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## LICENSING SUB-COMMITTEE

19 DECEMBER 2019

(10.32 am - 11.48 am)

PRESENT Councillors (in the Chair), Councillor Mary Curtin, Councillor Nigel Benbow and Councillor Joan Henry

ALSO PRESENT Guy Bishop (Senior Solicitor - Litigation and Licensing) and Amy Dumitrescu (Democratic Services Officer)

### 1 APPOINTMENT OF CHAIR (Agenda Item 1)

RESOLVED: That Councillor Mary Curtin be appointed Chair of the meeting.

### 2 APOLOGIES FOR ABSENCE (Agenda Item 2)

Apologies for absence were received from Councillor Nick Draper. Councillor Joan Henry therefore attended the Licensing Sub-Committee.

### 3 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 3)

There were no declarations of interest.

### 4 LIDL GREAT BRITAIN LIMITED, 23 STREATHAM ROAD, MITCHAM, CR4 2AD (Agenda Item 4)

The Chair opened the meeting and outlined the procedure to be followed during the meeting as detailed in the main agenda pack.

Amanda Pillinger, the applicant's legal representative, stated that:

- a) This application followed a previous application, which had been refused at a Licensing Sub-Committee in September 2018. Following its subsequent appeal in March 2019, the application had been granted with a number of additional conditions placed on to what became the Premises Licence. The premises had been trading since January 2019 without a Premises Licence and had then been permitted to trade with the authorisation that permitted the retail sale of alcohol since March 2019.
- b) The original 2018 application had received objections from the Metropolitan Police, Public Health, the Licensing Authority and a number of local residents. During that process, the Police Licensing Officer had advised that he objected to the grant of the Premises Licence regardless of any conditions proposed.
- c) Lidl had worked hard to ensure that the licensing objectives had been met since they began trading and had built relationships with the police and local residents and felt that the store was having a positive impact on the area.
- d) Prior to this application, Ms Pillinger had spoken to the Police Licensing Officer and had been advised that with the exception of some minor incidents, there had been no increase to issues in the area and therefore he had no objection to the current application to vary the licence. Ms Pillinger stated this to be a

significant shift in the Police's position. There had been no representation received from the Police for this application.

- e) Lidl are a national operator with stores in a wide variety of different locations and have various very strict and enforced policies and procedures in place.
- f) All staff are trained when they start working for Lidl and this training is regularly updated, including information on under age sales, dealing with conflict and procedure to prohibit sales to street drinkers and those who may be under the influence of alcohol. Due to the smaller size of Lidl stores, staff are able to be supervised more closely.
- g) Alcohol is placed in the furthest aisle from the entrance/exit of the store and all stores have extensive CCTV coverage.
- h) Lidl took a zero tolerance approach to the sale of alcohol.
- i) Lidl employ an external company 'serve legal' who are instructed to undertake regular test purchases in store to ensure these policies and procedures relating to alcohol sales are adhered to. There was an 100% pass rate for this store in 2019.
- j) Addressing the representations received, Ms Pillinger advised that staffing within the store is based on footfall and there are 22 staff at the store, with a typical number of staff present at 8am being 5 members of staff. It was expected that in the evening after 8pm there may only be 3 members of staff on site, with the addition of a security guard as stipulated within the conditions on the licence (which required at least one uniformed security guard to be on duty at the premises at all times that the premises was open to the public).
- k) Addressing other concerns raised by residents; the litter bin outside the store was emptied daily. In relation to the traffic and parking, Lidl acknowledged that this was an issue and had installed signage and yellow lines to assist with this.

Following questions from the Licensing Sub-Committee, the applicant's legal representative explained that:

- 1) The application was to enable Lidl to provide their full range of goods for as long as possible, though they did not expect a significant increase in sales of alcohol should the additional hour be granted, commensurate with other multiples.
- 2) There was no specific clientele the extension was aimed at, as there was a wide variation in clientele at all times. The additional hour would enable those doing their weekly shop early in the morning or shopping on the way to work to purchase alcohol.
- 3) Lidl understood concerns about increases in anti-social behaviour in the summer months including on Figges Marsh, but felt that although anticipated, the evidence was that there had been no increase in ASB during the summer. The store had not traded over the Christmas period yet but it was likely that there would be less people outside during the winter months, and the robust policies and procedures that Lidl had would remain in place.

The Committee retired at 11.06am to make their decision.

The Committee reconvened at 11.45am.

The Chair and Legal Officer informed all present of the Committee's decision and closed the meeting at 11.48am. The full decision can be viewed in the Notice of Determination.