sat	11 AM	11 PM			
Sun	11 AM	11 PM			

NEW YEARS EVE TO BE EXTENDED TO  
11 AM - 01.00 AM FOLLOWING DAY

**State the name and details of the individual whom you wish to specify on the licence as premises supervisor. (Please see declaration about entitlement to work in the checklist at the end of the form)**

**Name**

**Address**

**Postcode**

**Personal**

**Issuing**





## **M**

**Describe the steps you intend to take to promote the four licensing objectives:**

**a) General – all four licensing objectives (b, c, d, e)(please read guidance note 9)**

The Licensee, that is the person in whose name the premises licence is issued, shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The Licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.

**b) The prevention of crime and disorder**

Any incidents of a criminal nature that may occur on the premises will be reported to the Police.  
The Licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises.

**c) Public safety**

Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected annually.  
All emergency exits shall be kept free from obstruction at all times.

**d) The prevention of public nuisance**

All customers will be asked to leave quietly.  
Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

**e) The protection of children from harm**

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.  
All staff will be trained for UNDERAGE SALES PREVENTION regularly.  
A register of refused sales shall be kept and maintained on the premises.

- I have made or enclosed payment of the fee
- I have enclosed a plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the proposed premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

Please tick ✓

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

**IT IS AN OFFENCE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent.** (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

**Declaration**

- [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).
- The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Signature .....  .....

Date ..... 14-02-23 .....

Capacity ..... OWNER .....

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent.** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature .....

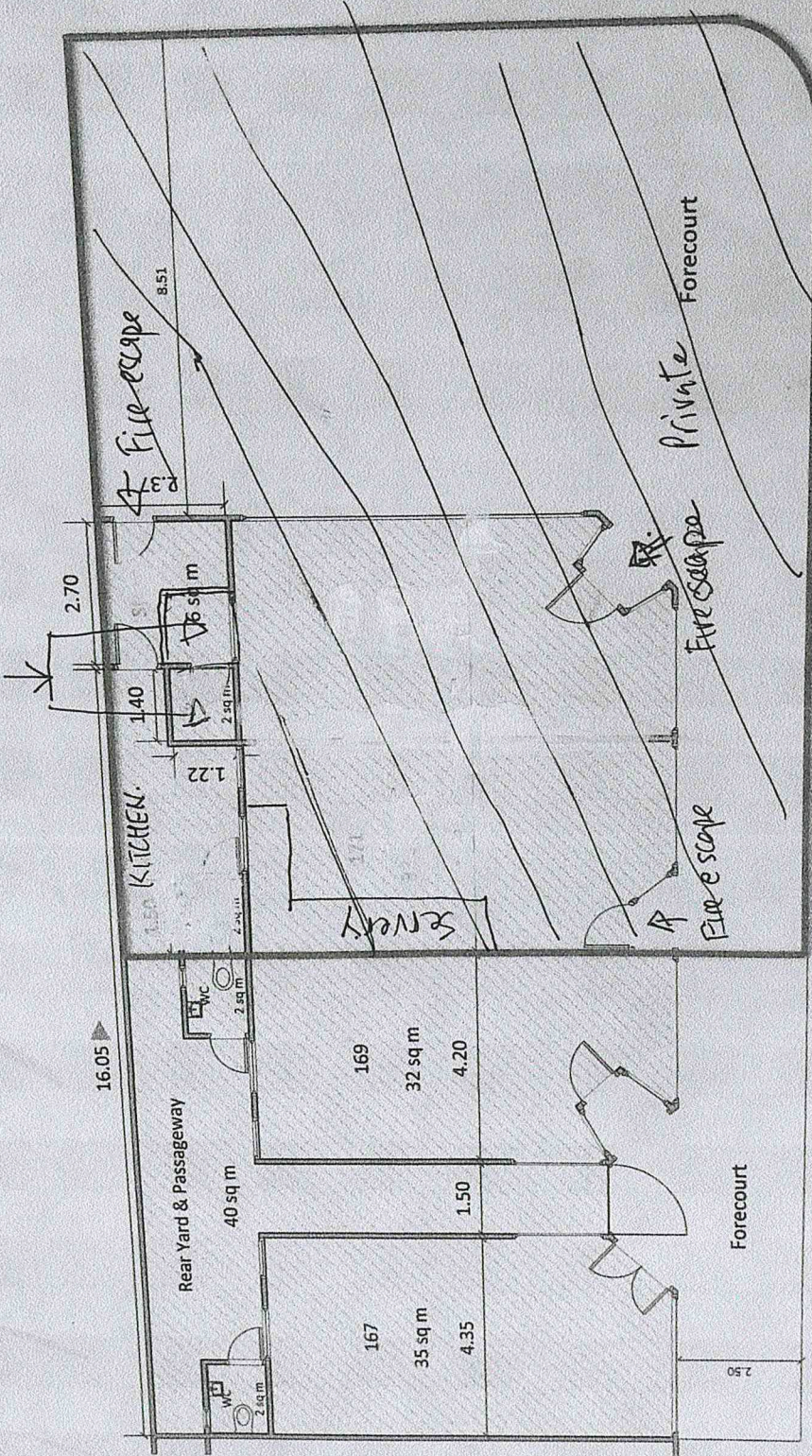
Date .....




Capacity .....

<b>Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 19)</b>	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b>	



171-173 Tarring Road  
*Hotels*



Boundary =   
 L.O.M.E =   
 Activity = 



---

**Re: LA 2003 Premises Licence Application - Karma Lounge, Worthing,**

1 message

24 March 2023 at 13:05

  
To: Simon Jones <simon.jones@adur-worthing.gov.uk>

Dear Simon

**Re: LA 2003 New Premises Licence Application****Premises: Karma Lounge, 171 -173 Tarring Road, Worthing, BN11 4HH****Applicant: Omar Rafique**

Please accept this email as my objection to the granting of a Premises Licence seeking to authorise alcohol sales & regulated entertainment for the above mentioned premises.

My objection is based on the lack of toilet facilities provided for at the premises. The premises currently has 2 communal toilets for customers and staff and the applicant has not stated the number of covers would be catered for at the premises inside and outside. The applicant had formerly provided 84 covers with only 2 WCs available, in which the insufficient toilet provision was not resolved, as there were fixed seating in the outside area that was not removed. The business must comply with section 20 of the Local Government (Miscellaneous Provisions) Act 1976; Provision of sanitary appliances at places of entertainment. The Local Government (Miscellaneous Provisions) Act 1976 does not specify the level of provision of sanitary appliances that would be required, but British Standard BS 6465-1:2006+A1:2009 does consider this. Adur & Worthing Councils have adopted minimum standards of customer WC provision in restaurants, public houses etc based on the British Standard. The guidance is attached to this email and the minimum WC provisions are listed in the tables below:

## Restaurants, Cafés etc.

Covers	MALE			FEMALE	
	WCs	Urinals	WHBs	WCs	WHBs
0-12	No minimum requirement				
12 – 24	1 Unisex WC and WHB				
25 – 49	1	0	1	1	1
50 – 99	1	1	1	2	1
100 – 149	1	2	2	2	1
150 – 199	1	3	2	2	1

## Public Houses and Places of Entertainment

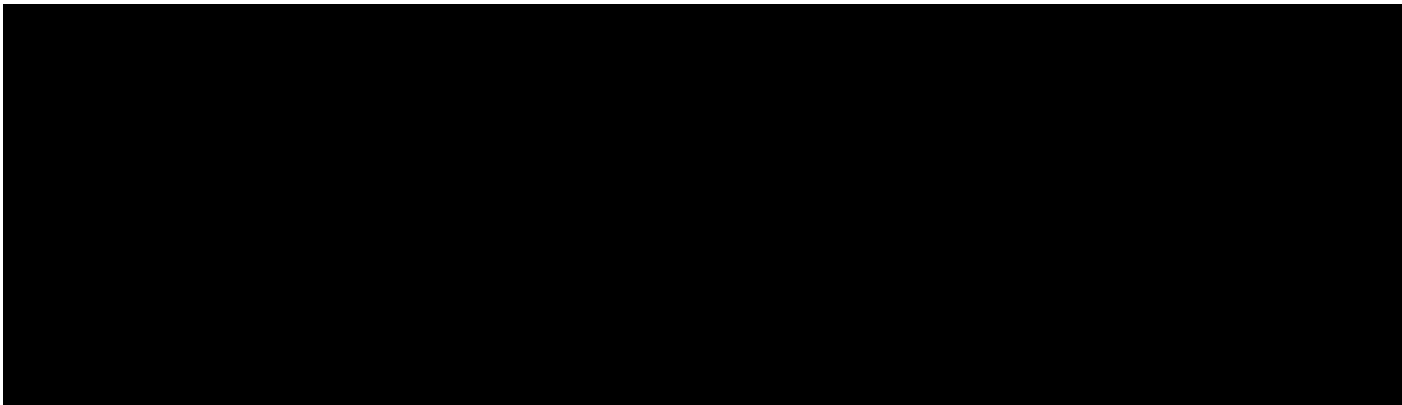
Customers (see notes 4 & 5 below)	MALE			FEMALE	
	WCs	Urinals	WHBs	WCs	WHBs
0 – 49	1	2	1	1	1
50 – 99	1	2	2	2	1
100 – 149	1	3	2	2	1
150 – 199	1	3	2	3	2
200 - 249	2	3	3	3	2
250 – 299	2	4	3	4	2
300 – 349	2	5	3	4	2
350 - 399	2	6	4	5	3
400 – 449	3	6	5	5	3
450 - 499	3	7	5	6	3

To fulfil the licensing condition, The Prevention of Public Nuisance, to prevent customers potentially urinating and defecating in the neighbouring area, the business will either need to increase the number of sanitary appliances available to its customers or reduce the number of covers catered for, based on the guidance in the tables above.

