

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

1. INTRODUCTION

- 1.1 The purpose of the report is to provide members with information at the hearing to determine an application for a premises licence to be considered under section 17 of the Licensing Act 2003. The premises being Lidl, New Road, Hythe, SO45 6EB.

2. BACKGROUND INFORMATION

- 2.1 The premises are a new supermarket in the centre of Hythe next door to St John's Church.
- 2.2 A plan indicating the location of the site is presented as **Appendix 1**.
- 2.3 Planning permission has been granted for the site with no restriction on the operating hours of the premises.
- 2.4 Due to the size and footage of the premises, Sunday Trading Laws apply to the premises and would not be overridden by any hours granted by a premises licence. It is usual for supermarkets to apply for the longer Sunday hours on a licence, in case the law is amended or the government allow temporary changes to the limited 6 hours governed by the Sunday Trading Act 1994.
- 2.5 In addition objectors have referred to the operating hours of the Hythe branch of Waitrose which currently closes at 20:00hrs. The hours granted on the Waitrose premises licence are the same as the proposed hours submitted by Lidl on this application.
- 2.6 Photographs of the site, currently in construction are provided as **Appendix 2**.

3. THE APPLICATION

- 3.1 On 18 October 2018 New Forest District Council received an application from Lidl UK GmbH for a premises licence. The application is attached as **Appendix 3** (blank pages removed).
- 3.2 The application seeks to provide the sale of alcohol for consumption OFF the premises, between the hours of 07:00hrs and 23:00hrs Monday to Sunday. The proposed opening hours of the premises are the same.
- 3.3 The application has been correctly advertised both on the premises and in the local newspaper as required by the Licensing Act 2003. A photograph of the site notice is produced as **Appendix 4**.

4. REQUIREMENTS FOR A HEARING

- 4.1 The Licensing Authority must hold a hearing to determine the application where relevant representations addressing the licensing objectives are made. These being:
- 1) The prevention of crime and disorder;
 - 2) Public safety;
 - 3) The prevention of public nuisance;

- 4) The protection of children from harm.
- 4.2 Guidance about the licensing objectives has been issued by the Home Office under section 182 of the Licensing Act 2003.
- 4.3 In determining the application the Licensing Sub-Committee must give appropriate weight to:
 - 1) The steps that are appropriate to promote the licensing objectives;
 - 2) The relevant representations presented by all the parties;
 - 3) The Home Office guidance;
 - 4) The Council's own Statement of Licensing Policy.

5. REPRESENTATIONS RECEIVED

- 5.1 During the 28 day representation period the Licensing Authority received nine representations from other persons, these being residents in the neighbouring area and three local Councillors. These are attached as **Appendix 5**.
- 5.2 The representations highlight concerns that the premises may attract young persons to buy or to obtain alcohol by proxy sale, littering from those customers who have bought alcohol and an unnecessary additional outlet for the sale of alcohol in the town affecting the health of those who consume excessive amounts of alcohol.
- 5.3 Members will be aware that health concerns, the absence of need for licensed premises and planning matters are not issues that may be considered by the Licensing Sub-Committee. All objections must focus on the licensing objectives. It should also be noted that the application requests the provision for the sale of alcohol only for consumption OFF the premises and no consumption on the premises will be permitted.
- 5.4 The applicant has provided a number of conditions that they are prepared to accept on any licence, if granted, in addition to the mandatory conditions required by law. All conditions attached to a premises licence bind the operator to ensure that the licensing objectives are upheld (i.e. Challenge 25, CCTV and staff training). As with any licensed premises compliance is regularly checked by the Licensing Authority and other Responsible Authorities such as the Police and Trading Standards.

6. RESPONSE FROM RESPONSIBLE AUTHORITIES

- 6.1 In line with the requirement to make all Responsible Authorities aware of the application copies were served during the application process.
- 6.2 No representations were received from any of the Responsible Authorities and no additional conditions were requested.

7. LEGAL IMPLICATIONS

- 7.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.
- 7.2 The Applicant and those parties making representations have been invited to the hearing and have been provided with this report and the procedures to be followed at the hearing.

7.3 The Applicant and those who have made relevant representations are entitled to address the Licensing Sub Committee and to ask questions of the other party, with the consent of the Licensing Sub Committee.

8. RIGHT OF APPEAL

8.1 It should be noted that the applicant and those who have made relevant representations may appeal the decision made by the Licensing Sub Committee to the Magistrates Court. The appeal must be lodged with the Magistrates Court within 21 days of the notification of the decision.

8.2 In the event of an appeal being lodged, the decision made by the Licensing Sub Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

9. CONCLUSION

9.1 The Licensing Sub-Committee must, having regard to the application and any relevant representations, consider which of the following measures are appropriate for the promotion of the licensing objectives:

- 1) Grant the Licence – as applied for.
- 2) Grant the Licence - but modify the conditions and/or hours.
- 3) Reject the application.

10. RECOMMENDATION

10.1 That the Licensing Sub-Committee determines the application.

Further Information:

Christa Ferguson
Licensing Manager
Tel: 023 8028 5505
Email: licensing@nfdc.gov.uk