



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	17 September 2015
Licensing Ref No:	15/05759/LIPN
Title of Report:	Tesco Stores 138-144 Queensway London W2 6LS
Report of:	Director of Public Protection and Licensing
Wards involved:	Lancaster Gate
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Ola Owojori
Contact details	Tel: 020 7641 7830 E-mail: owojori@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	16 July 2015		
<b>Applicant:</b>	Tesco Stores Limited		
<b>Premises:</b>	Tesco Stores		
<b>Premises address:</b>	138-144 Queensway London W2 6LS	<b>Ward:</b>	Lancaster Gate
		<b>Stress Area:</b>	Queensway
<b>Premises description:</b>	The premises are to be operated as a supermarket including sale of alcohol for consumption off the premises.		
<b>Premises licence history:</b>	138-142 were licensed until 23 October 2014 when the premises licence was surrendered. The new application is to extend the licensable area to include 144 Queensway, Recorded Music and Private Entertainment have not been applied for.		
<b>Applicant submissions:</b>	Policy on the provision of portable fire fighting equipment. <b>See Appendix 2</b>		

## 1-B Proposed and previous licensable activities, areas and hours

Sale by Retail of Alcohol						
Off sales			Proposed :		Previous:	
			Off sales		Off sales	
	Proposed Hours		Previous Hours		Licensable Area	
	Start:	End:	Start:	End:	Proposed:	Previous:
<b>Monday</b>	06:00	00:00	08:00	23:00	Ground 138-144	Ground 138 -142
<b>Tuesday</b>	06:00	00:00	08:00	23:00		
<b>Wednesday</b>	06:00	00:00	08:00	23:00		
<b>Thursday</b>	06:00	00:00	08:00	23:00		
<b>Friday</b>	06:00	00:00	08:00	23:00		
<b>Saturday</b>	06:00	00:00	08:00	23:00		
<b>Sunday</b>	06:00	00:00	10:00	22:30		
<b>Seasonal variations:</b>	<b>Current:</b>			<b>Proposed:</b>		
	Not applicable			Not applicable		
<b>Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>		
	Not applicable			Not applicable		

Hours premises are open to the public						
	Proposed Hours		Previous Hours		Premises Area	
	Start:	End:	Start:	End:	Proposed:	Previous:
<b>Monday</b>	06:00	00:00	08:00	23:00	Ground 138-144	Ground 138 -142
<b>Tuesday</b>	06:00	00:00	08:00	23:00		
<b>Wednesday</b>	06:00	00:00	08:00	23:00		
<b>Thursday</b>	06:00	00:00	08:00	23:00		
<b>Friday</b>	06:00	00:00	08:00	23:00		
<b>Saturday</b>	06:00	00:00	08:00	23:00		
<b>Sunday</b>	06:00	00:00	10:00	22:30		
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	Not applicable				Not applicable	
<b>Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	Not applicable				Not applicable	

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	The Environmental Health
<b>Representative:</b>	David Nevitt
<b>Received:</b>	22 July 2015
<p>I refer to the above application which seeks a Premises Licence to include the following Licensable activities:</p> <p><b>The Supply of Alcohol</b> 'Off' the premises 0600hrs-2400hrs, 7 Days a week.</p> <p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p> <p><b>The premises is located in the Queensway Stress Area as defined by the City Council's Licensing Policy.</b></p> <p>The application seeks hours for the Sale/Supply of Alcohol that are beyond the Core Hours as defined by the City Council's Licensing Policy. The premises is located in the Queensway Stress Area. <u>EH will maintain a Representation on the grounds that what is sought is against Policy.</u> The matter will need to be determined by the Licensing Committee at a Hearing.</p> <p>I recommend that the application <u>is amended so as to be within the Core Hours.</u></p> <p>I understand that a number of Conditions have been agreed with the Police.</p>	

I propose the following Conditions (some of which are the same as the Police):

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
4. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
5. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
6. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
7. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles
8. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.
9. No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol
10. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
11. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
12. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
13. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
14. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day
15. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.

16. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
17. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.

<b>Responsible Authority:</b>	Metropolitan Police
<b>Representative:</b>	Adam Deweltz
<b>Received:</b>	23 July 2015

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be making a representation. It is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated within the 'Queensway Stress Area', a locality where this is traditionally high crime and disorder. There are concerns that this application will cause further policing problems in an already demanding area and add to the cumulative impact.

In order for the police to withdraw their representation, we would like the following conditions added to the operating schedule:

- 1) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- 2) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 3) An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
- 4) A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 5) All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

6) The licence holder shall ensure that outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

7) No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.