We would accept for 2 existing WCs, 48 covers.

The applicant should also be mindful of the provision of accessible WC facilities for persons requiring them which is detailed in the standards attached.

Kind regards



## Simon Jones

Team Leader - Licensing, Public Health & Regulation  
01273 263191  
Adur & Worthing Councils  
Public Health & Regulation  
Portland House  
Worthing  
BN11 1HS  
<http://www.adur-worthing.gov.uk/licensing-and-permits/>



On Fri, 24 Mar 2023 at 12:08, [REDACTED] wrote:  
Hi Simon

Would it be possible to state in the Premises Licence that only 48 covers are permitted with the current provision of sanitary accommodation as detailed in their application?

Many thanks

On Fri, 24 Mar 2023 at 12:00, [REDACTED] wrote:  
Hi Simon

Please can you send Mr Rafique a current version of our WC standards.

Many thanks

On Fri, 24 Mar 2023 at 11:40, Simon Jones <[simon.jones@adur-worthing.gov.uk](mailto:simon.jones@adur-worthing.gov.uk)> wrote:  
FYI

## Simon Jones

Team Leader - Licensing, Public Health & Regulation  
01273 263191  
Adur & Worthing Councils  
Public Health & Regulation  
Portland House  
Worthing  
BN11 1HS  
<http://www.adur-worthing.gov.uk/licensing-and-permits/>



----- Forwarded message -----

From:

Date: Fri, 24 Mar 2023 at 10:50

Subject: LA 2003 Premises Licence Application - Karma Lounge, Worthing,

To: Simon Jones <[simon.jones@adur-worthing.gov.uk](mailto:simon.jones@adur-worthing.gov.uk)>

Dear Simon

We are currently refurbishing the premises and have taken into account the comments the environmental team have made to me in the past. I am happy with the covers mentioned whilst the application is being processed. I will be talking and hopefully meeting with them in the coming week or so to discuss how we can re configure the site to accommodate more toilets to their satisfaction.

No doubt it may need for me to reapply for a minor change if that is the case so be it.

Omar

Hi Omar

The Environmental Health Team, as a responsible authority, has requested you provide the number of covers both internally and externally for Karma Lounge.

There are only two toilets on the premises which permits 48 covers.

I look forward to your advice.

Regards

Simon

**Simon Jones**

Team Leader - Licensing, Public Health & Regulation

01273 263191

Adur & Worthing Councils

Public Health & Regulation  
Portland House

Worthing  
BN11 1HS



This email and any attachments are confidential and intended solely for the persons addressed. If it has come to you in error please send it back to us, and immediately and permanently delete it. Do not use, copy or disclose the information contained in this message or in any attachment. Whilst every care has been taken to check this e-mail for viruses, it is your responsibility to carry out checks upon receipt.

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Team Leader - Food and Health & Safety, Public Health & Regulation



Adur & Worthing Councils

Worthing Town Hall, Chapel Road, Worthing, West Sussex, BN11 1HA

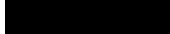
<http://www.adur-worthing.gov.uk>



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Team Leader - Food and Health & Safety, Public Health & Regulation



Adur & Worthing Councils

Worthing Town Hall, Chapel Road, Worthing, West Sussex, BN11 1HA

<http://www.adur-worthing.gov.uk>





[Redacted]

Team Leader - Food and Health & Safety, Public Health & Regulation

[Redacted]

Adur & Worthing Councils

Worthing Town Hall, Chapel Road, Worthing, West Sussex, BN11 1HA

<http://www.adur-worthing.gov.uk>



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[Redacted]

Team Leader - Food and Health & Safety, Public Health & Regulation

[Redacted]

Adur & Worthing Councils

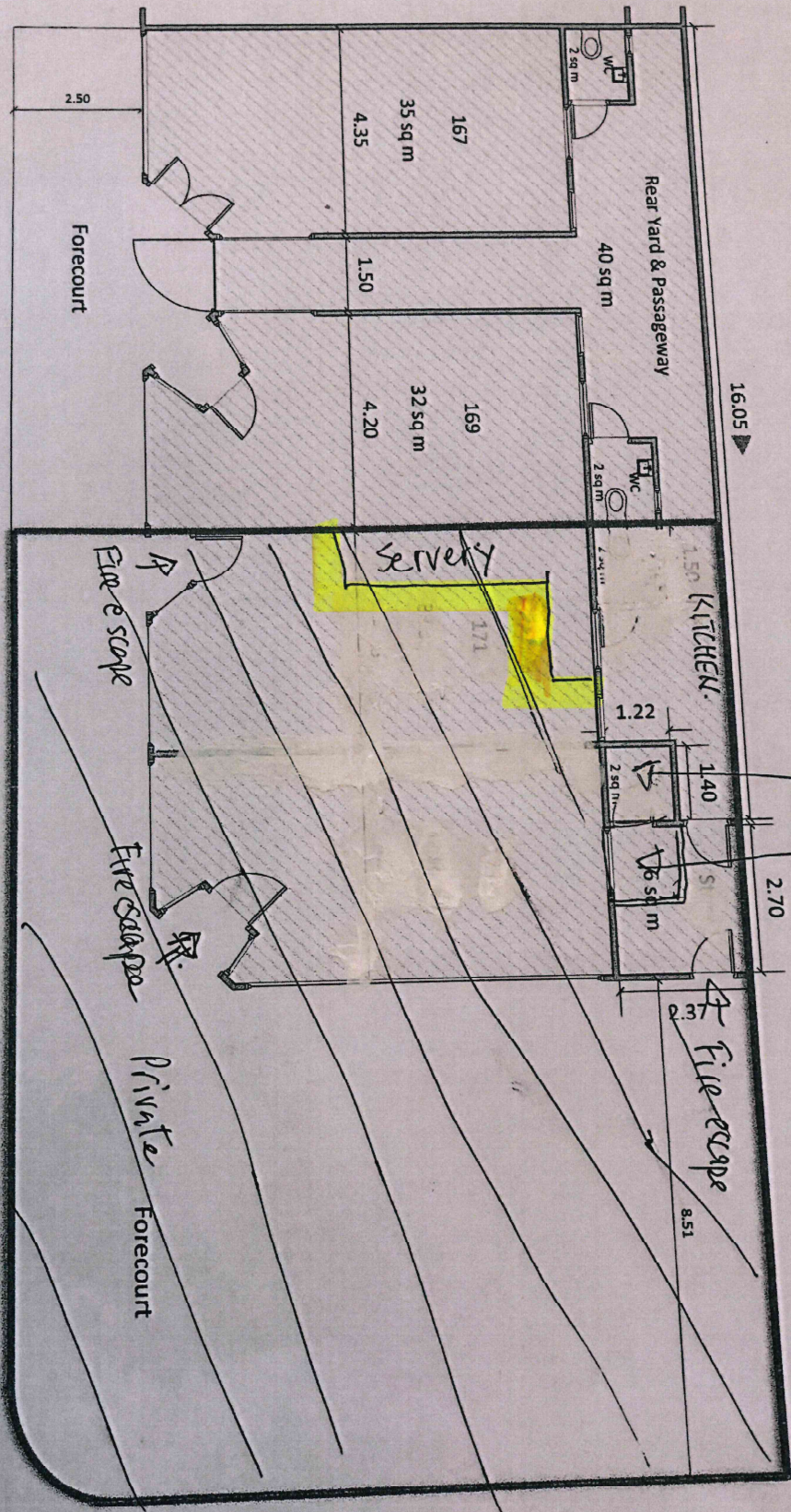
Worthing Town Hall, Chapel Road, Worthing, West Sussex, BN11 1HA




<http://www.adur-worthing.gov.uk>





171-173 Tarring Road  
Toilets



Boundary =   
Kitchen =   
Priority = 





**Sussex Police**  
Serving Sussex

www.sussex.police.uk

**West Sussex Division**  
Neighbourhood Licensing Team

West Sussex Licensing Team

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

19<sup>th</sup> April 2023

Mr Simon Jones  
Licensing Unit  
Adur and Worthing Councils  
Portland House  
Richmond Road  
Worthing  
BN11 1LF

Dear Mr Jones,

**RE: APPLICATION FOR A NEW PREMISES LICENCE FOR KARMA LOUNGE, 171 – 173 TARRING ROAD, WORTHING, WEST SUSSEX, BN11 4HH. UNDER THE LICENSING ACT 2003.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation in respect of this new licence application on the grounds of the prevention of crime and disorder and the protection of children from harm.

This is an application for a café bar for an existing premises whose previous premises licence lapsed due to the Premises Licence Holder company being dissolved in October last year.

