

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held remotely via Microsoft Teams on **Friday 17 July 2020 at 9.30 am**

Present:

Councillor L Marshall (Chair)

Members of the Committee:

Councillors D Bell, C Hampson, D Hicks and K Liddell

Also Present:

Mr S Buston (Council's Solicitor)
Ms H Johnson (Licensing Team Leader)
Ms A Pillinger (Applicant's Solicitor)
Ms K Nelson (Lidl)
Mr P Clouth (Lidl)
Ms S Harris (Other Person)

1 Apologies for Absence

An apology for absence was received from Councillor P Atkinson.

2 Substitute Members

Councillor K Liddell substituted for Councillor P Atkinson.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - Lidl, Staindrop Road, Barnard Castle, Co. Durham

The Chair welcomed everyone to the meeting and explained that only three Members would be deliberating the application.

Mr S Buston the Council's Solicitor explained why only three members deliberated the application and ran through the procedure for the meeting.

The Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change regarding an application for the grant of a premises licence for Lidl, Staindrop Road, Barnard Castle (for copy of report, see file of minutes).

A copy of the application and location plan had been circulated together with details of the representations received.

Additional information from the Applicant had also been circulated to all parties prior to the meeting.

The Licensing Team Leader was in attendance to present the report and outlined the recommendations contained in the report.

There were no questions of the Licensing Team Leader.

Mrs S Harris, Other Person was asked to address the Sub-Committee and stated that she lived alongside the proposed development. She referred to her letter that asked if the proposed opening hours of 7.00 am to 11.00 pm would be every day and she understood that this was the case.

She indicated that the outlining planning permission granted was 8.00 am to 10.00 pm Monday to Saturday and five hours on a Sunday to protect the residential amenity of existing residents from the development in accordance with Policy GD1 of the Teesdale District Local Plan and part 15 of the National Planning Policy Framework.

She then asked why residents should not be protected and why Lidl wanted to open such long hours, when Barnard Castle was a small market town not the M1.

Lidl were a large organisation and should be responsible and show some respect for their neighbours. The hours of 7.00 am to 11.00 pm meant 6.30 am to 11.20 pm allowing for staff to come and go. This would only allow residents seven hours sleep a night which was not enough and eight hours minimum was required for a proper night's sleep.

She then referred to the scale of the development and that tests had been carried out at the location and the gentleman carrying out the tests had stated that the development was going to be massive and she indicated that the proposed opening hours would add insult to injury.

The combination of cheap alcohol and long opening hours on the edge of Town not away from everyone in the countryside and the fact that the possible troublemakers don't have vandal written on their faces was a

concern. There was also a problem by the river with cars and the people who drove them were possibly over the age of 18.

The museum grounds were shut due to vandalism. They were here and the police had problems with them, she was not criticising the age restriction policy but was pointing out but there was a strong possibility that they may cause problems roundabout in the local field. Last week there were empty beer bottles near the school which was not far away from the development and with cheap alcohol this would only get worse.

There were no questions of the objector.

Mrs A Pillinger the Applicant's Solicitor was asked to address the Sub-Committee and indicated that this was an application for a premises licence operating between 7.00 am and 11.00 pm Monday to Sunday, which were within the framework set out within the Council's Licensing Policy for off licensed premises.

She then referred to their being no objections from responsible authorities, in particular there were no objections from the Alcohol Harm Reduction Unit. There was one representation from other persons namely Mrs Harris, raising concerns about the nearby residential properties, the availability of alcohol to young adults, litter, safety of the location as the pathway leading up to the store was narrow and the impact the store would have on the local garage.

Mrs Pillinger referred to the last two points and indicated that these would have been considered during the planning process in terms of the location of the store and in relation to the impact on the local garage.

She then referred to paragraph 3.20 of the Council's Licensing Policy that the Council should not consider need or commercial demand when exercising any licensing function.

She focused on the main concern that was the permitted hours and the availability of alcohol to young adults and the possibility of litter in the local area.

Lidl were a national operator and had over 800 stores throughout the country located in a variety of areas. They were very experienced in operating in different types of areas and looked to make a positive contribution to the area. They worked with the Police, local authorities and local communities. By becoming part of the local community and caring about the community they had the same standard and desired outcomes.

She then referred to the strict procedures Lidl had in place and that Mrs Harris was not necessarily concerned about the alcohol procedures in place

but provided Members with details of the policies and procedures and the extensive training that they had in place and referred to the circulated additional information.

She then advised Members of a further procedure that Lidl followed that was unique and was that any cashier who believed that someone was under the age of 25 and trying to purchase alcohol or believed a proxy sale was taking place or under the influence of alcohol already, they would have to follow the procedure that involved them pressing a button under their till that alerted a shift manager who would make the decision if the sale proceeded. This procedure sent a very clear message to everyone attending the store that there was a zero-tolerance approach and was an affective procedure.

