

Licensing Act 2003



Licensing and Gambling Acts Casework Sub-Committee

Notification of determination

Hearing under Section 17 and 18 of the Licensing Act 2003, and the Licensing Act 2003 (Hearings) Regulations 2005 in respect of an application made to Oxford City Council for a Premises Licence.

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| Date of hearing: | 14th June 2021 |
| Place: | Remote hearing via 'Zoom' |
| Case No. | 21/00935/PREM |
| Applicant | Lidl Great Britain Limited |
| Premises: | Lidl |
| Premises address: | Unit 5A, Templars Shopping Park, John Allen Way, Oxford, OX4 3JP |
| Licensing Sub-Committee Councillors: | Cllr Colin Cook (Chair), Cllr Ajaz Rehman, Cllr Imogen Thomas |
| Legal Advisor: | Daniel Smith |
| Licensing Officer: | Emma Thompson |
| Clerk: | Richard Masters |

The Sub-Committee heard representations from the following:

Licensing Authority: Emma Thompson (Senior Licensing Compliance Officer)

Emma Thompson presented the Licensing Authority's report, stating that the application had attracted three representations from Interested parties, all of which highlighted concerns in relation to how the application may fail to promote the licensing objectives of the prevention of crime and disorder and public nuisance and public safety. Mrs Thompson also confirmed that Thames Valley Police were satisfied with the Applicant's operating schedule and measures proposed to uphold the licensing objectives and as such had not submitted a representation.

Daniel Smith clarified that the Interested parties were all residents of the same address in Garsington, which is outside of the City boundary.

Applicant: Amanda Pillinger (Pillinger & Associates Solicitors on behalf of the Applicant)

Ms Pillinger reiterated that the application did not receive any objections from any of the Responsible Authorities and the Interested parties lived approximately 2 ½ miles from the premises.

Ms Pillinger referred to the location plan in the report and stated that no residents in the vicinity of the premises had lodged an objection. She referenced section 2.10.1 of Oxford City Council's Statement of Licensing Policy (SLP) which states that *'licensing is not about mechanisms for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual club or business holding the licence, certificate or permission concerned (subject to Policy LH6)'*.

Ms Pillinger explained that Lidl had 860 stores in UK and that they were an experienced operator, with stores in number of different areas including city centres, retail parks etc. Some located in areas with a high level of street drinking etc.

She said that Lidl understands the importance of thorough staff training and referred to the additional material that was provided which includes the staff training on under age sales, proxy sales, street drinkers, conflict, refusal of sale to intoxicated persons etc.

Staff cannot operate at a check out until they have undertaken the necessary training. They will be monitored by managers initially to ensure they are aware of age restricted products. They have an Age Restricted Sales Register signed by staff. Training is given online and by the DPS and Area Manager, who will be aware of store specific issues.

The Age Restricted Policy is displayed in the staff area as a reminder to all staff. The customers are reminded of age restricted products by way of signage displayed around the store.

Ms Pillinger stated that they have a refusal procedure and operate a Challenge 25 policy, where the staff on checkout rings a bell to call a shift manager if a person appears underage. They challenge the customer if necessary which acts as a strong deterrent. Lidl have a zero tolerance approach.

Lidl also employ an external company to conduct test purchases, which return with positive results.

Ms Pillinger stated that Lidl is a supermarket and the alcohol is located at the back of the store so the customer has to walk through the store which acts as a deterrent to shoplifters due to the CCTV etc.

Staff are trained to patrol the area. If a customer appears to be under 25, the staff are trained to approach and remind the customer they operate a Challenge 25 policy so will be asked for ID when purchasing, which can reduce conflict at the checkout.

The procedures and policies are uniform throughout the company and are the minimum requirements in all Lidl stores.

Lidl works closely with the Police and Ms Pillinger referred to an example with a branch at Shepherds Bush where they liaised with the Police in regards to licensable hours and after demonstrating that they had operated well they applied to vary the license to extend the hours in agreement with the Police.

Lidl work in the community and are part of the Retail and Alcohol Standards Group, Drink

Aware, and fund the Community Alcohol Partnerships. This is an initiative where local stakeholders address any concerns at a local level, and then go back and monitor and evaluate what actions were successful. They also support local charities, local schools, and the NSPCC.

Ms Pilliger summed up by stating there were no objections from the Responsible Authorities and the 3 objectors lived in the same residence approximately 2 ½ miles away. Lidl are an experienced operator, with thorough training, policies and procedures. She said the Sub-Committee should be confident in granting a licence and if there are issues, anyone can apply for a review. She quoted section 2.10.1 of the SLP, as well as section 5.5 which reference to hours for off sales of alcohol.

Daniel Smith clarified that although the Interested parties were not in attendance, their written representations would be taken into account.

Cllr Cook confirmed that the members had read the full report and agenda for the hearing.

Decision and Reasons of the Sub-Committee

1. The Sub-Committee considered all submissions, both written and oral. It also had regard to the relevant Home Office Guidance and the Council's Statement of Licensing Policy, in particular paragraph 2.10.1 (non-licensing issues), section 5.5 (policy LH8 Hours for off sales of alcohol) and Policy PP11 (Supply of alcohol ('Off-Sales')).
2. The Sub-Committee noted the concerns raised by the Interested parties but believed that the issues were not store specific and that this premises would not generate additional anti-social behaviour.
3. The Sub-Committee was satisfied with the robust staff training, policies and procedures in place and that the applicant is an experienced company.
4. The Sub-Committee noted Thames Valley Police were satisfied with the Applicant's operating schedule contained within the application which detailed the measures the Applicant would implement to uphold the licensing objectives and thus did not submit a representation.
5. The application is **GRANTED** as applied for.

Signed: Councillor Colin Cook

Chair of Licensing Sub-committee

Notes:

- A. The applicant, and any responsible authority or interested party that has made representations upon the application has a right of appeal to the Magistrates' Court against this decision. If you wish to appeal you must do so within 21 days of being notified of the decision.

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