Following consultation with Mr Omar Rafique the applicant, the following new and revised conditions have been agreed to promote the licensing objectives. These are effectively a 'cut and paste' of the conditions on the previous licence, with a small amendment to permit customers to sit at bar stalls at the bar servery whilst consuming alcohol, and for customers to purchase alcohol at the bar which they then take to a table and sit down to consume:

Sussex Police Headquarters

[Redacted]

[Redacted]

## **Annexe 2: Conditions Consistent with the Operating Schedule**

Alcohol will be served by waiter/waitress service to customers seated at tables, or customers seated on stools at the bar in the area marked in yellow on the floor plan (attached) served by bar staff or waiter/waitress service. Customers may purchase alcohol directly from the bar which they take back to their tables to consume whilst seated. There will be no vertical drinking.

All off sales of alcohol will be made in sealed containers.

Any incidents of a criminal nature that may occur on the premises will be reported to the Police.

Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas including the entrance to the premises and the outside tables and chairs area. The system shall be on and recording at all times the premises licence is in operation.

- The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside and outside the premises at all times.
- CCTV footage will be stored for a minimum of 31 days.
- The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police. The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or authorised officer recent data or footage with the absolute minimum of delay when requested. The CCTV system will have internet connectivity, in order to facilitate the uploading of requested footage to Sussex Police Digital media systems.

The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. Times will be updated promptly when British Summer Time starts and ends.

Any breakdown or system failure will be notified to the police immediately with a written and dated receipt/acknowledgement from Police Licensing obtained and retained for production on request) & remedied as soon as practicable.



- In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The log book should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence.

The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

- - The lawful selling of age restricted products
  - Refusing the sale of alcohol to a person who is drunk

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed three months, with the date and time of the verbal reinforcement/refresher training documented.

All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.

Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway beyond the licensed outside tables and chairs area of the premises whilst smoking or otherwise congregating outside of the premises beyond the licensed area.

Appropriate fire safety procedures will be in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances will be inspected annually. All emergency exits shall be kept free from obstruction at all times.

The use of the external seating area by customers for the consumption of food and/or drinks to cease at 22:00hrs each day. All customers will be asked to leave quietly with clear and legible notices prominently displayed to remind customers to leave quietly and have regard to the neighbours.

There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

The premises will operate a Challenge 25 policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the PASS mark hologram.

Suitable and sufficient signage advertising the Challenge 25 policy will be displayed in prominent locations in the premises. A register of refused sales shall be kept and maintained on the premises.

**Conditions for alcohol delivery service:**

Alcohol deliveries will only be made to a residential or business address and not to a public place.

The age verification policy (including challenge 25) shall clearly be advertised at each stage of the order and on all advertising. All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly state that alcohol should only be purchased for delivery to intended recipients (or persons who will accept delivery on behalf of the named recipient) who are aged over 18. Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.

At the time the order is placed a declaration will be required from the person placing the order that that person is aged over 18 years of age, and that the intended recipient is over 18 years of age. This process will be documented, (tick box before proceeding, record of verbal acknowledgement or similar). These records must be retained for no less than twelve months and produced on request to an officer of a Responsible Authority.

For deliveries where the alcohol is delivered by a third party, the alcohol is concealed in a secure sealed package, and the DPS has no direct supervision or control over the delivery (such as an independent courier or Royal Mail), there cannot be an age verification challenge on delivery, but the above conditions will be followed.

For deliveries made directly by the DPS or their employees, staff or agent or persons instructed by the DPS/PLH, the person accepting the delivery must be aged 18 years or over. Where the person accepting delivery appears to be under 25, a recognised photographic ID must be produced prior to delivery. No ID, no delivery.

Where the premises contracts a third party to deliver alcohol on their behalf and the person collecting the alcohol from the premises delivers it directly to the customer within a short timescale (such as Deliveroo, Just Eats), the premises will ensure that the third party:

- only employs delivery employees or agents aged 18 or over;
- is aware that alcohol is included in the delivery;
- that the delivery person actively engages with the person receiving delivery and operates a challenge 25 policy rather than just handing the delivery over; that in the event that the recipient of the alcohol is challenged for ID and does not provide appropriate and valid ID, the delivery person will retain the alcohol and return it to the premises.

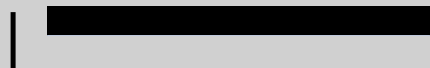
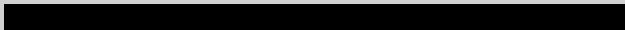
I enclose an email confirmation from Mr Rafique confirming acceptance of the above new licence conditions on behalf of the applicant Company. Accordingly Sussex Police withdraw their representation subject to the new conditions in their entirety being added to the new licence, should it be granted in due course.

Yours sincerely,



**West Sussex Licensing Inspector  
Sussex Police**

Enc



----- Forwarded message -----

From: [REDACTED] >

Date: Sat, 15 Apr 2023 at 12:35

Subject: Karma lounge

To: <[licensing.unit@adur-worthing.gov.uk](mailto:licensing.unit@adur-worthing.gov.uk)>

Hi my name is [REDACTED] I love at [REDACTED] and it's about the karma lounge in tarring road asking for a a new premises license and to be honest I don't think they should as me and my friend went there and it was horrible me and my friend had food poisoning and we're ill and also he was selling under aged kids alcohol and police were called nearly every weekend plus the staff and the owner were very rude to there customers and was a very unfriendly atmosphere in there and there were alot of complaints from nabours a couple of my friends Evan saw rats running around and also found out that the owner is in debt with the karma express that's near to the karma lounge I would think it would be an outrage if he got a new license to be honest thank from [REDACTED]

--

Sent from my Android phone with [REDACTED] Mail. Please excuse my brevity.





Licensing Unit &lt;licensing.unit@adur-worthing.gov.uk&gt;

**Karma Lounge St Botolphs Road Worthing Application Number 146208**

1 message

14 April 2023 at 10:04

To: licensing.unit@adur-worthing.gov.uk

Licence application [REDACTED] Karma Lounge Tarring Road  
Worthing.

My concern over this application is that it will be a noisy bar on the corner of a quiet residential street with a mix of families, some with young children, and a lot of elderly residents.

Past experience from the premises has been that there has been disruptive behaviour late evening with people shouting loudly, arguing, fighting and sometimes chasing each other along the road noisily. This can be quite intimidating at times. Litter has been thrown on the pavement and into the gardens. Car doors are slammed loudly again and again.

When an alcohol licence is granted I understand there are relaxed laws relating to the playing of music and of live entertainment. We were subjected to outside music events from these premises with prolonged noise so loud that we were unable to hold conversations in our apartment and such that we had to go out to get some respite. It is questionable that the premises will operate as anything other than a drinking establishment with its associated antisocial behaviour.

If a licence should be granted later on New Year's Eve I have concerns that this does not set a precedent for other Bank Holidays and occasions. Previously this premises has

advertised it is available for hire for large parties such as stag and hen which bring their own potential antisocial problems to the area.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Licensing Unit &lt;licensing.unit@adur-worthing.gov.uk&gt;

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**Representation - Alcohol Licence Karma Lounge 171 Tarring Road**

1 message

19 April 2023 at 10:06

[REDACTED]  
To: A&W Licensing Unit <licensing.unit@adur-worthing.gov.uk>

FAO Licensing Department, Worthing Borough Council.

I am writing to object to an alcohol licence being granted to Mr Omar Rafique, at the Premises of 171-173 Tarring Road Worthing on the grounds of prevention of a public nuisance.

It seems inconceivable that less than 2 years after sending in reservations in regards to the original licence being granted, that we find ourselves in such a position again so soon, particularly given that the applicant and business is the same as that which was granted the licence previously.

In the year and a half or so that the business known as "Karma Lounge", has been trading there has not only been doubts raised about the nature of the business, but also a number of complaints reported to the police, environmental health and the licence authorities in relation to public nuisance. Given what has happened previously, and the damage caused to residents' lives, no further licence should be granted.

As we have come to learn, a granting of an alcohol licence also comes with relaxed laws regarding the playing of music and entertainment.

I am sure that during the last alcohol licence committee meeting, more thorough consideration would have been given to the granting of the licence had they known how the business would in fact operate. From the licence being granted for a "bakery/pizzeria", it quickly became evident that it was in fact a bar, serving far more alcohol than food, having regular live music, birthday parties, quiz nights, football and rugby matches shown. Social media posts advertising the venture as a venue to hire. (See photos). All of these causes public nuisance due to the sheer level of noise and anti-social behaviour, and it needs to be prevented this time round.

Last year on a number of occasions, the Karma lounge held "festivals" and other outside music events. Whilst allowed under the terms of the licence, no consideration was given to local residents. Music was played at an anti-social sound level, so much so that we were unable to even watch TV in our house and caused distress to my young children. I attach a video taken from someone along the road. You can clearly hear the level of noise and as you can imagine it was much worse from our house [REDACTED]. As a mainly residential area, with a small commercial presence, it has been proven that this is not a suitable place for a business to have an alcohol licence, particularly given the other activities that become permitted once the licence is granted.

Consideration also needs to be given in relation to the noise of patrons leaving the premises late at night, some of whom are highly intoxicated. Whilst the previous licence was valid, on a number of occasions we were woken, or prevented from sleeping due to "roudy" groups leaving the premises and having to suffer the noise of people waiting for taxis or lifts at the end of the night.

The outdoor seating area also causes noise. The previous licence allowed for drinking of alcohol until 10pm outside, however we often had to suffer noise past this time due to the license allowing people to stay outside without drinks until closing. Noise is also prevalent every night at 11pm as the staff move metal tables and chairs to the inside of the premises, [REDACTED].