8) No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.

9) No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.

10) There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.

11) Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

12) A minimum of 1 SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business.

The hours for the supply of alcohol will also need to be changed to the Westminster Core Hours.

The applicant has agreed some of the conditions proposed by the Police and they have suggested alternative wordings to others. **Please see Appendix 4**

2-B Other Persons			
<b>Name:</b>		William Kennedy	
<b>Address and/or Residents Association:</b>		Queensway Residents' Association (QRA) C/O 142A Queensway London W2 6LS	
<b>Status:</b>	Residents Association	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	10 August 2015		
<p>Queensway Residents' Association (QRA) writes to make a relevant representation objecting to the grant of this application in the terms applied for.</p> <p>QRA objects on the basis that the likely effect of the application, if granted, would be to harm the licensing objectives of prevention of public nuisance and prevention of crime and disorder. As the premises is located in the Queensway/Bayswater Stress Area, it also raises significant issues in respect of the City Council's 'Stress Area' policy STR and OS2, particularly the Operating Schedule is bereft of any proposed conditions which may go some way to resolving our concerns.</p> <p><b><u>Prevention of public nuisance and crime and disorder</u></b></p> <p>The area has a history of noise and nuisance arising from the 'cumulative impact' of</p>			

licensed establishments, both 'on' and 'off' sales premises, which is reflected by the fact that it is within a designated 'Stress Area'. Great care therefore needs to be taken when granting new licences for off-sales because of the problems they can cause, if not properly regulated. We note once more the absence of proposed conditions from the Applicant which would signify that they have taken into account the fact that this is a 'Stress Area' when making the application. We are therefore extremely concerned that as our streetscape is already over run with beggars, some indulging in street drinking/disorder and with this type of anti-social behaviour all the more prevalent near to existing supermarket outlets along Queensway's northern end and surrounds, our members are fearful that the hours applied for within this particular application can only exacerbate what is already a serious blight on our local amenity.

We would also like to bring to the attention of the licensing committee the early morning noise pollution suffered by many of our residents. This is often caused by logistic companies 'stacking' their vehicles before access to their respective stores is available. This activity is particularly prevalent during the winter months when drivers tend to leave their vehicle's engine running. Stacking causes noise pollution to filter into many of the rear bedrooms (some housing young children) that overlook the 'service' road off Inverness Terrace behind Cervantes Court. This road is used for deliveries into Queensway commercial units including the Post Office, Boots, Super Drug, and in due course, Tesco. We therefore ask that the committee, when considering this current application, take into account the undoubted detrimental effect, to what is already a fragile residential amenity, which would ensue if this anti-social activity was to be exacerbated as a result of the applicant's delivery scheduling.

We refer to the Council's Statement of Licensing Policy section on 'off sales'. In particular, we do not wish to see street drinkers being able to purchase single cans, or high strength beer, lager or cider to consume on the street. We also do not want to see 'pre-loading' where customers can purchase single cans or small bottles of spirits to drink on their way to on-licensed premises. This causes problems later in the evening for local residents (and indeed for responsible 'on' licensed premises).

We are also concerned with under age sales. Perhaps the Applicant could explain the measures they have in place for age-verification, particularly with self-service tills.

A particular area of concern with off-sale licences in the area is when the Notting Hill Carnival takes place. Queensway is recognised as a major part of the Carnival 'footprint' and with total footfall over that w/end running into the hundreds of thousands, many of whom often wish to stock up with cheap alcohol which they consume on the street with a high degree of nuisance to residents over and above that which they already suffer with aspects of the Carnival. To address this, we have proposed a condition in this regard below.

### **Hours**

The Applicant has applied for hours which are well outside the City Council's 'core hours' Policy for off sales, which are 8am to 11pm Mon-Sat, 10am to 10.30pm Sun. However, there is no explanation of how this departure from Policy is justified. We note

that the previous licence Tesco held for this site, now surrendered, was limited to 'core hours', as are other similar premises in the area. We are not at all clear why the applicant has applied for these hours, particularly in the absence of anything in the Operating Schedule to justify it. Therefore, should a licence be granted, it should be limited to 'core hours. We would also like to see additional conditions agreed or, failing that, imposed.

### **Stress Area Policy**

Under Policy STR1 (ii) and OS2, the applicant must demonstrate that the application would not, if granted, add to cumulative impact. We cannot see anything in the Operating Schedule which demonstrates this, even to 'core hours'.

