

**BEFORE EPSOM & EWELL BOROUGH COUNCIL**

**Licensing Sub Committee Hearing Wednesday 13th August 2025**

**Application for the Variation of a Premises Licence**

**Under S.34 Licensing Act 2003**

**At**

**Ruxley Food and Wine**

**427 Kingston Road, Ewell KT19 0BT ('The Premises')**

**KA Brothers Ltd**

**(Applicant)**

---

**Skeleton Argument on behalf of the Applicant**

**Bill Donne, Silver Fox Licensing Consultants**

---

**Documents submitted on behalf of the Premises Licence Holder.**

**A. Section 182 Guidance Licensing Act 2003 - December 2023**

- Part 9.3 to 9.11 Where representations have been made and
- 9.12 Responsible Authorities as experts
- 9.38 give weight to the evidence.
- 1.17 Each application on its own merits

**B. Epsom & Ewell Borough Council Statement of Licensing Policy**

1.1 We also acknowledge the needs and concerns of licensed businesses. The presence of good quality, diverse and varied licensed premises which are responsibly managed with due regard to the local community, will be a positive factor for many residents, businesses and those working in the Borough. The licensed retail and hospitality industry makes a **significant contribution** to the local economy, job market and social environment within the Borough.

4.3 When considering the application, and any relevant special licence conditions, the Authority will primarily focus on the direct impact of the licensable activities on members of the public living, working or visiting the area. The Authority acknowledges that the licensing function cannot be used for the general control of anti-social behaviour once customers are beyond the

direct control of the individual, club or business holding the licence, but will require the licensee to take steps within his/her own premises to control the likelihood of such antisocial behaviour occurring.

**C. Human Rights Act 1998**

3.5 The Council has a duty under the European Convention on Human Rights to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licence holder to operate their business without undue interference (Article 1 of the First Protocol). This promotes the need for the licensing authority to reach a balance between these two principles when making decisions.

**Location-(See Appendix 1)**

The premises are located Kingston Road on the corner site on the busy junction of the A240 and B284 and trades from the ground floor. (See page 33 of the Bundle). The location does not fall in the Red or Amber special policy areas.

The business trades as a convenience store, newsagents, off licence and a post office. (See appendix 1 and appendix 2).

The residential property on the first floor above the store is occupied by the Directors of the Company.

**The current premises licence** authorises the following activities:

**Current Licence-Sale of Alcohol by Retail (Off sales only)**

- Monday-Saturday 08:00 to 23:00 hours, and Sunday from 10:00 to 22:30 hours

**Scope of this Application**

The Applicant originally applied to trade 24 hours each day. In recognition of the representations received we wish **to amend the application** to read as follows:

**Amended Application-Sale of Alcohol by Retail (Off sales only)**

- Sunday to Thursday from 07:00 hours to 02:00 hours the following day
- Friday and Saturday from 07:00 hours until 03:00 hours the following day

with the store closing at 23:00 hours, doors locked, and then service via a Night Pay Hatch. No customers or delivery drivers permitted in store from 23:00 each day.

After 23:00 hours each day all products. Including confectionary, cigarettes, milk, bread, alcohol will be passed through the window through the security hatch (See Appendix 2) fixed into the window.

Payment is made either by cash or card at the window, then the goods are placed into a secure siding shelf that the customer then opens and removes his purchases. All age restricted goods are preprogrammed into the till system to enable a 'Check Age ID' prompt on to the till screen. The assistant then has to manually input confirmation that valid ID has been produced. Refusals are logged on the till system and details recorded in a hard copy refusals log.

The same procedure will be used by the delivery drivers except that payment for alcohol will have been pre- paid online via the third-party aggregator's website.

The contract between Uber Eats et al will include obligations to check proof of age ID in accordance with the proposed conditions on the Premises Licence, and to refuse to deliver in the absence of valid ID.

There is a burglar alarm in the shop in addition to a panic alarm with direct links to a monitoring service.

### **Further Amendments -Conditions under Annex 2**

In addition, we would wish to **remove** the current conditions in their entirety and **replace** with:

#### **CCTV**

1. The premises licence holder shall ensure the premises' digitally recorded CCTV system cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a minimum of 31 days with time and date stamping.

The entire licensable area shall be covered by the CCTV and an appropriate number of cameras shall be installed to cover the external areas immediately outside of the premises.

Data recordings shall be made immediately available to an authorised officer of Surrey Police or Epsom & Ewell Council together with facilities for viewing upon request, subject to the provisions of the Data Protection Act.

Recorded images shall be of such quality as to be able to identify the recorded person in any light. At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.

2. **Signage** advising customers that CCTV is in use shall be positioned in prominent positions.