I also object to the licence being granted due the prevention of safety. This is in regard to the storing of beer kegs. The Karma lounge has no storage area and beer kegs are left outside unsecure, on view to the public. (see attached picture) It is unknown if these are full or empty, however on occasions groups have been outside tampering with the kegs, possibly to see if they can get into them and if drink is still inside. This is a risk to the public and I am not sure if storage is permitted in such a way?

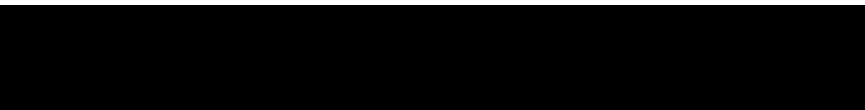
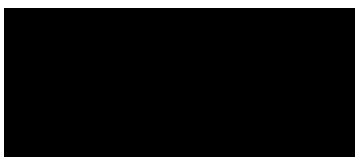
The Karma lounge has been closed for the past 2 months. When I contacted Simon Jones at licensing as to why an Alcohol Licence is once again having to be applied for, in his response he said the reason for closure is that they do not have an alcohol licence. This poses a question as to the true way in which the business operates. This response from Mr Jones, implies that the sale of Alcohol is the main trade of this business, rather than a cafe which could still operate for the period during which they are not in the receipt of an alcohol licence. On the application the applicant once again states a cafe. Should there be any doubt into the way this business will operate, then there is a responsibility under the licensing act, not to grant a licence.

I would also like to point out that at the time of writing this email (Wednesday 19<sup>th</sup> April) at no point during the consultation period, has a notice of application been easily visible or displayed in a prominent position at the premises. It has been placed on the door, away from public view and should anyone notice it they need to enter the premises boundary. In addition, the advert, both at the premises and in the Worthing Herald, indicates that representations must reach licensing no later than 22<sup>nd</sup> April, a date I had been working towards. However, having double checked on the Worthing Borough council website the deadline is in fact 20<sup>th</sup> April. I request that representations arriving up to and including the 22<sup>nd</sup> of April be accepted.

I thank you for consideration and ask that a licence not be granted. Should a decision be made to grant a licence, I certainly hope it comes with stricter conditions including no entertainment, live or recorded in the outside forecourt at any time and stricter restrictions to hours both inside and out the main building.

Please can you email me on receipt of this representation.

Regards







**BOOK YOUR PARTY**

**KARMA LOUNGE IS THE BEST PLACE TO HAVE IT**

- ★ BIRTHDAY
- ★ CELEBRATION
- ★ HENS & STAGS
- ★ LEAVING DO'S
- ★ STUDENTS
- ★ PRIVATE HIRE
- ★ ANY DO'S
- ...AND MORE

**DJ OR LIVE MUSIC**  
**FOOD & COCKTAILS**

**KARMA LOUNGE**

TELEPHONE [REDACTED]

Please ask for availability

**Karma Lounge Worthing**  
Apr 14, 2022 · 🌐

Are you ready? Let the good times roll! Easter bank holiday weekend! 🍹 🎉

- ★ Open air bar
- ★ Live music
- ★ Open Mic
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KARMA LOUNGE - TARRING ROAD

# KARMA FEST

15 - 17  
APRIL  
2022



### What is proposed?

#### Licensing Act 2003 – Application for Premises License

To Whom It May Concern; I Omar Rafique of 10 High Street Worthing BN11 1NU do hereby give notice that on 22th March 2023 served application on Adur and Worthing Councils and the relevant authorities for a new premises licence on the premises known as KARMA LOUNGE based at 171 TARRING ROAD WORTHING BN11 4HH The application is to allow the following licensable activities:

The sale of alcohol The application seeks to allow Licensable activities to be conducted between the hours of:\* Sunday to Saturday 11am - 11pm

Any person who desires to make an objection to the said grant should set out, in writing, a brief statement of the grounds of his/her objection and send to: The Licensing Unit, Adur & Worthing Councils, Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS.

Representations must reach the Licensing Unit no later than: 22th April, 2023. The application may be viewed, in full, at the above offices between the hours of 9am and 4pm Monday to Friday Information as to the date of hearing to determine the application may be obtained from [www.adur-worthing.gov.uk](http://www.adur-worthing.gov.uk)

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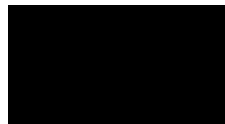
**Karma Lounge - Tarring Road**

1 message

18 April 2023 at 17:52

To: licensing.unit@adur-worthing.gov.uk

Cc: simon.jones@adur-worthing.gov.uk

18<sup>th</sup> April 2023**PRIVATE AND CONFIDENTIAL****Karma Lounge – 171 - 173 Tarring Road, Worthing, BN11 4HH****The attention of Worthing Council Licensing Department.**

I am writing to object to an alcohol licence being granted at the Karma Lounge [171 Tarring Road](#) on the grounds of the prevention of a public nuisance.

The applicant, Mr Omar Rafique, has previously been granted an alcohol licence at this premises, with the application for a business that would be operating as a pizzeria/bakery.

The Karma Lounge was never run as per the terms of the licence and was operating where the main nature of trade was the serving of alcohol. Hopefully the uncertainty and continued doubt as to the nature of the business, along with lessons learnt under the previous licence, mean that no licence will be granted this time, or if so with much stricter conditions with regards to hours that alcohol can be served and the use of the venue for any form or live or recorded entertainment.

As I am sure you are aware, noise has been a major part of my previous objections and that remains the same. On a number of occasions live music events have been held, with the music at such a high volume it has been a nuisance to the public and meant that residents were either prisoners in their own homes or had to go out, as I had to each time one of these events were held. Controls will hopefully be put in place to protect residents from the possibility of residents having to go through this again in the future, should the business continue to operate as it has been.

As with any premises that serves alcohol, there will once again be an increase in anti-social behaviour. This will be in the form of intoxicated people leaving late at night, and noise coming from people drinking in the outdoor seating area, late into the evening. The space is so open, all noise travels and is not appropriate for a mainly residential area. That has been the case previously and there is nothing to suggest it will be any different this time.

If the business is to operate as a café, where one would assume alcohol is not a big part of the business, then perhaps no licence should be granted, and anyone wishing to drink can purchase some at one of many shops close by to take with them to the Karma Lounge, thus operating as a BYO. This would certainly ensure the business is run as stated on the application and prevent uncertainty over the class use of the property.

Any rejection of the application or approval on strict terms, will hopefully be clear and concise in terms of what is allowed and not allowed, and prevent the applicant from exploiting any loopholes in licensing law.

54 Thank you for taking the time to consider my application and I hope a decision is made which takes residents' views into account as well as supporting local businesses.

Regards





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## Objection to Alcohol Licence Application by Karma Lounge

1 message

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20 April 2023 at 21:18

To: A&W Licensing Unit <licensing.unit@adur-worthing.gov.uk>, Simon Jones <simon.jones@adur-worthing.gov.uk>,  


Dear Licensing Authority,

We reside at  Our full names are:





We are writing to formally object to the alcohol licence application submitted by Karma Lounge Bar & Restaurant for the premises located at [171-173 Tarring Road, Worthing BN11 4HH](#). Please note that this business is not a Cafe. The business name, set out at the premise, reads 'Bar and Restaurant'.

We object to the sale of alcohol at all times and also object to the proposed opening hours over bank holidays such as New Years Day.

We object on the following grounds:

- the prevention of public nuisance
- the prevention of crime and disorder
- public safety

Our reasons for the objection on grounds of prevention of public nuisance are based on the following facts:

- Karma Lounge Bar has operated as 'Karma Lounge' for over 2 years and has seemingly simply changed its business structure. In a practical sense, the new Karma Lounge Bar is operated by Mr. Omar Rafique and his team.
- Mr. Omar Rafique and his team, has a history of disregarding disturbances and public nuisances caused by excessive noise. The extent of the impact of this non-compliance is clearly documented in the [Planning Enforcement Report \(May 2022\)](#).
- Please note that we are aware that Planning and Licensing are two separate departments. We are referencing findings of the previous Planning Enforcement Notice to just remind us of the documented nuisance caused by Karma Lounge less than a year ago. This happened simply because the business was approved to have an alcohol licence and event licences, without setting sufficient conditions on the licence to mitigate public nuisance caused by loud music and excessive noise.
- With recent changes to Alcohol License terms, our understanding is that if you grant Karma Lounge an alcohol licence, they will also be entitled to play recorded or live music during Licensed hours.
- Based on the Planning Enforcement Officer's recommendations, it is evident that Mr. Omar Rafique's previous business at the same premises has failed to comply with noise limits and operational requirements, resulting in disturbances and nuisances to the local community.
- Ergo, granting an alcohol licence to Karma Lounge, under the same ownership, would likely result in a recurrence of these issues and further disrupt the peace and tranquillity of the neighbourhood.

We will defer to recommendations from the Police on prevention of crime and disorder.

On grounds of public safety, we would like to point out that we no longer feel safe to walk into Karma Lounge and speak to Mr. Rafique's team to express concerns around noise levels or drunk/ dis-orderly behaviour. This is based on past experience of having raised a noise concern with Mr. Rafique and his wife. Mr. Rafique's wife [REDACTED] was dismissive and verbally threatening.

