

**Minutes of the Meeting of the LICENSING (HEARING) SUB-COMMITTEE held at the Council Chamber, Epsom Town Hall on 12 February 2024**

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**PRESENT -**

Councillors Kieran Persand (Chair), Steve Bridger and Phil Neale

In Attendance: Niall McCann (Solicitor, Keystone Law) (Applicant's Representative) and Beau Thompson (Area Manager, B & M) (Applicant's Representative)

Officers present: Lidia Harrison (Principal Solicitor), Nicholas Tapping (Licensing Officer) and Dan Clackson (Democratic Services Officer)

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**5 APPOINTMENT OF THE CHAIR**

The Sub-Committee unanimously elected to appoint Councillor Kieran Persand as Chair of the meeting.

**6 DECLARATIONS OF INTEREST**

No Disclosable Pecuniary Interests were declared by Members with respect to any item of business to be considered at the meeting.

**7 GRANT OF PREMISES LICENCE - B & M STORE, 78-80 HIGH STREET, EPSOM KT19 8BA**

The Licensing (Hearing) Sub-Committee (“the Sub-Committee”) was asked to determine an application for a premises licence made under the Licensing Act 2003.

The Licensing Officer introduced the report.

The Applicant had no questions to ask of the Licensing Officer.

The Sub-Committee had no questions to ask of the Licensing Officer.

The received an opening submission from the Applicant’s representative (Solicitor, Keystone Law):

- a) He stated that the vast majority of B & M stores have a premises licence for the sale of alcohol. He stated that B & M considers the sale of alcohol at its stores an important part of its business philosophy of providing a ‘one-stop-shop’ for its customers that enables people to buy all their

shopping needs at one store rather than having to shop across multiple shops.

- b) He addressed the objector's concern, found at page 29 of the agenda. He stated that the greatest consideration in relation to crime for B & M was shop lifting – an issue he explained is prevalent throughout the retail sector. With respect to the sale of alcohol, He stated that B & M had addressed the issue of shoplifting by positioning the alcohol aisle far within the store, as seen on the plan found at page 27 of the agenda. He went on to explain that the store would operate a one-way system for aisle navigation, which would facilitate easier supervision by staff. He explained that, as and when deemed necessary, B & M would also employ undercover security staff.
- c) He addressed the objector's concern, found at page 30 of the agenda. He stated that, in terms of the number of deliveries made to the site, estimating it to be 4-5 per week for the B & M store, residents would likely see little change from when the site was previously occupied by Wilko. With respect to the hours applied for, he explained that B & M did not intend to operate the full hours for the vast majority of the year and intended only to operate until 23:00 at certain times of the year, such as at Christmas time.
- d) He confirmed that B & M recognised and had read the Council's licensing act 2003 policy, which stated that "Off licences and stores with off sales up to 11pm will generally be granted, unless it can be shown that the application would undermine the licensing objectives".
- e) The highlighted to the Sub-Committee the conditions written as part of the application, found at pages 24-25 of the report.

The Applicant's representatives responded to questions from the Sub-Committee:

- a) A Member of the Sub-Committee voiced a concern with the applied-for starting time for the sale of alcohol at 07:00, suggesting that the sale of alcohol at that time could increase the risk of children becoming exposed to alcohol as and when they enter the store on their way to school. The Member enquired as to whether the Applicant would be happy to accept a condition requiring a starting time of 09:30 for the sale of alcohol.

In response, the Applicant's representative (Solicitor, Keystone Law) explained that B & M had applied for a starting time for the sale of alcohol at 07:00 in order to cater to people who, due to their work patterns, wish to, or are only be able to, do their weekly/bi-weekly shopping early in the morning, and who may otherwise be unable to, or not wish to, do their shopping later in the day. He explained to the Sub-Committee that the section of the store dedicated to the sale of alcohol would be minimal, that none of the alcohol sold at the premises would be pre-chilled, and that no alcohol would be available to pick up near the storefront. He stated that B

& M stores experience few issues nationwide in relation to the sale of alcohol.

- b) A Member of the Sub-Committee enquired as to whether there would be any product protection on any of the alcohol sold at the store, and whether there be an alarm system in operation at the front of the store.

In response, the Applicant's Representative (Area Manager, B & M) explained that electronic tagging system gates would be in operation at the front of the store. He explained that normally everything upwards of £5.99 is security tagged, and that bottle locks for spirits are kept at the tills. He stated that B & M staff receive training on 'challenge 25' products and resit the training every three months.

- c) A Member of the Sub-Committee enquired as to the camera coverage of the alcohol aisle.

In response, the Applicant's Representative (Area Manager, B & M) stated that the store would have sufficient camera coverage onto the aisle, with one view facing down the aisle and one facing away, in order to allow security staff to monitor that area of the store. He explained that the area of the shop containing the alcohol aisle would be regularly patrolled by security staff. He explained that all staff are asked at the start and end of their shifts, and upon leaving the tills, to walk down the alcohol aisle in order to check the area.

- d) A Member of the Sub-Committee enquired as to what was meant by "Plain clothes security staff shall be employed at the premises *'as and when deemed necessary'* by the licence holder", as written at section 'Mb' of the application form.

In response, the Applicant's Representative (Area Manager, B & M) explained that B & M hold weekly conference calls in relation to the number of incidents that have occurred in-store, all of which are reported on a daily basis. From those reports, it is then deemed whether or not is necessary to employ plain clothes security staff. He stated that B & M will station uniformed staff at higher risk areas of the store to act as a visual deterrent, and that security staff will monitor the camera feed and make announcements over the speaker system when necessary in order to deter and make people aware that the aisles are being monitored.

The Sub-Committee received a closing submission from the Applicant's representative (Solicitor, Keystone Law):

- a) He stated that the vast majority of B & M's previous applications had granted as applied for. He stated that he could not recall any issues that had arisen in relation to the sale of alcohol at any B & M stores within the area.

The Sub-Committee adjourned the meeting at 11:56 and retired from the Council Chamber their legal advisor to consider the application.

The Sub-Committee and their legal advisor returned to the Council Chamber and resumed the meeting at 12:23. The Chair relayed the Sub-Committee's decision (as detailed below).

Having read all the material presented in the agenda and all of the written representations made, having listened to all the evidence and submissions presented at the hearing, and having regard to the Statutory Guidance and to the Licensing Policy of the Council, the Sub-Committee resolved to:

**Grant the application as applied for.** However, the Sub-Committee would like to seek assurances that the fire exits in the premises are fully compliant with the law. The Sub-Committee has noted fully the objections received regardless of the fact that the objectors did not turn up to give further representations today.

The Chair announced that the sub-Committee's decision would be followed up by written confirmation in due course and that the Applicant had a right of appeal against the decision of the Sub-Committee, within 21 days of the notification in writing to the Applicant, to the Magistrates Court.

Seeking clarity, the Applicant's representative (Solicitor, Keystone Law) enquired as to whether the Sub-Committee required any action to be taken by the Applicant with respect to the fire exits on the site. The Sub-Committee explained that they wished for the Applicant to assure compliance with respect to the fire exits as there had been previous issues with respect to fire exit non-compliance with previous occupiers of the site. The Applicant's Representative (Area Manager, B & M) confirmed that fire exits would be checked four times a day and would be part of the manager's sign-off in the morning. He stated that he did not know of any issues to have arisen in relation to fire exits at any B & M stores in the area, and that disciplinary action would be taken in the event of any reported fire exit non-compliance.

*The meeting began at 11.35 am, was adjourned between 11:56 – 12:23, and ended at 12.25 pm*

COUNCILLOR KIERAN PERSAND (CHAIR)