

# Public Document Pack

Democratic Services



**To: All Members of the Licensing (Hearing) Sub-Committee**

Dear Councillor,

**LICENSING (HEARING) SUB-COMMITTEE - MONDAY, 12TH FEBRUARY, 2024 ,  
Council Chamber - Epsom Town Hall,  
<https://www.youtube.com/@epsomandewellBC/playlists>**

Please find attached the following document(s) for the meeting of the Licensing (Hearing) Sub-Committee to be held on Monday, 12th February, 2024.

- 3. GRANT OF PREMISES LICENCE - B & M STORE, 78-80 HIGH STREET, EPSOM KT19 8BA – APPENDIX 6 (Pages 3 - 6)**

Statement from Keystone Law, on behalf of B&M Retail Limited.

For further information, please contact [democraticservices@epsom-ewell.gov.uk](mailto:democraticservices@epsom-ewell.gov.uk) or tel: 01372 732000

Yours sincerely

A handwritten signature in black ink, appearing to read "Sing".

Chief Executive

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**B & M Retail Limited (the “Applicant”)****B & M Store (formerly Wilko), 78 – 80 High Street, Epsom, KT19 8BA (the “Premises”)****Application for a New Premises Licence**

This statement is made in support of an application for a new premises licence with the intention of outlining the Applicant’s case and seeking to address the concerns of those maintaining representations.

Amplification of the points made below, together with further submissions, will be made orally at the licensing sub-committee hearing if the two representations raised are not withdrawn.

**Background**

The Premises was, until recently, a branch of Wilko which went into administration last summer resulting in the closure of 400 of its stores. In September 2023, the Applicant announced that it was purchasing 51 Wilko stores, to be rebranded as B&M. The Premises was part of this purchase.

The Applicant is a national discount retailer, with over 700 stores throughout the UK. They sell a range of products including food, electricals, homeware, furniture, DIY and gardening products. Most of the stores sell a limited range of alcohol as an ancillary to its food sales. Alcohol is not discounted, nor is it advertised in store windows, or in the press. Alcohol pricing is generally in line with, or marginally more expensive than, alcohol sold in other major supermarket retailers.

The Premises is being re-fitted and is due to re-opened as a B&M on 1 March 2024. The licence proposal is to offer alcohol (off sales) in locations shown on the Premises Licence plan. The Premises has nearly 1000 retail bays, but it is only intended that alcohol will be located on 14 of those (see the bays edged red on the plan).

**The Representations**

The Applicant is pleased that no representations have been received from the 'independent experts', namely the statutory authorities. However, two representations have been received from local residents. Their concerns and the Applicant's comments thereon are as follows:

### Drinking in the carpark under a walkway

The Applicant notes the concerns about people buying alcoholic drinks from Tesco and the Co-op and consuming them in the carpark. However, as dedicated supermarkets, those stores tend to have a far greater range of alcoholic products, including drinks that are chilled. There is no reason why people should choose to purchase from the Applicant instead. In addition, the following condition has been proffered:

- Area immediately in front of the store shall be inspected on a regular basis and management and staff shall use their best endeavours to prevent B & M customers from loitering in the said areas, persons refusing to move shall be subject of a report to the Police to facilitate safe dispersal.

### Later Opening Hours than Wilko

The Premises will generally be open from 8:00am to 7:00pm Monday to Saturday and 10:30am to 16:30pm on Sundays. During peak trading periods, such as in December, the Applicant's trading hours are generally extended to 23.00 closing (subject to customer demand). The Premises Licence application has been submitted to cover the hours 07.00 to 23.00 (Monday to Sunday). The reason for these extended hours beyond the usual opening hours is to cover December and in case there is any change to Sunday trading legislation in the future, which would mean that all of the licences would not have to be varied.

### Deliveries and Parking

In relation to stock deliveries, B&M will be mindful of local residents in relation to vehicle delivery timings. However, this is a general point and does not relate specifically to sales of alcohol. Also, if people are parking illegally this is a matter for council enforcement and planning as opposed to licensing.



### Gentrification

The concept of gentrification and what is 'the wrong crowd' is somewhat subjective and, in any event, is not strictly relevant to the Licensing Objectives. Nevertheless, a store which sells a wide variety of household products at competitive prices which is helping to keep the High Street alive is usually considered to be a net benefit to an area.

### Potential for Crime (including shop lifting)

Conditions have been proffered to tackle potential shoplifting and crime, namely:

- CCTV shall be provided in the form of a recordable system covering the trading area and cash tills.
- The CCTV equipment shall be maintained in good working order correctly time and date stamped. Recordings shall be kept in date order, numbered consequentially and kept for a period of 31 days and copies made available to any responsible authority on request.
- Appropriate signage stating that a CCTV system is operational in the store will be displayed in conspicuous positions.
- B & M will maintain liaison with the neighbourhood police officers regarding any issues relating to the premises.
- The area for the display of 'alcohol for sale' shall be no more than 10% of the trading area.
- Plain Clothes security staff shall be employed at the premises as and when deemed necessary by the Licence Holder.
- All staff will be trained in 'Security Awareness' as part of their induction training.
- Staff to be instructed that alcohol may not be sold to any person who is believed to be drunk.
- Notices to be displayed inside the premises stating that it is an offence for any person under 18 years of age to purchase alcohol.
- Notices to be displayed inside the premises stating that a Challenge 25 policy is in force.

These are legally enforceable conditions which would not apply if the Premises was not licensed to sell alcohol.



### Conclusion

The Applicant hopes to operate a vibrant and busy store at this site, which otherwise could have been a closed down retail unit, with all the problems that could have entailed. It acknowledges the concerns that have been raised by two local residents about its licence application, but it does not agree that granting its licence would undermine any of the licensing objectives. In light of these points, the Applicant respectfully asks the Committee to grant this application as sought.

Niall McCann, Partner (Keystone Law)

On behalf of B&M Retail Limited