To conclude, as residents of the community, we strongly object to the granting of an alcohol licence to Karma Lounge based on Mr. Rafique's previous track record of non-compliance and general disregard to neighbours and local communities wellbeing. We urge the Licensing Authority to take into consideration the history of disturbances and nuisances caused by excessive noise, demonstrated by Mr. Omar Rafique through the operation of Karma Lounge (just under a different business structure) and [his other businesses](#).

We request that the Licensing Authority does not approve the alcohol licence application submitted by Karma Lounge to ensure the well-being and quality of life for the local community.

And, if you cannot outright deny a licence, we request that at the very least, you set restrictions such that serving of alcohol is limited to indoors only and last drinks served by 9.30pm. Our hope is, by limiting the serving and consumption of alcohol to indoor customers only, you can provide us with some relief and an element of protection from public nuisance issues raised above.

Thank you for considering our objection. Please do not hesitate to contact us if you require any further information.

Sincerely,

[REDACTED]

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[REDACTED]

# The Argus



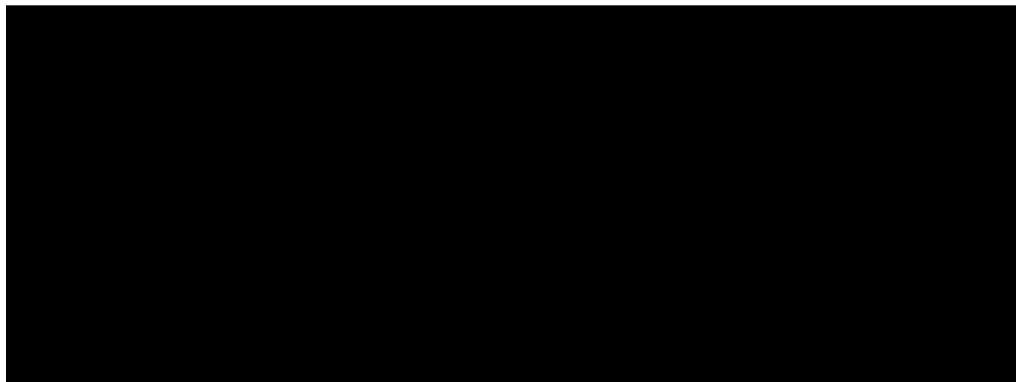
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## News

21st November 2000

### Booze banned at popular restaurant

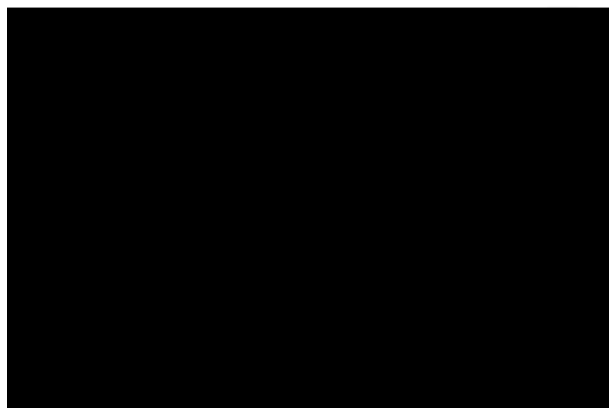


**A popular restaurant has been stripped of its drinks licence after a catalogue of complaints about fights and noise at the premises.**

Licensees at the Cafe Pizza Restaurant on Montague Place in Worthing received numerous warnings from police about serving after hours and a spate of fights outside the restaurant.

But trouble continued to flare up and officers said they had no option but to take the owners to court where magistrates ordered the licence be taken away.

After officers received a string of complaints from neighbours about noise disturbance surrounding the restaurant, the final straw came when police discovered alcohol had been served until 3am, three hours after the licence allowed.



It is only the second time in five years that licensing officers have taken a Worthing premises to court in a bid to revoke its licence.

Licensing officer PC [redacted] said: "Although [Sussex Police](#) do not take revocation proceedings lightly, the conduct of these premises and the problems caused as a result, together with the licensees' total refusal to co-operate, left the police with no alternative but to take this dramatic step.

"It is hoped that similar proceedings against other licensed premises in the Worthing and Littlehampton areas will not prove necessary in the future but if the circumstances require it they will be."

PC [redacted] said: "It's not something we do every day of the week but there has been ongoing trouble with the premises for most of the last year.

"But despite numerous attempts to talk, the licensees refused to listen. It is not ideal. I want to work with licensees, not against them."

The licence is in the name of [redacted] and the premises is owned by [redacted] Omar Rafique.

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## Enforcement report Karma Lounge, 171-173 Tarring Road, Worthing

### Report by the Director for Economy

#### 1.0 Background

- 1.1 Karma Lounge is situated on the corner of Tarring Road and St Botolphs Road, occupying 171 and 173 Tarring Road which was formerly a furniture and house clearance shop for many years.
- 1.2 AWDM/1375/21 was received on 20th July 2021 which was an application for permitted development for prior approval for change of use from shop to cafe/restaurant (Class E) with extraction on roof. This application was subsequently withdrawn as a change in national planning regulations resulted in the need neither for planning permission nor prior approval for change of use from retail to cafe/restaurant as both are now in Class E.
- 1.3 There is no other planning history relevant to this site.

#### 2.0 Enforcement Investigations and alleged Breaches of Planning Control

- 2.1 Complaints were received in August 2021 regarding the enclosing of a rear yard area with a roof. An Enforcement Officer and Planning Officer visited the site and advised the tenant that planning permission was required for enclosing the rear yard.
- 2.2 Further complaints were also received during August regarding the erection of a breeze block wall around the forecourt of the property - this was established to be permitted development. In September further complaints were received regarding the addition of external seating attached to the wall. The tenant was advised that these works (and the proposed addition of tables) required planning permission.



- 2.3 In November 2021, complaints were received regarding the erection of a wooden pergola to the north of the building (fronting Tarring Road). This structure was subsequently removed at our request following contact with the freeholder.
- 2.4 The premises appeared to start trading during late January/early February and Officers were advised during a site visit on 8th February that the premises was just serving snacks such as crisps, nuts and pastries along with alcoholic drinks and both hot and cold non alcoholic beverages. No menu was available at this time.
- 2.5 During March there was advertising for a cocktail party every Monday in March and the premises was open and there was evidence of drinking whilst watching a football match on screen. Other advertisements show availability for celebrations catering up to 200 people with a late bar and reference to Worthing's newest micropub.
- 2.6 On 5th April 2022, the tenant was advised by email that planning permission was required for a change of use from Use Class E to a sui generis use together with the other operational development referred to above.
- 2.7 The owner agreed that an application would be submitted by 26th April, however, no application has been forthcoming. The Owner also advised that the premises were open 10:00 to 21:00 or 22:00 on Mondays to Thursdays and 10am to 11pm on Fridays and Saturdays (closed on Sundays). A copy of the menu was also provided which indicated lunchtime sandwiches served between 10:00 to 15:00 hours and in the evenings pizzas served between 17:00 to 22:00 hours. However, depending on bookings the kitchen would often be closed between 20:00 and 21:00 hours.
- 2.8 A number of the complaints refer to vertical drinking, service of drinks from the bar and drinking without food - some of which are in breach of the premises licence. The premises licence permits opening times of 09:00 - 23:00 and alcohol sales 11:00 - 22:40 Monday to Sunday. The following condition is within the licence - alcohol will be served by waiter/waitress service to customers seated at tables. There will be no vertical drinking.
- 2.9 During a visit for hygiene rating it was witnessed that customers were seated at the bar, consuming alcoholic drinks without food. There were some customers seated at tables with alcoholic drinks but not ordering food and the food handler was no longer on site at the time of the visit.

- 2.10 Several complaints were received after the Easter weekend following “KarmaFest” at the premises. A Temporary Events Notice was applied for which allowed opening until 01:00 on each morning of the following day over the bank holiday weekend. Complaints suggested that on 15th, 16th and 17th April there was loud recorded and live music, along with other disturbances including cheering, drunken behaviour and other issues.
- 2.11 The most recent complaint relates to the use of the outdoor seating area by a group of individuals in the early hours of 24th April. It is reported that the group had a takeaway from one of the establishments nearby and sat at the tables eating, having loud conversation, laughing and joking.

