

**NEW FOREST DISTRICT COUNCIL  
LICENSING ACT 2003**

**APPLICATION FOR A NEW PREMISES LICENCE – LIDL, NEW ROAD, HYTHE  
SO45 6EB**

Decision of the Licensing Sub-Committee hearing held at Appletree Court,  
Lyndhurst on 11 December 2018 at 10.00am

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**1. Members of the Licensing Sub-Committee**

Councillor S J Clarke (Chairman)  
Councillor S P Davies  
Councillor Mrs P A Wyeth

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**2. Parties and their Representatives attending the Hearing**

**Applicant:**

Ms R Andres – Lidl Area Manager  
Ms V Burton – Lidl (Senior Property Consultant)  
Ms A Pillinger – Solicitor representing Lidl

**Objectors:**

Mrs J Evans  
Mr P Lawson  
Councillor B Andrews (in attendance but did not address the Sub-Committee)  
Councillor J Binns  
Councillor D Poole

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**3. Other Persons attending the Hearing**

**Observers:**

Councillor Mrs A Hoare  
Councillor P Armstrong

**Council Officers:**

Christa Ferguson – Licensing Manager  
Peter Donelan – Licensing Compliance Officer

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**4. Parties not attending the Hearing**

Mrs B Griffiths  
Ms J Evidge  
Mr and Mrs A Pearce  
Ms T Pittilo

**5. Officers attending to assist the Sub-Committee**

Amanda Wilson – Legal Advisor  
Prosper Mwedzi – Legal Advisor  
Karen Wardle - Clerk

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**6. Additional Documentation**

At the start of the hearing the Legal Advisor informed the parties that Mr Lawson had submitted a further document in support of his representation. This document was circulated to the other parties to the hearing who all indicated their consent for it to be taken into account by the Sub-Committee. The document contained details of how the Church, located next door to Lidl was used at different times of the day.

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**7. Absence of Parties**

At the outset of the hearing it was noted by the Sub-Committee that a number of the parties were absent. Of these parties, the following had confirmed that they would not be in attendance:

Mrs B Griffiths  
Ms J Elvidge  
Mr and Mrs P and A Pearce

This, therefore left one absent party (Ms T Pittilo) who had not indicated whether she would be in attendance or not. The Sub-Committee considered whether it was necessary in the public interest to adjourn the hearing or to hold the hearing in the absence of Ms Pittilo. The Sub-Committee took into account the fact that the points raised by Ms Pittilo were very similar to the points raised by the parties in attendance. The Sub-Committee decided to proceed with the hearing in Ms Pittilo's absence and take into consideration her written representation in reaching its decision.

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**8. Decision of the Sub-Committee**

The application is granted on the following terms and conditions.

**Licensable activities and times permitted:**

J: Supply of Alcohol: - Off the premises

Monday	07:00 to 23:00 hours
Tuesday	07:00 to 23:00 hours
Wednesday	07:00 to 23:00 hours
Thursday	07:00 to 23:00 hours
Friday	07:00 to 23:00 hours
Saturday	07:00 to 23:00 hours
Sunday	07:00 to 23:00 hours

**L: Hours premises are to be open to the public**

Monday	07:00 to 23:00 hours
Tuesday	07:00 to 23:00 hours
Wednesday	07:00 to 23:00 hours
Thursday	07:00 to 23:00 hours
Friday	07:00 to 23:00 hours
Saturday	07:00 to 23:00 hours
Sunday	07:00 to 23:00 hours

**Mandatory conditions:**

As provided in the Licensing Act 2003 and Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and the Licensing Act 2003 (Mandatory Conditions) Order 2014.

**Conditions consistent with the operating schedule accompanying the application (M):**

a) General – all four licensing objectives

1. Staff will be trained and aware of all applicable licensing legislation particularly regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.
2. All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.
3. All training records will be made immediately available for inspection by any responsible authority upon request.
4. Notices must be displayed on the premises reminding staff of their obligations under all applicable licensing legislation.

b) The prevention of crime and disorder

5. The DPS and all management staff shall cooperate with all reasonable requests from the responsible authorities.
6. The premises will have a comprehensive digital CCTV system with cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit.
7. CCTV images shall be stored for a period of not less than 28 days.
8. CCTV images will be provided on removable media to authorised bodies on 48 hours' notice.

c) Public safety

9. Fire safety equipment must be provided at the premises and all staff must be trained on the use of this equipment.

d) The prevention of public nuisance

e) The protection of children from harm

10. There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

11. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the person's date of birth.

12. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

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## 9. Reasons for the Decision

The Sub-Committee carefully considered the application for a new premises licence along with the evidence, both written and oral, supplied by the Applicant and all those who had made relevant representations.

At the hearing the Sub-Committee carefully listened to all the evidence that was provided and considered what action, if any, was appropriate for the promotion of the four licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm

The Sub-Committee noted the absence of relevant representations from any of the responsible authorities. In particular, in light of the complaints raised related to crime and disorder and anti-social behaviour, the Sub-Committee noted that no representations had been received from the police.

The main areas of concern raised by those objecting to the application related to the licensable hours which the Applicant had applied for, potential for increased anti-social behaviour, crime and disorder and public nuisance.

The Sub-Committee noted that some of the concerns related to previous anti-social behaviour on the site when it was a car park. However, it did not believe that there was a likelihood of anti-social behaviour returning to the site with the Applicant's business in operation or due to the sale of alcohol from the site.

The Sub-Committee considered that the measures outlined by the Applicant in the course of its submission addressed the potential concerns of the objections. The Applicant demonstrated that it had clear policies in place

relating to training, store layout and management supervision of alcohol sales.

The Sub-Committee noted submissions by the Applicant drawing attention to the New Forest District Council Licensing Act 2003 Statement of Policy at paragraph 2.5 in relation to licensing law not being a mechanism for the general control of anti-social behaviour. The Applicant also referred to the Section 182 Statutory Guidance issued by the Home Office at paragraph 10.15 which is a presumption in favour of shops, stores and supermarkets being free to provide sales of alcohol for consumption off premises at times when the retail outlet is open unless there are good reasons based on licensing objectives for restricting such sales. These submissions were all considered to be of relevance in the application.

The Sub-Committee carefully considered the request from the objectors for the hours permitted for the sale of alcohol to be restricted to 20:00 hours, however, it was not satisfied that it was appropriate for the promotion of the licensing objectives for such a condition to be placed on the premises licence.

Accordingly, the Sub-Committee was of the view that the appropriate steps for the promotion of the licensing objectives was to grant the application in the terms applied for, as set out in section 8 above, namely:

Opening hours of:  
7:00 to 23:00 Monday to Sunday

Supply of Alcohol by retail for consumption off the premises:  
7:00 to 23:00 Monday to Sunday

Should there be any concerns in the future regarding operation of the premises, the Licensing Act 2003 provides a statutory mechanism for any person to call the premises licence in for review.

**Date: 11 December 2018**

**Licensing Sub-Committee Chairman: Cllr S J Clarke**

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**FOR OFFICE USE ONLY**

Decision notified to interested parties on 13 December 2018