### **Proposed conditions**

It is disappointing that there is not more detail in the Operating Schedule, as it would afford residents a more detailed impression of what is proposed. For instance, it is proposed to operate in a manner which encourages and/or facilities street drinking - for instance, selling single cans, selling 'super strength' lagers and ciders, or 'miniatures' which could easily be used to 'pre-load'? We presume that the police will request model conditions requiring CCTV.

Therefore, we propose the following conditions, should the application be granted:

- There will be no sale of beer or cider above 5.5% ABV (alcohol by volume).
- No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
- No single cans or plastic bottles of beer or cider shall be sold at the premises.
- There shall be no sales of spirits in vessels of 30cl or less.
- There shall be no sales of beer or ciders in bottles larger than 1.5 litres.
- All tills, including self-service tills, shall automatically prompt staff to require age verification identification when presented with an alcohol sale.
- Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
- The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 (or older if the licence holder so elects) to produce, before being sold



alcohol, identification being a passport or a photo card driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.

- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which causes a nuisance
- Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale
- All deliveries and collections shall be via the dedicated loading bay on Inverness Terrace
- Deliveries to the premises shall only take place on Monday's to Saturday's between 08:00hrs and 18:00hrs and on Sunday's and Bank Holiday's between 10:00hrs and 17:00hrs only.
- No collections of waste or recycling materials (including bottles) from the premises shall only take place between 08:00hrs and 20:00hrs on the following day.
- No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 08:00hrs and 20:00hrs the following day.
- On Sunday and Monday of the Notting Hill Carnival:

There shall be no sale of alcohol in glass vessels from the premises.

There shall be no external advertisement of alcohol at the premises .

There shall be no sale of alcohol from the premises after 18:00 hours.

We look forward to being kept updated as to the progress of the application and would welcome dialogue with the Applicant in the hope that an agreement can be reached without the need for a hearing. If a hearing is necessary, we would wish to attend.

<b>Name:</b>		John Zamit	
<b>Address and/or Residents Association:</b>		South East Bayswater Residents' Association (SEBRA) 2 Claremont Court Queensway LONDON W2 5HX	
<b>Status:</b>	Residents Association	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	10 August 2015		

On behalf of the South East Bayswater Residents' Association (SEBRA) and the Bayswater Residents' Association (BRA) we most strongly object to this Premises Licence application for 'off sales' for a Tesco Metro.

These large premises, which have been closed for some time due to construction of twenty residential units at the rear entered from Inverness Terrace, are situated in the section of the Queensway between Bishop's Bridge Road and Porchester Gardens and have residential units above and adjacent.

We object on the basis that the likely effect of the application, if granted, would be to harm the licensing objectives of prevention of public nuisance and prevention of crime and disorder. As the premises is located in the Queensway/Bayswater Stress Area, it also raises significant issues in respect of the City Council's 'Stress Area' policy STR and OS2, particularly the Operating Schedule is bereft of any proposed conditions which may go some way to resolving some concerns.

### **Prevention of public nuisance and crime and disorder**

The area has a history of noise and nuisance arising from the 'cumulative impact' of licensed establishments, both 'on' and 'off' sales premises, which is reflected by the fact that it is within a designated 'Stress Area'. We already have problems in the Stress Area (particularly in Queensway) with vagrants, beggars and street drinking. Great care therefore needs to be taken when granting new licences for off-sales because of the problems they can cause, if not properly regulated. We note once more the absence of proposed conditions from the Applicant which would signify that they have taken into account the fact that this is a 'Stress Area' when making the application.

We refer to the Council's Statement of Licensing Policy section on 'off sales'. In particular, we do not wish to see street drinkers being able to purchase single cans, or high strength beer, lager or cider to consume on the street. We also do not want to see 'pre-loading' where customers can purchase single cans or small bottles of spirits to drink on their way to on-licensed premises. This causes problems later in the evening for local residents (and indeed for responsible 'on' licensed premises).

We are also concerned with under age sales. Perhaps the Applicant could explain the measures they have in place for age-verification, particularly with self-service tills.

A particular area of concern with off-sale licences in the area is when the Notting Hill Carnival takes place every August Bank Holiday weekend. Hoards of people descend on Queensway and the surrounding streets to attend the Carnival and often they wish to stock up with cheap alcohol, which they consume on the street with a high degree of nuisance to residents over and above that which they already suffer with aspects of the Carnival. To address this, we have proposed conditions in this regard below.

