

Annex A

The Sub-Committee considered an application for a new Premises Licence relating to Hillview News, 2 Chertsey Road, Windlesham.

The Licensing Officer presented his report to the Sub-Committee and notified representatives of the parties who had a right to speak at the meeting. He referred Members to the Licensing Objectives and noted that relevant objections had been submitted.

The Legal Advisor reminded Members that any material which had not been circulated in advance to all parties could only be considered at the meeting if all parties present agreed.

All relevant parties present introduced themselves and stated their reason for attending the Sub-Committee.

The Licensing Officer noted that the application was for the supply of alcohol for consumption off the premises only and therefore did not include reference to regulated entertainment or the provision of late night refreshment.

The Licensing Officer reported that nine representations had been submitted by other persons which contended that the carrying on of licensable activities at the premises could breach the following licensing objectives:

- (i) The prevention of crime and disorder;
- (ii) Protection of Public Safety;
- (iii) Prevention of Public Nuisance; and
- (iv) Protection of children from harm.

The Licensing Officer confirmed that he had received notification from Mr Mike Brinkley and Mr Phil Bolton that Mr Guv Sandhu had been asked to address the Sub-Committee on their behalf.

Representations had been submitted to the applicant by Surrey Police, proposing eight additional conditions. These had been agreed by the applicant and incorporated into the application. No other Responsible Authorities had submitted representations.

The Licensing Officer noted that an objection submitted by Mr Guv Sandhu and a petition initiated by the same, had been considered vexatious, as defined under Paragraph 9.5 of the Guidance and as such, did not meet requirements set out in Section 18 (7) (c) of the Licensing Act 2003, in that Mr Sandhu owned and operated an off-licence in the Village, which had not been declared in his submission. The petition had used the exact wording of his submission and a number of pages of the petition had no reference to or mention of the submission itself.

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Mr Kevin Rance, from the National Federation of Retail Newsagents, reported that sales in newspapers and magazines had declined by 10%, year on year for a number of years. Retailers were seeking to diversify and many had sought licenses to sell alcohol. The applicants had struggled, in a tough economic environment, to make the family run business successful and hoped to use alcohol sales to boost footfall.

Mr Patel explained that he held a personal licence and operated the shop with his wife. His 22 year old daughter occasionally worked in the shop under supervision to assist them.

Mr Guv Sandhu, noting that he was representing two interested parties, indicated his disagreement with the decision to regard his submission and the petition as vexatious. He urged the Sub-Committee to give due weight to the petition and suggested that insufficient time had been allocated from the rejection of the petition till the deadline for petitioners to submit individual concerns.

Mrs Laura James, the Legal Advisor to the Sub-Committee, reported that petitions, in themselves, did not necessarily carry the same weight as an individual submission. Subsequent to the rejection of the submission and petition, the interested parties had had the opportunity to submit individual submissions and to attend the Sub-Committee or write to the Licensing Officer, expanding on their representations.

Mr Sandhu made a number of opening comments, but was informed that these did not relate to the submissions by Messrs Brinkley and Bolton or to the Licensing Objectives and promoted his own views, which had been rejected as a valid representation. On that basis, these could not be considered by the Sub Committee.

In respect of the Licensing Objectives, Mr Sandhu raised the following:

Prevention of Crime and Disorder – There were six public houses in Windlesham. Youths engaging in pub crawls already did damage to cars and street furniture. In response to a Member's query, he confirmed that there were issues in the Village throughout the year, following golf matches or pub crawls, when benches were damaged and signs stolen. This was particularly the case on Boxing Day each year.

Public Safety – Mr Sandhu contended that many drivers used Windlesham as a cut through between the M25 and M3. The newsagents shop was located at a junction of three roads with no roundabout.

Prevention of Public Nuisance – The Green opposite the Newspaper Shop was already used as a gathering point for young people.

Protection of Children from Harm – Mr Sandhu expressed concern that children, using the newspaper shop to purchase sweets would come into contact with alcohol.

The Sub-Committee adjourned from 3.00 p.m. until 3.35 p.m. for deliberation.

Following deliberations on the application, the Chairman reported on the advice given by the Legal Advisor and that the Sub-Committee had taken into account:

- Section 18 of the Licensing Act 2003 and the Secretary of State's Guidance under section 182 of the Act.
- The Council's Statement of Licensing Policy, particularly paragraphs 1-85 and 87-99; and
- The written and oral evidence presented at the hearing.

The Sub-Committee had heard evidence from the Applicants and a representative of two other persons.

Members recognised that the Licensing Act imposed a light touch approach and encouraged them to allow premises to trade unless there was a reason not to. The Sub-Committee could not adjudicate on needs and competition and the Act allowed for review if, at a later stage, it was suggested that any action had resulted in the Licensing Objectives not being met.

The Sub-Committee had concluded that the premises licence should be granted but that an additional condition be incorporated to the effect that a book record be kept of any age challenge and/or refusal, with the exact wording to be determined by the Licensing Officer. This was considered appropriate to protect both the public and the Licensee, in events such as the use of false identification papers.

RESOLVED, that the Premises Licence for Hillview News, be granted for the hours of 0600 to 2000 from Monday to Sunday and 0800 to 2400 on Fridays and Saturdays, subject to the conditions attached in the Decision Notice at Annex A.

Note: In accordance with the Surrey Heath Code of Conduct Councillor Valerie White declared a non-pecuniary interest in the above item as the interested person had contacted her and sought to discuss the application, but she had not engaged in any discussion.