

B & M Retail Limited (the “Applicant”)**B & M Store (formerly Wilko), 134 – 142 High Street, Gillingham, Kent ME7 1AS (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further submissions, will be made orally at the licensing sub-committee hearing if the representations raised are not withdrawn.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 750 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 other sales. Whilst not a very significant part of the overall offer, having alcohol sales allows B & M stores to be a ‘one stop shop’ for their customers. Alcohol is not discounted, nor is it advertised in store windows, nor 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 16 November 2024. The premises licence proposal is to offer alcohol (off sales) in locations shown on the Premises Licence plan. The Premises has 584.5 retail bays, but it is only intended that alcohol will be located on 12.5 of those (see the bays edged red on the plan).

The Representations

Whilst there are representations from the police, public health and two local residents, they share the same concerns, namely that there is crime and disorder and public nuisance currently experienced near the Premises. The Applicant recognises that there is a concentration of off licences on the High Street and surrounding locations (most of which are small convenience stores, corner shops and newsagents) with 'super strength beer and cider' leading to 'issues of street drinking and associated crime' coupled with anti-social behaviour. There is a Nisa Extra opposite the Premises which has a far broader range of alcoholic products than the Applicant proposes, is licensed until 23.00hrs Monday to Saturday and 22.30hrs on Sunday but has no conditions on the premises licence whatsoever, above and beyond those that are mandatory.

From the Applicant's experience its stores are not attractive to street drinkers as:

- the choice of products is limited;
- there are no promotions; and
- alcoholic products are not cooled for immediate consumption (i.e. on the street).

The Applicant has never had a premises licence review following issues with street drinking. Nevertheless, it has suggested conditions in its operating schedule to prevent crime and disorder in the vicinity, namely:

- **A multi-camera CCTV system will be operational at the premises, which will cover all public trading areas, the entrance/exit and tills.**
- **The CCTV system will be maintained in good working order and images will be correctly time and date stamped. Footage will be retained for a minimum period of 31 days and a copy of CCTV footage will be downloaded and provided to any responsible authority on request.**
- **In order to maintain the security of the CCTV system, selected staff will be trained in the use of the system to ensure that any request for images will be completed within 24 hours.**



- **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 crime/disorder/ASB issues relating to the premises.**
- **The area for the display of 'alcohol for sale' will be no more than 10% of the store trading area.**
- **Plain clothes security staff will be employed at the premises as and when deemed necessary by the Premises Licence holder.**
- **Staff will be trained to ensure that alcohol is not sold to any person who is believed to be drunk.**
- **The 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 on will be reported to the Police and/or retail park security staff.**

To provide further reassurance, the Applicant is also happy to proffer further conditions to ensure that that licensing objectives are upheld namely:

- **No beer, lager or cider above 5.5% ABV will be sold.**
- **Save for craft beer, there shall be no sales of single bottles or cans of beer/lager/cider/spirit mixers,**
- **No alcohol will be displayed within 5m of any access points from the street.**
- **All spirits will be displayed behind the counter at the kiosk and will not be available for self-service.**

The Applicant is pleased to note that the Authority is 'supportive of applications which will positively benefit the town centre' and will 'encourage' 'premises where the sale of alcohol is ancillary to the main business', which is the case here.



Conclusion

The Applicant intends to operate a vibrant and busy store at this site, which otherwise would have been a closed down retail unit, with all the problems that could have entailed. It acknowledges the concerns that have been raised, but it does not agree that granting a licence would undermine any of the licensing objectives given the style of operation and conditions proposed. If anyone raising a representation still has concerns, they are urged to contact the writer to discuss matters in more detail by emailing niall.mccann@keystonelaw.co.uk.

Every application should be treated on its own merits and, in light of the above 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