### **3.0 Consultation Responses**

- 3.1 The **Head of Environmental Health** comments that:

*The Licence application for the Karma Lounge described it as a Bakery and Pizzeria that will serve coffee and bakery products along with pizzeria for in house family dining. The licence allows opening hours 9am to 11pm, 7 days a week with the sale of alcohol on and off the premises. The external forecourt is part of the premises for the purpose of the licence.*

*The Legislative Reform (Entertainment Licensing) Order 2014 and Deregulation Act 2005 came into force in 2015. This legislation deregulated some of the activities under the Licensing Act 2003. As a consequence, the playing of live and recorded music on the premises from 8am to 11pm no longer needs a licence so long as the audience is less than 500 people. However, if there is evidence of public nuisance arising from the premises the public or the responsible authorities such as EH can call for a review of the licence.*

*Planning looks at land use and the suitability of that land to be used in a particular way, whereas licensing is a mechanism for regulating that land use. Planning looks to preserve and protect amenity whereas the licensing objectives aim to prevent crime and public nuisance. Although there is some overlap, they are very different objectives.*

*Regrettably, the changes to licensing and planning laws prevents us from dealing with any potential noise issues proactively and if problems do occur with this land use in the future, regardless of occupier, then we will have to revert to statutory nuisance provisions.*

*My main concerns would be disturbance to local residences from the outside use of the forecourt. External seating is seasonal, its use coinciding with the good weather when residences want windows open for ventilation. In public spaces around the town where there is a mixture of commercial and residential premises, we restrict pavement licences to 10 pm and I would normally have recommended we look at something similar here. I would also have requested restrictions on the external playing of music.*

*Internally, I would have recommended just background music, as the premises conversion is unlikely to be able to contain sound effectively given its age and shop window facades at the front.*

*A pizza restaurant is low risk for odour, but we would need to see details of the kitchen extraction including odour abatement and detailed noise information. So far there is insufficient information to determine what impact if any the proposed extract will have on neighbouring property.*

#### **4.0 Planning Assessment**

- 4.1 The current use of the premises requires planning permission as the latest amendments to the Use Classes Order defines drinking establishments (with or without food) as *sui generis* uses (latin for, in this context, a class of its own). Previously these were in a separate use class (4).
- 4.2 Before the premises opened there was some doubt as to which use class the premises might fall into - particularly as a restaurant / cafe could be operated from the premises under Use Class E.
- 4.3 The current use is unauthorised as it appears to be predominantly a bar and the other operational developments (including the roofing of the rear yard and outside seating areas) are also unauthorised. The key issue is whether any harm is being caused and whether any harm can be mitigated by imposing planning conditions on the use. In cases such as this where the use is unauthorised the Council can serve an enforcement notice allowing the use to continue but only by complying with certain planning conditions.
- 4.4 As stated by Environmental Health the main concerns with the current use of the premises relate to the level of noise and disturbance created primarily on the forecourt of the premises. Although Tarring Road is a commercial area the premises is located on the corner of St Botolphs Road which is predominantly

in residential use and there is a house immediately adjacent to the premises. As the forecourt area extends along the St Botolphs frontage, noise and activity generated from this forecourt has affected the residential amenity of adjoining residents.

- 4.5 The alterations to the forecourt with the addition of the front wall and permanent seating has exacerbated the problems for local residents. In addition the KarmaFest event held at the premises involved large speakers being placed on the forecourt causing noise and disturbance to local residents. Normally a wall less than one metre in height would not require planning permission as it would be permitted development. However, in this case the breeze block wall has fixed seating attached and is clearly linked to the change of use of the forecourt as a drinking establishment.
- 4.6 As indicated by Environmental Health normally they would recommend planning conditions to control the use but in this instance the owner has failed to submit a planning application to try and regularise the unauthorised use. It is considered that enforcement action would be expedient in this case to control the use of the premises.
- 4.7 In principle, a change of use to a relatively small drinking establishment would normally be considered acceptable. However, where there are residential properties close by there is a need for careful control of any outside areas and restrictions on live music and events. In other locations outside drinking has been restricted to certain hours and in some instances tables and chairs moved inside to ensure less noise is generated. The majority of these issues can be resolved with effective management of the premises and consideration of neighbouring residents. However, past experience has shown that such consideration has not been given and planning conditions are necessary.
- 4.8 Following further discussions with Environmental Health it is recommended that an enforcement notice is served seeking to restrict the hours of use of the premises to 11.00 pm and that no drinks shall be taken outside after 10.00 pm. In addition, recorded or live music shall be restricted to background noise levels within the premises and there shall be no playing of recorded or live music in the external seating area areas. The new blockwork wall is unattractive and detracts from the visual amenities of the area. As this and the associated seating is unauthorised it is recommended that the wall be rendered and painted to a colour to be agreed before issuing the enforcement notice.

4.9 The enclosure of the rear yard is hidden from any public viewpoint. Whilst it is visible from the garden of the adjoining property it does not have an adverse impact to that extent that enforcement action could be justified.

4.10 The extraction system at the rear for the kitchen is still in place but not in use as Air Fryers are being used. There are no windows in the kitchen but there is an open hatch to the restaurant. Environmental Health confirms that the complaint they had relating to the extraction has been withdrawn on the basis of no noise or odour. The extractor is not visible from a public viewpoint and given that it is not in use it is not considered expedient to pursue enforcement action at this time.

## **5.0 Recommendation**

**5.1 The Committee is recommended to delegate authority to the Head of Legal Services to serve an enforcement notice in connection with the unauthorised use and associated operational development to ensure that the use can only continue in accordance with the following planning conditions:**

1. The premises shall only open between the hours of 0900 hours and 1100 hours
2. There shall be no use of the outside tables and chairs after 10.00 pm and there shall be no amplified or live music played outside of the building at any time.
3. Only unobtrusive ambient/background music shall be played within the premises within opening hours. For this purpose the music noise level shall not exceed 75dB (LAeq15min) anywhere 1m from any speaker inside the premises.
4. Within 1 month of the date the notice is effective, the wall surrounding the forecourt of the premises shall be rendered and painted in a colour agreed before serving the enforcement notice.

### **Contact Officer:**

[REDACTED]  
Senior Enforcement Officer (Planning)  
Town Hall, Chapel Road,  
Worthing

[REDACTED]  
[REDACTED]



## **Schedule of Other Matters**

### **1.0 Council Priority**

1.1 Compliance with planning policies as set out in the adopted Local Plan.

### **2.0 Specific Action Plans**

2.1 Planning Enforcement and Policy Guidance

### **3.0 Sustainability Issues**

3.1 Matter considered and no issues identified

### **4.0 Equality Issues**

4.1 Matter considered and no issues identified

### **5.0 Community Safety Issues (Section 17)**

5.1 Matter considered and no issues identified

### **6.0 Human Rights Issues**

6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns noninterference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those who have carried out unauthorised developments as well as those affected by them and the relevant considerations which may justify interference with human rights has formed part of the assessment process in deciding whether enforcement action is expedient.

### **7.0 Reputation**

7.1 Residents and Members would expect that effective enforcement action is taken when it is expedient to do so having regard to all material planning considerations.

## **8.0 Consultations**

8.1 Internal consultation with technical consultees

## **9.0 Risk Assessment**

9.1 Enforcement action is a discretionary activity which should only be taken where there is clear evidence to do so.

## **10.0 Health & Safety Issues**

10.1 Matter considered and no issues identified

## **11.0 Procurement Strategy**

11.1 Matter considered and no issue identified

## **12.0 Partnership Working**

12.1 Matter considered and no issue identified

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**Application for Premises Licence Karma Lounge 171 Tarring Road**

1 message

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[REDACTED]  
To: A&W Licensing Unit <licensing.unit@adur-worthing.gov.uk>

20 April 2023 at 15:47

Dear Sir/Madam,

I, [REDACTED] of [REDACTED] would like to object to the application by Omar Rafique for licensable activities to be conducted at the Karma Lounge, [171 Tarring Road](#) on the basis of prevention of public nuisance. The applicant previously ran an establishment at the site and, weather permitting, would have music played outside at a volume that was audible and disturbing some considerable distance away. He has demonstrated no concern or regard for the local residential area and so should not be allowed to conduct such activities at the premises.

Kind regards,

[REDACTED]

---

**Karma Lounge 171-173 Tarring Road Worthing BN114HH**

1 message

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[REDACTED] <worthingpubwatch@[REDACTED]> 19 April 2023 at 10:49  
To: Simon Jones <simon.jones@adur-worthing.gov.uk>, Licensing Unit <licensing.unit@adur-worthing.gov.uk>

Good Morning,

We have noticed a New Premises Licence has been made for Karma Lounge [171-173 Tarring Road Worthing BN114HH](#)

I, as the Chairman of Worthing Pub watch, would like to make a representation. On behalf of Worthing Pub watch we would like to add the following condition below 1) to its licence if granted.

1) Be an active member of Worthing Pub watch and attend regular meetings during such time that a scheme remains in existence.

With these conditions added to the licence we feel this will help minimise crime and Disorder within Worthing.

Kind Regards

[REDACTED]  
Chairman of Worthing Pubwatch  
[REDACTED]

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**Re: LA 2003 Premises Licence Application - Karma Lounge, Worthing,**

1 message

25 April 2023 at 15:34

[REDACTED]

Cc: Simon Jones <simon.jones@adur-worthing.gov.uk>, [REDACTED]

[REDACTED]

Dear [REDACTED]

We intend to add more toilet facilities very soon

How about an undertaking that we don't open until these have been installed

Omar

---

**From:** [REDACTED]  
**Date:** Tuesday, 25 April 2023 at 14:45  
**To:** [REDACTED]  
**Cc:** Simon Jones <simon.jones@adur-worthing.gov.uk>, [REDACTED]  
<[REDACTED]>  
**Subject:** Re: FW: LA 2003 Premises Licence Application - Karma Lounge, Worthing,

Dear Omar

Thank you for your email.

When I had last inspected Karma Lounge, there were only two WCs available for the public to use.

Therefore according to the Adur & Worthing Standard, only 48 covers are permitted.

You will be required to remove any seating in excess of 48 covers, including seating available outside, until additional WCs can be provided.

There were approximately 55 covers outside and 26 covers inside as recorded from my inspection on 3 February 2022, which I had written on your Site Report.

The majority of the seating externally are fixed benches.

Please can you confirm the number of covers for internal and external, by providing a plan. Please can you confirm how the fixed seating will be removed from public availability.