### **Hours**

The Applicant has applied for hours which are well outside the City Council's 'core hours' Policy for off sales, which are 8am to 11pm Monday-Saturday, 10am to 10.30pm Sunday. However, there is no explanation of how this departure from Policy is justified. We note that the previous licence Tesco held for this site, now surrendered, was limited to 'core hours', as are other similar premises in the area. We are not at all

clear why the applicant has applied for these hours, particularly in the absence of anything in the Operating Schedule to justify it.

Therefore, should a licence be granted, it should be limited to no more than 'core hours'.

We would also like to see additional conditions agreed or, failing that, imposed.

### **Stress Area Policy**

Under Policy STR1 (ii) and OS2, the applicant must demonstrate that the application would not, if granted, add to cumulative impact. We cannot see anything in the Operating Schedule which demonstrates this, even to 'core hours'.

### **Proposed conditions**

It is disappointing that there is not more detail in the Operating Schedule, as it would afford residents a more detailed impression of what is proposed. For instance, it is proposed to operate in a manner which encourages and/or facilitates street drinking - for instance, selling single cans, selling 'super strength' lagers and ciders, or 'miniatures' which could easily be used to 'pre-load'?

Therefore, we propose the following conditions, should the application be granted:

- There will be no sale of beer or cider above 5.5% ABV (alcohol by volume).
- No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
- No single cans or plastic bottles of beer or cider shall be sold at the premises.
- There shall be no sales of spirits in vessels of 30cl or less.
- There shall be no sales of beer or ciders in bottles larger than 1.5 litres.
- All tills, including self-service tills, shall automatically prompt staff to require age verification identification when presented with an alcohol sale.
- Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
- The premises licence hold will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or a photo card driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly

accredited scheme) hologram.

- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which causes a nuisance.
- Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
- All deliveries and collections shall be via the dedicated loading bay on Inverness Terrace.
- Deliveries to the premises shall only take place between Monday and Saturday between 08 00 and 18 00 and on Sundays and Bank Holidays deliveries only between hours of 17.00 and 10.00 and 17.00.
- Delivery vehicles must not arrive early and wait in vicinity with engines' running'.
- No collections of waste or recycling materials (including bottles) from the premises shall take place between 08 00 and 20.00 on the following day and on Sundays and Bank Holidays not before 10am.
- No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 08 00 and 20.00 the following day and not before 10.00 on a Sunday and Bank Holiday.
- 'On Sunday and Monday of the Notting Hill Carnival:

There shall be no sale of alcohol in glass vessels from the premises.  
There shall be no external advertisement of alcohol at the premises.  
There shall be no sale of alcohol from the premises after 18:00 hours.

We also wish to have CCTV installed at the premises but presume that the police will request model conditions requiring CCTV and therefore do not propose to list these model conditions.

We look forward to being kept updated as to the progress of the application and would welcome dialogue with the Applicant in the hope that an agreement can be reached without the need for a hearing. If a hearing is necessary, we would wish to attend.

<b>Name:</b>	Diana Parades		
<b>Address and/or Residents Association</b>	148A Queensway London W2 6LS		
<b>Status:</b>	Resident	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	13 August 2015		

We live in 148A and have seen a copy of QRA's representation regarding Tesco's premises License Application and we concur with the content. Please take our concerns

into consideration.			
<b>Name:</b>		Susie Burbridge	
<b>Address and/or Residents Association</b>		Member for Lancaster Ward Westminster City Hall 64 Victoria Street London SW1E 6QP	
<b>Status:</b>	Councillor	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	12 August 2015		
<p>As the local ward Councillor, I request that it be noted that I fully agree with comments made and totally support the objections declared by SEBRA, BRA and QRA.</p>			

<b>Name:</b>		Andrew Smith	
<b>Address and/or Residents Association</b>		Member for Lancaster Ward Westminster City Hall 64 Victoria Street London SW1E 6QP	
<b>Status:</b>	Councillor	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	13 August 2015		
<p>I have read though the objection to the application for a new premises licence for Tesco Stores Ltd 138-144 Queensway W2 6LS. 15/05759/LIPN which has been jointly submitted to you by the two local amenity societies, SEBRA and BRA</p> <p>The premises are on the busy shopping street of Queensway which is at the heart of my ward. After looking at the detail of the objections and the suggested conditions from SEBRA and BRA I have to say that I agree with each and every one of them.</p> <p>Queensway is a busy commercial area, but also a residential area and I strongly believe that there is no justification for the store to be granted a licence that extends beyond core hours.</p> <p>I hope that the committee will agree with these suggestions from local residents.</p>			

