

From SANDHU, Guv

Date 11 June 2014 14:52:25

To licensing

Cc

Subject Representation against premises license application for Hillview News 2 Chertsey Road Windlesham GU20 6ET

G Sandhu

Windlesham
GU20

Hello,

I would like to make a representation against the application for a premises license for Hillview News 2 Chertsey Road Windlesham Surrey GU20 6ET.

I would like to appeal against them obtaining a licence on two points from the Licensing Act 2003.

1. Protection Of Children From Harm - Hillview News is primarily a sweet shop where all the children that live in the village go, before and after school, and at weekends to buy their sweets, soft drinks and comics. It has been a sweet shop for over 30 years and it is not a place where alcohol should be sold as it will tempt children to want try it. There is already a dedicated Off License shop in this small village and another one is definitely not needed. I believe the protection of children should be paramount in Surrey Heath's licensing policy. The cigarette display ban coming into effect is a great deterrent for children not to see cigarettes in small shops and believe the same to be true for alcohol in premises for alcohol where children frequent daily.

2. Public Safety - Hillview News is in the corner of a parade of shops at a very very busy three road junction where there is no roundabout and also opposite a public house. Parking is very limited and there is also a bus stop at the corner there. I believe granting a license will increase the number of cars trying to stop at what is the busiest junction in the whole village making it more dangerous and will be a serious public safety concern. There are many elderly people and children who cross the road there and their safety is very important. Also many commuters use this village as a short cut between the M25 and M3 on a daily basis and already speed though the village way over the speed limits. There has been an incident recently where three children were knocked over by one car and creating further traffic in that area is definitely not required.

Based on my points above I will appreciate it if a license is not granted as safety and protection of children and public safety will be compromised. Thankyou

Regards,
Guv Sandhu

Guv Sandhu

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Mr G Sandhu

██████████
Windlesham
Surrey
GU20 ██████████

18 June 2014

Dear Mr Sanhu,

REPRESENTATIONS MADE IN RESPECT OF HILLVIEW NEWS, 2 Chertsey Road, Windlesham, Surrey, GU20 6ET

Thank you for the representations you have made concerning an application for a premises licence for Hillview News, 2 Chertsey Road, Windlesham, Surrey, GU20 6ET. The representations you have made do not, however, satisfy statutory and regulatory requirements.

As a consequence the representations you have submitted cannot be taken into consideration in that in my view, the representations do not meet the requirements set out in section 18 (7) (c) of the Licensing Act 2003 (copy of that section enclosed). I have also had regard to Regulations and the statutory guidance applicable to the Act.

I will set out the reasons why I believe your representation is vexatious and frivolous which means that your representation is not being taken into account, so that you are fully informed of the Council's position:

I have taken into account my knowledge regarding the fact that you have referred to there being an off licence in the village in your representation. What you do not say is that you are the holder of the premises licence for that business, so that this proposal would be in competition with the premises you are involved in running. In the context of your representations, it appears to me that you intend to cause inconvenience or oppression. The application would clearly place the premises in competition with the off licence.

The representation you have made regarding the exposure of children to the sale of alcohol is in my view frivolous as children are exposed to alcohol for sale in other premises, which might include off licences, where they are entitled to enter to purchase other goods. I have concluded that the representation lacks seriousness as the need to address that issue specifically would not be warranted.

Guidance tells me that I must give the words vexatious and frivolous their ordinary meaning, which I have done. If you are unhappy with the decision not to take your representation into account for the reasons I have given you may complain via the Council's complaints procedure <http://www.surreyheath.gov.uk/council/complaints/default.htm> or you may also challenge the decision in the courts by way of judicial review. As to the implications of a court challenge, I suggest you take your own legal advice.

The "licensing objectives" to which representations must relate are:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

A statement made by “other persons” making a representation opposing an application or any proposed licensable activity must give reasons why the grant of the licence or this activity will be detrimental to the promotion of the “licensing objectives”. Where reasons are not supplied or the matters raised do not relate to the licensing objectives, the Council as “licensing authority” must disregard the representation.

Further information relating to the making of representations can be viewed on the Council’s web site at www.surreyheath.gov.uk/council/Licensing/licensingact2003 or the Department of Culture, Media and Sports web site at www.culture.gov.uk

If a Hearing is to take place it will be held in the Council Chamber and for your information, it would be open to the public. You are therefore welcome to attend and sit in the area set aside for the public but you will not be able to speak or present your views to the Sub-Committee.

Yours sincerely,



Derek Seekings
Licensing Officer
Community Services