On receipt of a satisfactory plan, I will withdraw my objection to the Licence application.

I have attached our standard in order that you may assess the increase in covers with additional WCs provision.

In addition, I had tried to contact you via email in February but I had no reply. The email that I had used may longer be in use.



I would be grateful if you can inform me of an approximate reopening date with times of trading of Karma Lounge.

Kind regards

On Mon, 24 Apr 2023 at 17:53, Group Entertainment [REDACTED] wrote:

Dear [REDACTED]

As you have noticed we have had to apply for a new premises licence because we amalgamated some companies and i, like tool, forgot to transfer the old license.

I have read your representation and can confirm we will be adding additional toilet provision as soon as we can, and undertake to keep the numbers as required by law to do so

We will of course be follow the information you provided.

I trust this undertaking is ok for the environmental team to withdraw the objection.

Kind Regards

Omar

--

[REDACTED]

Team Leader - Food and Health & Safety, Public Health & Regulation

[REDACTED]

Adur & Worthing Councils

Worthing Town Hall, Chapel Road, Worthing, West Sussex, BN11 1HA

[REDACTED]

----- Forwarded message -----

From: [REDACTED]  
Date: Wed, 19 Apr 2023 at 15:12  
Subject: New premises licence application for Karma Lounge, 171 - 173 Tarring Road, Worthing, BN11 4HH  
To: Licensing Unit <[licensing.unit@adur-worthing.gov.uk](mailto:licensing.unit@adur-worthing.gov.uk)>  
Cc: Simon Jones <[simon.jones@adur-worthing.gov.uk](mailto:simon.jones@adur-worthing.gov.uk)>, [REDACTED]  
[REDACTED]

Dear Worthing Licensing,

Please find attached our representation in respect of the above new licence application.

Acceptance of the new and revised conditions by Mr Rafique the applicant is below on this page.

Thanks.

[REDACTED]

[REDACTED]

Police Licensing Officer

[REDACTED]

Neighbourhood Police Licensing Team

[REDACTED]

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From: [REDACTED]  
Sent: 11 April 2023 13:33  
To: [REDACTED]  
Subject: Re: New premises licence application for Karma Lounge, 171 - 173 Tarring Road, Worthing, BN11 4HH

**Warning:** This email was sent from outside the organisation. If you are suspicious of it, please report it using the **'Report Message'** button in Outlook. Further guidance can be found on the [Information Security Guidance Hub](#).

[REDACTED]  
This seems ok

Thanks you

Omar

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**From:** [REDACTED]  
**Date:** Thursday, 6 April 2023 at 15:21  
**To:** [REDACTED]  
**Subject:** RE: New premises licence application for Karma Lounge, 171 - 173 Tarring Road, Worthing, BN11 4HH

**Alcohol will be served by waiter/waitress service to customers seated at tables, or customers seated on stools at the bar in the area marked on the floor plan served by bar staff or waiter/waitress service. Customers may purchase alcohol directly from the bar which they take back to their tables to consume whilst seated.**

[REDACTED]  
Police Licensing Officer

[REDACTED]  
Neighbourhood Police Licensing Team

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**From:** [REDACTED]  
**Sent:** 06 April 2023 15:02  
**To:** [REDACTED]  
**Subject:** Re: New premises licence application for Karma Lounge, 171 - 173 Tarring Road, Worthing, BN11 4HH

**Warning:** This email was sent from outside the organisation. If you are suspicious of it, please report it using the **'Report Message'** button in Outlook. Further guidance can be found on the [Information Security Guidance Hub](#).

[REDACTED]  
It seems ok although assuming you're ok with calling bar staff waitress /waitress's

I'll send the plan across over the weekend

Omar

**From:** [REDACTED]  
**Date:** Thursday, 6 April 2023 at 14:44  
**To:** [REDACTED]  
**Subject:** RE: New premises licence application for Karma Lounge, 171 - 173 Tarring Road, Worthing, BN11 4HH

Omar,

OK, so how about:

**Alcohol will be served by waiter/waitress service to customers seated at tables, or customers seated on stools at the bar in the area marked on the floor plan. Customers may purchase alcohol directly from the bar which they take back to their tables to consume whilst seated.**

If you can clearly mark on the floor plan where the stools at the bar are with a hatched or coloured area.

Please come back to me as the deadline for reps is approaching.

[REDACTED]

[REDACTED]  
Police Licensing Officer

[REDACTED]

Neighbourhood Police Licensing Team

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 06 April 2023 11:46  
**To:** [REDACTED]  
**Subject:** Re: New premises licence application for Karma Lounge, 171 - 173 Tarring Road, Worthing, BN11 4HH

**Warning:** This email was sent from outside the organisation. If you are suspicious of it, please report it using the **'Report Message'** button in Outlook. Further guidance can be found on the [Information Security Guidance Hub](#).





Question

If one is eating at the bar – pizza or tapas – is this classed as a table? Because we only have very limited space we need to maximise all areas.

Omar

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**From:** [REDACTED]  
**Date:** Tuesday, 4 April 2023 at 13:46  
**To:** [REDACTED]  
**Subject:** RE: New premises licence application for Karma Lounge, 171 - 173 Tarring Road, Worthing, BN11 4HH

Omar,

I do not appear to have received a reply from you please?

Thanks.

[REDACTED]

[REDACTED]  
Police Licensing Officer

[REDACTED]

Neighbourhood Police Licensing Team

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 27 March 2023 10:31  
**To:** [REDACTED]  
**Subject:** RE: New premises licence application for Karma Lounge, 171 - 173 Tarring Road, Worthing, BN11 4HH

Omar,

Thanks for the constructive feedback.

How about: Alcohol will be served by waiter/waitress service to customers seated at tables. Customers may purchase alcohol directly from the bar which they take back to their tables to consume whilst seated.

[REDACTED]

[REDACTED]  
Police Licensing Officer

[REDACTED]

Neighbourhood Police Licensing Team

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 27 March 2023 09:10  
**To:** [REDACTED]  
**Subject:** Re: New premises licence application for Karma Lounge, 171 - 173 Tarring Road, Worthing, BN11 4HH

**Warning:** This email was sent from outside the organisation. If you are suspicious of it, please report it using the **'Report Message'** button in Outlook. Further guidance can be found on the [Information Security Guidance Hub](#).

[REDACTED]

I am not comfortable with this bit

Alcohol will be served by waiter/waitress service to customers seated at tables. There will be no vertical drinking.

How about

Alcohol can be purchased at the bar but must be taken to a seated location

Its primarily because we need to take on extra staff and its impossible to control. We have tried this and it seems people just want to come to the bar to order drinks. Every time someone takies a sip at the bar when they purchase a drink we would be breaching the license. We only have a small unit with no more than 46 covers as it stands – although we do hope to increase this with more toilet facilities.

Omar  
76

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**From:** [REDACTED]  
**Date:** Friday, 24 March 2023 at 14:47  
**To:** [REDACTED]  
**Subject:** New premises licence application for Karma Lounge, 171 - 173 Tarring Road, Worthing, BN11 4HH

Dear Omar,

Hello. I have received your new replacement premises licence application today for the above address. I am aware of the circumstances re this application and that this is a replacement licence for the licence that lapsed a short time ago.

I have set out below the new and revised conditions which we invite you please to study carefully and then come back to us to confirm your acceptance to go on the new licence, should it be granted in due course. You will immediately note that the conditions below look very familiar when compared to the old licence conditions!

Thanks.

[REDACTED]

## **Annexe 2: Conditions Consistent with the Operating Schedule**

Alcohol will be served by waiter/waitress service to customers seated at tables. There will be no vertical drinking.

All off sales of alcohol will be made in sealed containers.

Any incidents of a criminal nature that may occur on the premises will be reported to the Police.

Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas including the entrance to the premises and the outside tables and chairs area. The system shall be on and recording at all times the premises licence is in operation.

- The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside and outside the premises at all times.
- CCTV footage will be stored for a minimum of 31 days.

- The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.

- Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police. The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or authorised officer recent data or footage with the absolute minimum of delay when requested. The CCTV system will have internet connectivity, in order to facilitate the uploading of requested footage to Sussex Police Digital media systems.

The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. Times will be updated promptly when British Summer Time starts and ends.

Any breakdown or system failure will be notified to the police immediately with a written and dated receipt/acknowledgement from Police Licensing obtained and retained for production on request) & remedied as soon as practicable.

- In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The log book should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence.

The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

- 

- The lawful selling of age restricted products

- Refusing the sale of alcohol to a person who is drunk

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed three months, with the date and time of the verbal reinforcement/refresher training documented.

All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.

Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway beyond the licensed outside tables and chairs area of the premises whilst smoking or otherwise congregating outside of the premises beyond the licensed area.

Appropriate fire safety procedures will be in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances will be inspected annually. All emergency exits shall be kept free from obstruction at all times.

The use of the external seating area by customers for the consumption of food and/or drinks to cease at 22:00hrs each day. All customers will be asked to leave quietly with clear and legible notices prominently displayed to remind customers to leave quietly and have regard to the neighbours.

There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

The premises will operate a Challenge 25 policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the PASS mark hologram.

Suitable and sufficient signage advertising the Challenge 25 policy will be displayed in prominent locations in the premises. A register of refused sales shall be kept and maintained on the premises.

#### **Conditions for alcohol delivery service:**

Alcohol deliveries will only be made to a residential or business address and not to a public place.