**3. Policy & Guidance**

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy STR1</b> Stress Areas	<ul style="list-style-type: none"> <li>(i) It is the Licensing Authority’s policy to refuse applications in the Stress Areas for: pubs and bars; fast food premises and premises offering facilities for music and dancing other than applications to vary hours within the Core Hours under Policy HRS1</li> <li>(ii) Applications for other licensable activities in the Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas.</li> </ul>

<b>Policy HRS1</b> Hours	<p>(i) Applications for hours within the core hours set out in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours in this policy will be considered on their merits, subject to other relevant policies and with particular regard to criteria set out in the policy:</p>
<b>Policy OS2</b> Off sales of alcohol within the Stress Areas	<p>Applications will be granted subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Stress Areas.</p>

#### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Mr Ola Owojori
<b>Contact:</b>	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

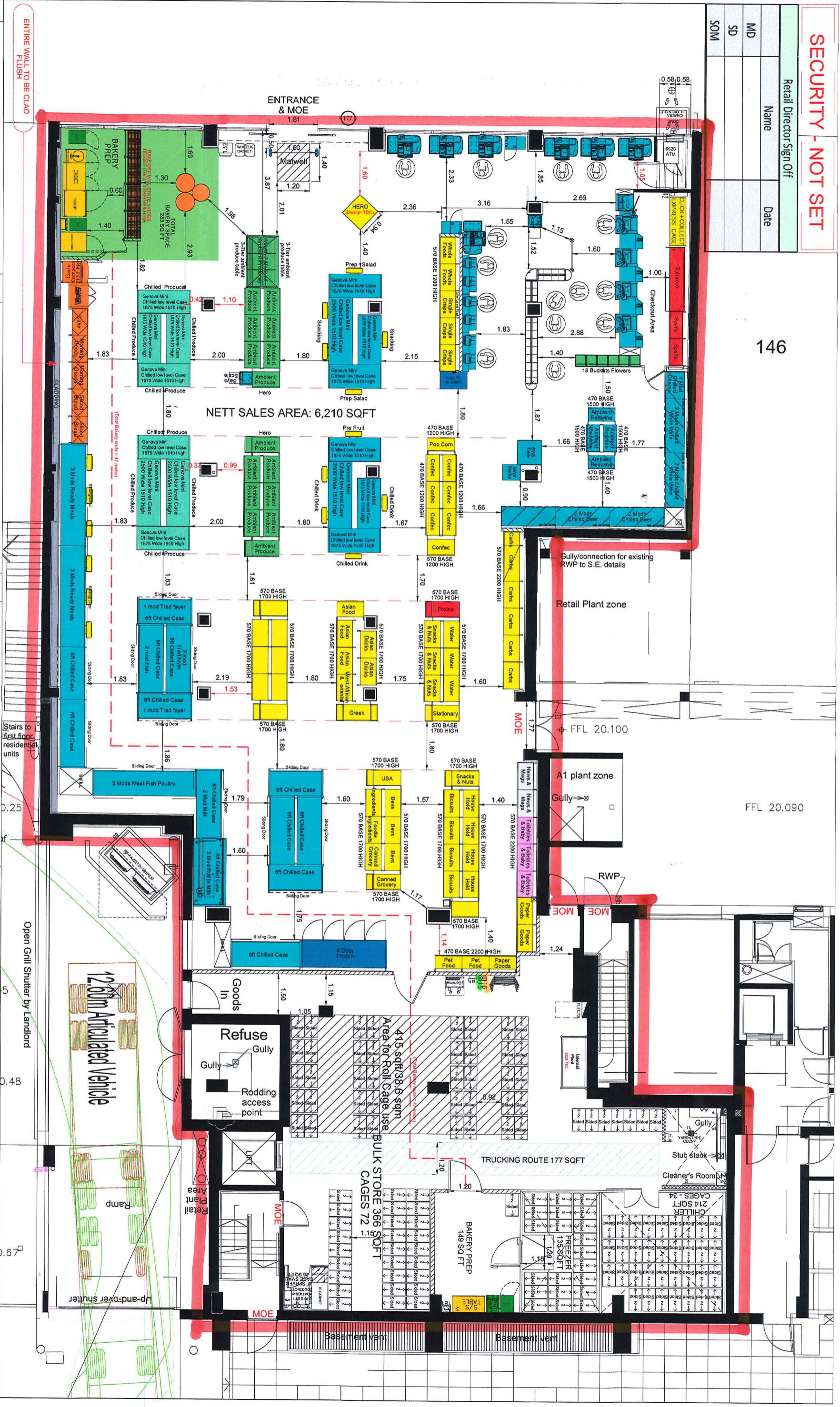




**SECURITY - NOT SET**

Retail Director Sign Off	
Name	Date
MD	
SD	
SOM	

146



REV	AMENDMENTS	DATE
	Mod Count	
	Chilled	
	Ambient	
	Total	

115 Fire Extinguisher Foam  
 116 Fire Extinguisher CO<sub>2</sub>

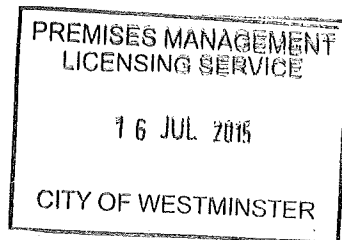
DRAWING NO. 4447gag7WORKING.dwg  
 PHASE 3  
 SCALE 1:125 @A3  
 DATE 03.07.2015  
 HSC PLANNER SATISH

PROJECT 4447  
 QUEENSWAY EXPRESS  
 DESCRIPTION PROPOSED RETAIL LAYOUT  
 GROUND FLOOR

**TESCO express**  
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## Provision of Portable Fire-Fighting Equipment at Tesco Stores

### General

Portable fire extinguishers are provided as a means of first aid fire fighting equipment but should not be considered for use on a large fire or as an aid to escape. Their portability and immediate availability allows for prompt intervention by an individual at the start of a fire.

Therefore the **suitability** and **location** will dictate the types and quantity of fire fighting equipment that is required

### Suitability

#### Imprex Foam Extinguisher

The general purpose extinguisher deployed at Tesco stores is a 6 Litre foam (Imprex) extinguisher. It can be used on solid carbonaceous fires (Class A) involving fuels such as timber, paper, plastic etc or on flammable liquid fires, such as petrol or cooking oil (Class B).

A simple formula is used to calculate the minimum number of general purpose (class A) and (class B) extinguishes that should be provided:

The gross floor area (metres) x 0.065 = Number Class A extinguishers required (rounded up)  
27\*

(27 being the 'A' rating of the extinguisher)

Largest volume of spill of flammable liquid (litres) x 10 = Number of Class B extinguishers required

183\*

(183 being the 'B' rating of the extinguisher)

#### Carbon Dioxide Extinguisher

These are provided by Tesco stores on fires involving live electric equipment. There is no guidance on the numbers required, however, due to widespread use of electrical equipment in Tesco stores, they are readily available in most areas

Additionally fire blankets are available in cooking areas.

### Location

A person should not travel more than 30 metres to reach a suitable fire extinguisher from any point within the store. Additional extinguishers (above those needed to achieve an 'A' rating) may need to be provided to meet this requirement, but this is unlikely due to the layout of most Tesco stores.

Where possible, extinguishers are located adjacent to fire alarm call points (which in turn are adjacent to fire exits) forming a fire point, where the alarm can be raised and a decision made whether to attempt to tackle the fire or flee through the exit.

## Allocation of Fire Fighting Equipment

AREA	6 LITRE AFFF	2kg CO2	FIRE BLANKET	9kg DRY POWDER	SAND BUCKET
Bakery	1	1	1		
Bake-off		1	1		
Boiler Rooms & Boiler Containers		1			
Cash Office		1			
CCTV		1			
Cleaner's Room		1			
Coffee Shop – Public Area		As per sales floor calculations*			
Coffee Shop – Preparation Area		1	1		
Corridors		As per calculations			
Customer Service Centre		1			
Electrical Intake		1			
FMC Room		1			
Generator Room/Container		1			
Hot Chicken Installation		1			
Lift Monitor Room		1			
Loading Dock Lobby		As per calculations			
Pharmacy		1			
Refrigeration Plant Room/ Containers		1			
Refrigeration Mezzanine Plant Platform		1			
Restaurant (kitchen)		1	1		
Restaurant (staff)		As per calculations			
Sales Area		As per calculations			
Staff Reception	1	1			
Stairs (for roof Plant)		1			
Sprinkler Valve/ Pump Room		1			
		1			
Tank Room & Container		1			
Training Room		1			
Warehouse/Bulk store		As per calculations			
<b>Petrol Filling stations</b>					
Sales Area		1	1		
Ancillary Area	1	1			
Forecourt		Two trolleys		4	4
<b>Express Filling Stations</b>					
Sales Area	1	1	1		
Ancillary Area	1	1			

\*Calculations: 1 fire extinguisher per 400m<sup>2</sup> based on 27A rating and 183B sales floor extinguishers sited adjacent to exits and below call points as appropriate.