Lidl employed an external company to carry out test purchases at all their sites. Lidl stores were supermarkets and the layout of the store was designed to avoid problems with crime and disorder. Alcohol was displayed away from the entrance and was the furthest aisle from the entrance and was constantly monitored by CCTV and staff as they were unlike the larger stores and were an intimate store. Staff were always walking around the store and were trained to approach anyone loitering around in the alcohol aisle who should not be purchasing alcohol and they would remind them that they had a Challenge 25 policy in place and that they may be asked for ID at the checkout, this was an extra system of check to make sure that customers were aware that they had a zero tolerance policy.

She provided Members with an example of Lidl working with the police and local community and referred to a store in London in a community impact zone that had problems with street drinkers. Due to the success of the store and improvements in the local area, 6 months after opening Lidl were allowed to extend their permitted hours.

Lidl were a member of the Retail and Alcohol Standards Group and funder of Community Alcohol Partnership who put initiatives in place which were monitored to see the improvements. They also worked closely with Drink Aware and other charities such as NSPCC and local communities and would become a part of the community.

She believed that Lidl would have a positive impact on the area and referred to the permitted hours and the guidance from government and policies that stated that premises should be allowed to sell alcohol for the duration of their permitted opening hours. She indicated that licensing hours did not have to mirror planning hours and should be based on the licensing objectives. If there was a planning restriction in place restricting the opening hours this was what Lidl would have to comply with until such time as planning was amended and was why they were applying for the hours they had to allow

some flexibility in case they wished to go back to planning in the future and would not want to have to come back to licensing as well.

She referred to the concerns of Mrs Harris in relation to young people drinking and litter and that there was no evidence to suggest that this was more likely to happen between 7.00 am and 8.00 am and 10.00 pm to 11.00 pm, this type of activity would normal happen in the daytime rather than those extreme ends of the hours. She asked Members to consider granting the hours applied for being 7.00 am to 11.00 pm.

Mrs Harris commented that they stated that Lidl were a small store, but the store was going to be bigger than Morrisons.

There were no further questions of the Applicant.

In Summing up, Mrs Harris stated that the opening hours of 8.00 am to 10.00 pm Monday to Thursday and five hours on a Sunday was difficult for the neighbours but 7.00 am to 11.00 pm would be constant with no rest or timeout and the possibility of troublemakers.

The Applicant in summing up, stated that they believed that Lidl would make a positive impact to the local community and if any residents had any particular concerns or experience any difficulties the Store Manager would be available to discuss. This process was used across many stores and she assured Mrs Harris if she had any difficulties there would be a point of contact.

In relation to the concerns raised by Mrs Harris in particular the problems with young people drinking in the fields she referred to point 3.25 of the Licensing Policy and that Lidl could not control people once they had left the premises but Lidl would make sure alcohol was always sold responsibly. There was no evidence to suggest that alcohol should not be sold between the hours of 7.00 am and 11.00 pm. She then referred to the Thwaites case and that conditions should only be attached to a licence with a view to promoting the licencing objectives and that real evidence must be presented to support the reasons for imposing these conditions. No evidence had been presented and there was no objection from the Police or the Alcohol Harm Unit who would be the bodies who would ordinarily have objected to the application if there were concerns with disorder and the sale of alcohol. Government Guidance at paragraph 2.1 stated that the local authority should look to the police as the main source of advice on crime and disorder and they should also seek to involve the local community safety partnerships. There were no objections from the Police and asked Members to grant the application with the hours applied for, if any problems occurred Mrs Harris had the security of being able to ask for the licence to be reviewed.

The Chair thanked everyone for their attendance and advised that Councillors D Bell and C Hampson would join herself to deliberate the application in private and all parties would be notified of their decision later today.

At 10.15 am the Sub-Committee **Resolved** to retire to deliberate the application in Private.

In reaching their decision, the Sub-Committee considered the report of the Senior Licensing Officer, the verbal and written representations of the Applicant and Other Person. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved: That the premises licence be granted as follows:

Activity	Days & Hours
Opening Times	Monday to Sunday 07.00 – 23.00 hours
Supply of alcohol (for consumption off the premises)	Monday to Sunday 07.00 – 23.00 hours

Conditions to be attached to the premises:

- a) All staff are trained and are aware of the licensing legislation, especially in relation to the prevention of underage sales.
- b) Staff are required to sign a register confirming that they have undertaken training and are aware of their responsibilities.
- c) Training is repeated at frequent intervals, at least bi-annually. Any person found to be in breach of the Company Alcohol Policy is subject to disciplinary proceedings.
- d) Notices are displayed in the premises advising of the licensing legislation.
- e) The operators of the premises will maintain a good relationship with the local police and other relevant authorities.

- f) A comprehensive digital CCTV system to be installed internally giving storage of images for a period of not less than 28 days. Images will be provided on to removable media, to authorised bodies, within 48 hours' notice.
- g) Fire safety equipment is provided at the premises and staff are trained on the use of this equipment.
- h) If anyone attempting to purchase alcohol appears to be under the age of 25, the on-duty manager is called. The manager will only accept ID as proof of age (passport, photo driving licence or PASS card). If no ID is provided, no sale takes place.