The age verification policy (including challenge 25) shall clearly be advertised at each stage of the order and on all advertising. All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly state that alcohol should only be purchased for delivery to intended recipients (or persons who will accept delivery on behalf of the named recipient) who are aged over 18. Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.

At the time the order is placed a declaration will be required from the person placing the order that that person is aged over 18 years of age, and that the intended recipient is over 18 years of age. This process will be documented, (tick box before proceeding, record of verbal acknowledgement or similar). These records must be retained for no less than twelve months and produced on request to an officer of a Responsible Authority.

For deliveries where the alcohol is delivered by a third party, the alcohol is concealed in a secure sealed package, and the DPS has no direct supervision or control over the delivery (such as an independent courier or Royal Mail), there cannot be an age verification challenge on delivery, but the above conditions will be followed.

For deliveries made directly by the DPS or their employees, staff or agent or persons instructed by the DPS/PLH, the person accepting the delivery must be aged 18 years or over. Where the person accepting delivery appears to be under 25, a recognised photographic ID must be produced prior to delivery. No ID, no delivery.

Where the premises contracts a third party to deliver alcohol on their behalf and the person collecting the alcohol from the premises delivers it directly to the customer within a short timescale (such as Deliveroo, Just Eats), the premises will ensure that the third party:



- only employs delivery employees or agents aged 18 or over;
- is aware that alcohol is included in the delivery;
- that the delivery person actively engages with the person receiving delivery and operates a challenge 25 policy rather than just handing the delivery over; that in the event that the recipient of the alcohol is challenged for ID and does not provide appropriate and valid ID, the delivery person will retain the alcohol and return it to the premises.

  
Police Licensing Officer



Neighbourhood Police Licensing Team



You can report crime and incidents online at

<https://www.sussex.police.uk/report-online>

We want to know your views - see what's new and give us your feedback and suggestions at [www.sussex.police.uk](http://www.sussex.police.uk)

If you have received this message in error, please contact the sender as soon as possible - you may not copy it, or make use of any information contained in it for any purpose, or disclose its contents to any other person. Messages sent and received by Sussex Police are not private and may be the subject of monitoring.

## LA 2003 Premises Licence Application Hearing Notice & Representations - Karma Lounge, Worthing

1 message

Simon Jones <simon.jones@adur-worthing.gov.uk>

21 April 2023 at 15:02

To: [REDACTED]  
Cc: A&W Licensing Unit <licensing.unit@adur-worthing.gov.uk>, [REDACTED]

Dear Omar

**Re: Notice of Hearing & Representations  
Licensing Act 2003 Premises Licence Application  
Premises: Karma Lounge, 171 -173 Tarring Road, Worthing, BN11 4HH  
Applicant: Mr Omar Rafique  
Application Reference No: [REDACTED]**

Consultation on this application has closed.

Seven representations were received from the public and two representations from responsible authorities.

Please find attached the Notice of hearing and the representations received regarding the above application. I've included the representation from Sussex Police and the agreement you have come to with them for reference and they have confirmed that they have withdrawn.

That leaves the representations from the Environmental Health Team and members of the public outstanding.

The Licensing Act 2003 encourages mediation and you may contact the representors to mediate. If mediation is considered unlikely to be successful or proves unsuccessful or you do not wish to mediate, the application will be referred to a Licensing Sub-Committee hearing as detailed in the attached hearing notice. If mediation is successful and all the representations withdrawn I will be able to approve a licence without a hearing.

Please keep me informed of any developments.

Regards

**Simon Jones**

Team Leader - Licensing, Public Health & Regulation  
01273 263191  
Adur & Worthing Councils  
Public Health & Regulation  
Portland House  
Worthing  
BN11 1HS  
<http://www.adur-worthing.gov.uk/licensing-and-permits/>



**LA 2003 Premises Licence Application Notice of Hearing - Karma Lounge**

1 message

Simon Jones &lt;simon.jones@adur-worthing.gov.uk&gt;

21 April 2023 at 15:47

To: A&amp;W Licensing Unit &lt;licensing.unit@adur-worthing.gov.uk&gt;

[REDACTED]

Dear Sir/Madam

**Re: Licensing Act 2003 Premises Licence Application - Notice of Hearing**  
**Premises: Karma Lounge, 171 -173 Tarring Road, Worthing, BN11 4HH**  
**Applicant: Mr Omar Rafique**  
**Application Reference No: [REDACTED]**

Consultation on this application has closed.

Seven representations were received from members of the public and two representations from responsible authorities - Sussex Police and A&W Councils' Environmental Health Team.

The representation from Sussex Police has been mediated and the applicant has volunteered, to any licence, the conditions listed:

- Alcohol will be served by waiter/waitress service to customers seated at tables, or customers seated on stools at the bar in the area marked in yellow on the floor plan (attached) served by bar staff or waiter/waitress service. Customers may purchase alcohol directly from the bar which they take back to their tables to consume whilst seated. There will be no vertical drinking.
- All off sales of alcohol will be made in sealed containers.
- Any incidents of a criminal nature that may occur on the premises will be reported to the Police.
- Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas including the entrance to the premises and the outside tables and chairs area. The system shall be on and recording at all times the premises licence is in operation.
  - The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside and outside the premises at all times.
  - CCTV footage will be stored for a minimum of 31 days.
  - The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
  - Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police. The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or authorised officer recent data or footage with the absolute minimum of delay when requested. The CCTV system will have internet connectivity, in order to facilitate the uploading of requested footage to Sussex Police Digital media systems.

- The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. Times will be updated promptly when British Summer Time starts and ends.
- Any breakdown or system failure will be notified to the police immediately with a written and dated receipt/acknowledgement from Police Licensing obtained and retained for production on request) & remedied as soon as practicable.
- In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
- An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The log book should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence.
- The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:
  - The lawful selling of age restricted products
  - Refusing the sale of alcohol to a person who is drunk
- Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed three months, with the date and time of the verbal reinforcement/refresher training documented.
- All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.
- Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway beyond the licensed outside tables and chairs area of the premises whilst smoking or otherwise congregating outside of the premises beyond the licensed area.
- Appropriate fire safety procedures will be in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances will be inspected annually. All emergency exits shall be kept free from obstruction at all times.
- The use of the external seating area by customers for the consumption of food and/or drinks to cease at 22:00hrs each day. All customers will be asked to leave quietly with clear and legible notices prominently displayed to remind customers to leave quietly and have regard to the neighbours.
- There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
- The premises will operate a Challenge 25 policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the PASS mark hologram.
- Suitable and sufficient signage advertising the Challenge 25 policy will be displayed in prominent locations in the premises. A register of refused sales shall be kept and maintained on the premises.
- Conditions for alcohol delivery service:
  - Alcohol deliveries will only be made to a residential or business address and not to a public place.
  - The age verification policy (including challenge 25) shall clearly be advertised at each stage of the order and on all advertising. All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly state that alcohol should only be purchased for delivery to intended recipients (or persons who will accept delivery on behalf of the named recipient) who are aged over 18. Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.
  - At the time the order is placed a declaration will be required from the person placing the order that that person is aged over 18 years of age, and that the intended recipient is over 18 years of age. This process will be documented, (tick box before proceeding, record of verbal acknowledgement or similar). These records must be

retained for no less than twelve months and produced on request to an officer of a Responsible Authority.

- o For deliveries where the alcohol is delivered by a third party, the alcohol is concealed in a secure sealed package, and the DPS has no direct supervision or control over the delivery (such as an independent courier or Royal Mail), there cannot be an age verification challenge on delivery, but the above conditions will be followed.
  - For deliveries made directly by the DPS or their employees, staff or agent or persons instructed by the DPS/PLH, the person accepting the delivery must be aged 18 years or over. Where the person accepting delivery appears to be under 25, a recognised photographic ID must be produced prior to delivery. No ID, no delivery.
  - Where the premises contracts a third party to deliver alcohol on their behalf and the person collecting the alcohol from the premises delivers it directly to the customer within a short timescale (such as Deliveroo, Just Eats), the premises will ensure that the third party:
    - only employs delivery employees or agents aged 18 or over;
    - is aware that alcohol is included in the delivery;
    - that the delivery person actively engages with the person receiving delivery and operates a challenge 25 policy rather than just handing the delivery over; that in the event that the recipient of the alcohol is challenged for ID and does not provide appropriate and valid ID, the delivery person will retain the alcohol and return it to the premises.

and I can confirm that Sussex Police has withdrawn its representation subject to the conditions being attached to any licence issued.

That leaves the public representations and The Environmental Health Team's representation outstanding.

The Licensing Act 2003 encourages mediation and you may be contacted by the applicant to attempt mediation. If mediation is considered unlikely to be successful or proves unsuccessful or you do not wish to mediate, the application will be referred to a Licensing Sub-Committee hearing as detailed in the attached hearing notice. At that hearing you would have the opportunity to address the Licensing Sub-Committee that will be considering the application on the content of your representation.

If mediation is successful and the representations withdrawn then a licence could be granted without a hearing.

Please keep me informed of any developments.

Regards

**Simon Jones**

Team Leader - Licensing, Public Health & Regulation  
01273 263191  
Adur & Worthing Councils  
Public Health & Regulation  
Portland House  
Worthing  
BN11 1HS  
<http://www.adur-worthing.gov.uk/licensing-and-permits/>