## Allocation of Safety Signs and Notices

AREA	SIGN / NOTICE
Bakery and Bake-off Area	FIRE INSTRUCTIONS notice adjacent to break glass call point (b.g.c.p.)
Boiler Rooms & Boiler Containers	KEEP LOCKED SHUT
Clock Towers	FIRE INSTRUCTIONS notice adjacent to b.g.c.p
Coffee Shop	FIRE INSTRUCTIONS notice adjacent to b.g.c.p
Corridors	FIRE INSTRUCTIONS notice adjacent to b.g.c.p KEEP CLEAR FIRE DOOR-KEEP CLEAR on both sides of all doors other than held-open
Customer Service Centre	FIRE INSTRUCTIONS notice adjacent telephone
Electrical Intake	KEEP LOCKED SHUT notice on external side of door
Electrically Held Open Fire Doors Linked into Fire Alarm System Exterior	AUTOMATIC DOOR KEEP CLEAR on opening face of doors EMERGENCY EXIT – PUCH HARD TO OPEN on rear of each gate FIRE EXIT sign on outside of all fire doors
Female Cloaks	NO SMOKING
Generator Room/ Container	KEEP LOCKED SHUT on external side of door
Kids Club	FIRE INSTRUCTIONS notice adjacent to b.g.c.p FIRE EXIT – KEEP CLEAR notice on external side of door
Lift Monitor Room	KEEP LOCKED SHUT
Male Cloaks	NO SMOKING
Manager's Office	FIRE INSTRUCTIONS notice adjacent telephone
Plant Room/ Containers	KEEP LOCKED SHUT on external side of door
Restaurant (kitchen)	FIRE INSTRUCTIONS notice adjacent to b.g.c.p
Restaurant (Staff)	FIRE INSTRUCTIONS notice adjacent to b.g.c.p
Sales Area	FIRE EXIT sign above every fire exit TO FIRE EXIT sign above doors to protected corridors PUSH BAR TO OPEN above each set of push bars
Staff Reception	FIRE INSTRUCTIONS notice adjacent to b.g.c.p FIRE INSTRUCTIONS notice adjacent telephone
Sprinkler Valve/ Pump Room on External Side if Door	SPRINKLER STOP VALVE INSIDE EXTERNAL VENTILATION CONTROL SWITCH INSIDE (if appropriate)
Warehouse/ Bilk Store	FIRE INSTRUCTIONS notice adjacent to b.g.c.p Load level notices on lines on walls FIRE EXIT sign above every fire exit
<b>Petrol/ Express Petrol Filling Stations</b>	
Ancillary Area	FIRE INSTRUCTIONS notice adjacent to b.g.c.p KEEP LOCKED SHUT on electrical intake FIRE EXIT above rear means of escape door PUSH BAR TO OPEN
Forecourt at tank fill points* at pumps#	Individual tank fill notices with grades PETROLIUM SPIRIT – HIGHLY FLAMABLE- NO SMOKING */# NO MOBLIE PHONES *

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
Conversion	Application to convert existing Justices Off Licence	22.09.2005	Granted Under Delegated Authority
Vary DPS	10 applications to change the designated premises supervisor	2006 - 2011	Granted Under Delegated Authority  Licence surrendered 23/10/14

**There is no appeal history**

**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING**

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

**Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
- 5(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 5(ii) For the purposes of the condition set out in paragraph 5(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 5(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
6. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

### **Conditions proposed by Environmental Health**

7. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
8. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
9. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
10. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
11. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.
12. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
13. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
14. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
15. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.

### **Conditions proposed by the Police**

16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.



17. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram. **Agreed by the applicant**
18. A minimum of one SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business.
19. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises. **Agreed by the applicant**

### **Conditions proposed by Environmental Health and Police**

20. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. **Agreed by the applicant**
21. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested. **Agreed by the applicant**
22. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises. **Agreed by the applicant**
23. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.
24. No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
25. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
26. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
27. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale. **Agreed by the applicant**