#### **Incident Reports**

3. All incidents which impact on any of the four licensing objectives shall be recorded

in a register kept at the premises for this purpose. The names of the person recording the incident and those members of staff who deal with any incident shall also be recorded. Where known, any offenders name shall also be recorded. It must be completed within 24 hours of the incident and will record the following:

- i. all crimes reported to the venue
- ii. any complaints received concerning crime and disorder

- iii. any incidents of disorder
  - iv. any faults in the CCTV system
  - v. any refusal of the sale of alcohol
  - vi. any visit by a relevant authority or emergency service.
- a) this record shall be available for inspection by an Officer of Surrey Police or an authorised officer of Epsom & Ewell Council upon request and shall be retained for one year.
- b) a weekly review of the incident register shall be carried out by the DPS.

### **Refusals**

4. All staff to be trained to record refusals of sales of alcohol in a refusals book or electronic register. The book/register shall contain:

- Details of the time and date the refusal was made;
- The identity of the staff member refusing the sale;
- Details of the alcohol the person attempted to purchase;

a) This book/register shall be available for inspection to an authorised officer of Epsom & Ewell Council or Surrey Police. A weekly review of the refusals book/register shall also be carried out and signed-off by the Designated Premises Supervisor or their nominated representative.

### **Staff Training**

5. Staff employed to sell alcohol shall undergo training upon induction before they are allowed to sell alcohol. This shall include, but not be limited to:

- The premises age verification policy
- The Four Licensing objectives
- The law relating to age restricted goods
- Dealing with refusal of sales
- Proxy purchasing
- The procedure for validating documents produced as proof of age
- Identifying intoxication
- Conflict management

- a) Refresher training shall be provided every six months;
- b) Signed induction and refresher training records are to be kept for a minimum of 12 months of the date of training and made available for inspection by a Police Officer or authorised officer of Epsom & Ewell Council upon request;
- c) All staff authorised to sell alcohol shall be trained in responsible alcohol retailing within 4 weeks for existing and new employees.

### **Challenge 25**

6. The premises shall at all times operate an age verification policy of at least Challenge 25 to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided identification. Only a valid driver's licence showing a photograph of the person, a valid passport, National Identity Card, military ID, a proof of age card showing the

‘Pass’ hologram that contains an ultraviolet feature or holographic mark are to be accepted as identification. Staff shall be trained in the F.L.A.R.E. checklist to identify fraudulent cards. Staff training on checking proof of age procedures will be recorded and kept on file.

7. Posters advertising the premises’ Challenge 25 age verification policy shall be displayed in prominent positions on the premises.

8. Notices shall be displayed by all exits requesting customers to leave the premises and the immediate area quietly.

**In Addition, we accept the following conditions relating to deliveries recommended by the police:**

**Police conditions-Delivery**

1. Alcohol to be delivered to a residential or business address only
2. Purchasers Details to be collected and kept for inspection:
3. Name of purchaser
4. Address of purchaser
5. The email address of purchaser
6. Details of products ordered
7. Method of Payment
8. Confirmation purchaser is over the age of eighteen
9. Payment must be made in full
10. Delivery Drivers must not carry spare alcohol
11. Drivers must refuse delivery if the person accepting delivery cannot produce valid proof of age documents to confirm that they are eighteen years of age or older
12. Refuse to deliver if recipient appears to be intoxicated or under the influence of drugs
13. Drivers must cut off engines when delivering, no idling permitted
14. All alcohol must be in sealed containers
15. Signage requesting patrons to leave the area quietly

**I now address the concerns expressed by the Police and Environmental protection:**

**Police Representation**

The police have suggested that by granting the application it will increase the likelihood of crime and disorder and anti-social behaviour through street drinking in the area. The premises are not located in the town centre and therefore unlikely to increase crime. The alcohol will be sold for off sales and intended for home consumption.

The police have not provided evidence in their representation in respect of crime statistics for that particular area to support their assumptions. In respect of their concerns regarding delivery to bona fide addresses we agree to the conditions proposed by the police.

## **Environmental Health (EH)**

EH has expressed concern about potential noise nuisance, and with street drinking and when Delivery drivers collect orders in what EH considers a residential area.

EH states that there are no business currently trading past 23:00 each day. This is incorrect. An online search reveals that T.O.G. trades Sunday to Thursday until 00:30 hours and Fridays/Saturdays until 01:30 hours and Paya trades until 00:45 hour each day.

The applicant has conducted a risk assessment relating to lone workers. It is considered that as the entrance to the premises will be locked at 23:00 hours and no public will be permitted to enter the store from that time no specific additional steps are required other than the panic alarm. In addition, the Director lives in the residential property above the store and will be contactable in emergencies.

The service night hatch will be on the side of the build in Ruxley Lane (See page 31 Bundle), the B284, a main arterial road that is busy with heavy traffic throughout the day and night.

## **Other Representations**

Please note that no representations were received from local residents

## **Recommendation**

It is respectfully suggested that the Licensing Sub Committee take a prospective view and grant the amended application with the revised conditions and timings.

## Appendix 1





## Appendix 2





