

**Report to**      **Licensing Sub-Committee**  
**Date of**        **21 July 2014**  
**meeting**  
**Author**        Derek Seekings, Licensing Officer



**DECISION REQUIRED**  
Not exempt

**Report Title:**      Application for a Premises Licence at Hillview News, 2 Chertsey Road, Windlesham, Surrey GU20 6ET. Submitted by Mrs Bhavnaben Jayeshkmar Patel on behalf of Bhavna and Jay Ltd

## **SUMMARY**

The report presents the application for a new Premises Licence relating to Hillview News, 2 Chertsey Road, Windlesham, Surrey GU20 6ET. The Licensing authority is required to hold a hearing to determine this premises licence application because relevant representations have been received.

The purpose of the hearing is for the Licensing Sub-Committee to consider the Application, in relation to the Licensing Act 2003's Licensing Objectives. The Licensing objectives being in this Application:

- 1      The prevention of crime and disorder
- 2      Public safety
- 3      The prevention of public nuisance
- 4      The protection of children from harm

Copies of the application, relevant representations and other correspondence received to date are attached to this report.

## **RECOMMENDATIONS**

The Sub-Committee is recommended:

- i)    To determine the premises licence application.

## **REASONS FOR RECOMMENDATIONS**

- i)    The Sub Committee is required to make a decision under the Licensing Act 2003

## **BACKGROUND INFORMATION**

### **1 INTRODUCTION**

#### **The purpose of this report**

- 1.1 For the Sub-Committee to determine the application for a Premises Licence in respect of Hillview News, 2 Chertsey Road, Windlesham, Surrey GU20 6ET.

The application is submitted under Section 17 of the Licensing Act 2003.

#### **1.2 Background of the premises**

##### **Statutory background**

- 1.3 The Licensing Act 2003 and secondary legislation in the form of Regulations there under.

##### **Relevant Government policy**

- 1.4 Guidance issued under section 182 of the Licensing Act 2003. (effective from June 2013)

##### **Relevant Council policy**

- 1.5 Statement of Licensing Policy.

### **2. DETAILS**

#### **2.1 Application**

The application is made by Mrs Bhavnaben Jayeshkmar Patel on behalf of Bhavna and Jay Ltd and relates to premises at 2 Chertsey Road, Windlesham, Surrey GU20 6ET, trading as Hillview News.

The application is to permit the supply of alcohol for consumption off the premises only, and therefore does not include reference to regulated entertainment or the provision of late night refreshment. The application is attached at Document 1.

However, following an objection from Surrey Police as at 2.4.1 below, 8 additional conditions have been agreed. The agreement is attached at Document 2.

#### **2.2 Grounds for the Hearing**

Interested parties in their capacity as 'Other Persons' contend that the carrying on of licensable activities at the premises could lead to one or more of the following licensing objectives being seriously undermined:

- i) The prevention of crime and disorder;
- ii) Protection of public safety;
- iii) Prevention of public nuisance;
- iv) Protection of children from harm;

### **Further evidence submitted regarding the Application**

2.3 Details included in documents attached to this report.

### **Responsible Authority Representations/ Comments**

2.4 Details of Responsible Authority representations received:

#### **2.4.1 Police**

Surrey Police sent a letter of objection to the applicant, suggesting an additional 8 additional conditional. These were agreed by the applicant who amended their application accordingly.

#### **2.4.2 Fire**

No representations.

#### **2.4.3 Local Planning Authority**

No representations.

#### **2.4.4 Environmental Health**

No representations.

#### **2.4.5 Child Protection Agency**

No representations.

#### **2.4.6 Licensing Authority**

The application was submitted on 27 May 2014. The application was completed correctly and advertised as required by the Licensing Act 2003.

#### **2.4.7 Health and Safety Executive**

No representations.

### **Any Other Person - Representations**

2.5 Details of any other person representations received and relation to the licensing objectives:

Representations have been received from nine 'Other Persons.'

A Copy of the representations is attached at Document 3. The representations are relevant to the prevention of public nuisance licensing objective and were made prior to the application being amended.

### **2.6 Invalid or Vexatious Representations**

One letter was considered to be 'vexatious', as defined under paragraph 9.5 of the Guidance. A copy of the letter, together with Officers' reply is attached at Document 4.

A petition containing 521 (five hundred and twenty one) signatures was handed in to the Council on 23 June 2014. The petition was from the same source and the 3 pages which were headed with an explanation

for those countersigning contained text identical to the text in the original letter which in officers opinion was vexatious.  
The petitioner was informed immediately in order for petitioners to be given the opportunity to make valid representations of their own accord, should they desire to do so.

## 2.7 **Policy Considerations**

Details of relevant policy considerations, including local policy statement:

Paragraphs 1 – 89, 95 – 138 of the Council’s Licensing Policy Statement are applicable to the consideration of this application.

## 3. **NEXT STEPS**

The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives.

In making its decision, the Sub-Committee is also required to have regard to Guidance issued under Section 182 Licensing Act 2003, as amended, and the Council’s own Licensing Policy.

The Sub-Committee must have regard to all the representations made and the evidence it hears.

The Sub-Committee must take such of the following steps as it considers necessary for the promotion of the Licensing Objectives:

- To grant the licence subject to conditions
- To exclude a licensable activity to which the application relates
- To reject the application

The Sub-Committee is asked to note that it may not add conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

## 4. **HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY**

Human Rights and Equality issues will be taken into account on the determination of the Application by balancing the competing rights of the applicant, responsible authority and the interested party.

The imposition of conditions will be proportionate having regard to the competing rights referred to above and will only be imposed where necessary to achieve this aim.

### **Attachments:**

Document 1: Application for a Premises Licence

Document 2: Agreement to amended application

Document 3: Representations from ‘any other persons’