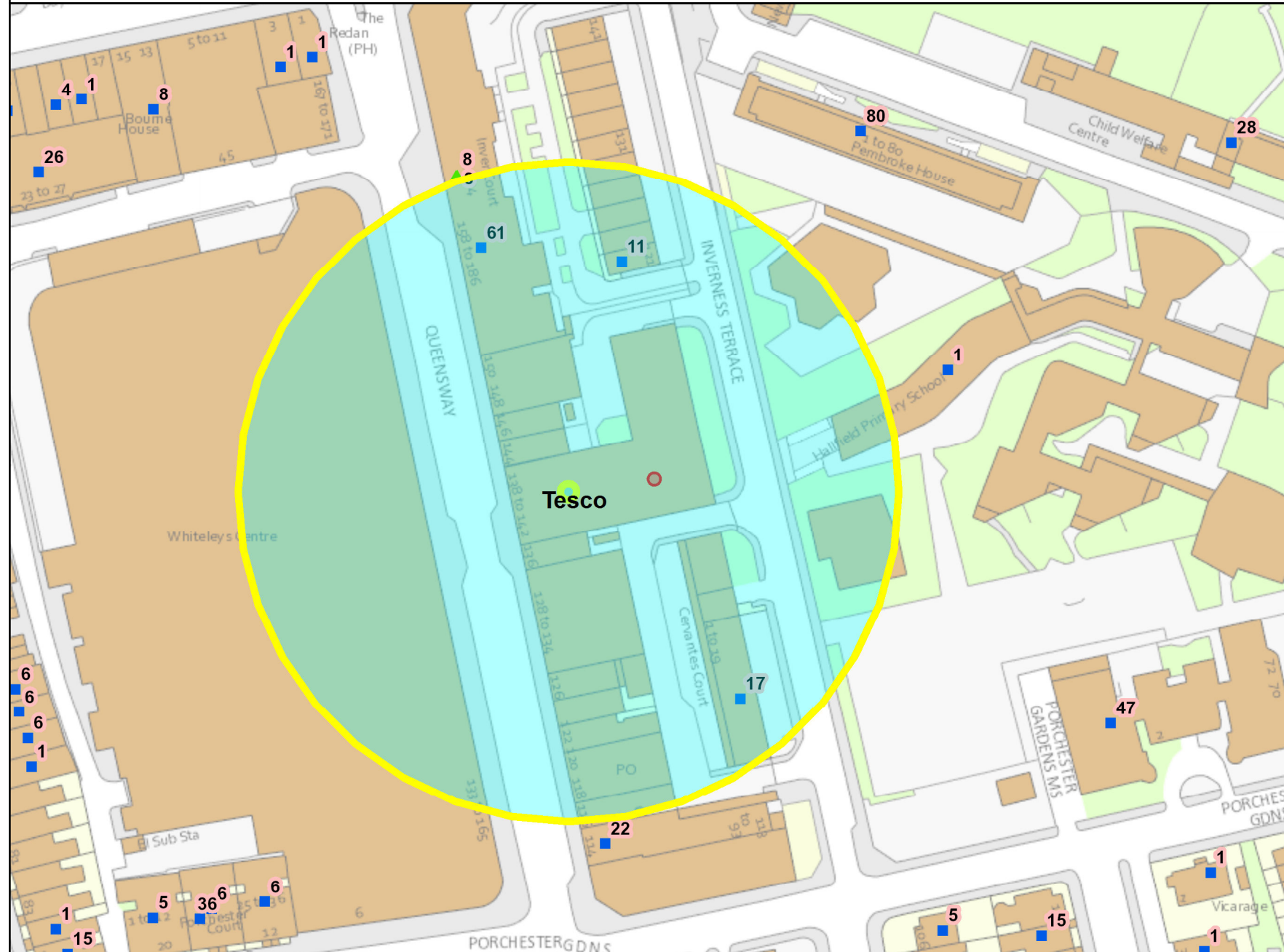
## **Conditions proposed by QRA & SEBRA**

28. There shall be no sales of spirits in vessels of 30cl or less.
29. There shall be no sales of beer or ciders in bottles larger than 1.5 litres.
30. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or a photo card driving licence bearing a holographic mark or other form of identification bearing the customer's photograph, date of birth and the Proof of Age Standards Scheme (or similarly accredited scheme) hologram.
31. All deliveries and collections shall be via the dedicated loading bay on Inverness Terrace.
32. Deliveries to the premises shall only take place on Monday's to Saturday's between 08:00hrs and 18:00hrs and on Sunday's and Bank Holiday's between 10:00hrs and 17:00hrs only.
33. Collections of waste or recycling materials (including bottles) from the premises shall only take place between 08:00hrs and 20:00hrs on the following day.
34. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 08:00hrs and 20:00hrs the following day.
35. On Sunday and Monday of the Notting Hill Carnival:
  - a) There shall be no sale of alcohol in glass vessels from the premises.
  - b) There shall be no external advertisement of alcohol at the premises .
  - c) There shall be no sale of alcohol from the premises after 18:00 hours.

## Appendix 5



# Tesco



Residential / Proposed Residential	89
Under Construction	0
Other Uses	Not know
Proportion Residential of all Uses	Not know

10

Meters

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