

### PREMISES LICENCE

Premises licence number	05/01521/LIPREM
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#### Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description including Post Town and Post Code

Tesco Express 10 - 14 Bywood Avenue Croydon CR0 7RA

Telephone number

01707 298 346

#### Where the licence is time limited the dates

N/A

### Licensable activities authorised by the licence

The sale by retail of alcohol - Off the premises.

### The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol -

Mondays to Saturdays (other than Christmas Day and Good Friday) 0800 hours to 2300 hours.

Sundays (other than Christmas Day) 1000 hours 2230 hours Christmas Day 1200 hours (noon) to 1500 hours and 1900 hours to 2230 hours Good Friday 0800 hours to 2230 hours

### The opening hours of the premises

Subject to any other statutory or planning restrictions, the premises may open at all times for non licensable activities. The hours of opening for licensable activities shall be restricted to those shown above.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Off

#### Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Tesco Stores Limited Tesco House Delamare Road Cheshunt Waltham Cross EN8 9SL

Registered number of holder, for example company number, charity number (where applicable)

00519500

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mayeven S Mootoosamy



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Personal Licence No.: 21/00267/LIPERS

**Licensing Authority:** London Borough of Croydon

Licence No: 05/01521/LIPREM 2 of 8 Date effective: 13/04/2015

Date Original Licence Granted: 31.08.2005
Date this licence valid from: 30.12.2021

Licensing Manager Place Department

### **Annex 1 - Mandatory conditions**

This licence is granted subject to the terms of the Licensing Act 2003. In addition, the effects of all restrictions embedded in the Licensing Act 1964, some of which are reproduced below, are preserved as conditions attached to this licence.

- 1. Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:
- a. Mondays to Saturdays, other than Christmas Day and Good Friday, 0800 hours to 2300 hours
- b. On Sundays, other than Christmas Day, 1000 hours to 2230 hours
- c. On Christmas Day, 1200 hours (noon) to 1500 hours and 1900 hours to 2230 hours
- d. On Good Friday, 0800 hours to 2230 hours

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- Alcohol shall not be sold in an open container or be consumed in the licensed premises.
- 3. where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

(a) at a time where there is no designated premises supervisor in respect of the premises licence,

or

- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- 4. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 5. (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.

\*Responsible person is defined in the Licensing Act 2003 as 'the holder of a premises licence, designated premises supervisor, a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18 or a member or officer of a club present on the club premises who can oversee the supply of alcohol'.

- 6. 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.
- 7. For the purposes of the condition set out in paragraph 1 -
  - (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 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.
- 8. Where the permitted price given by Paragraph (b) of paragraph 2 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.

AI

- 9. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 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.

Annex 2 - Conditions consistent with the Operating Schedule

N/A

Annex 3 - Conditions attached after a hearing by the licensing authority

N/A

Annex 4 - Plans

Attached

Croydon Council Croydon T: 02087605466

E: licensing@croydon.gov.uk

Ref: DSFX1652346049655

# **Vary a Premises Licence**

correct before proceeding. If the details shown are not correct, click
21/03642/LIVDPS
10 - 14 Bywood Avenue Croydon Surrey CR0 7RA
21/03642/LIVDPS
10 - 14 Bywood Avenue Croydon Surrey CR0 7RA
01707940740
£ 37250
Non-Individual(s)
ndividual
Tesco Stores Limited
Tesco House
Shire Park

## **Premises Licence Holder - Non Individual**

AZ

	Kestrel Way
Town/City *	Welwyn Garden City
County	Hertfordshire
Postcode *	AL7 1GA
Registered number (where applicable)	00519500
Description of applicant (for example partnership, company, unincorporated association etc.) *	Retail premises (supermarket) selling a range of goods and services. This includes the sale of alcohol for consumption off the premises. Sales of alcohol for consumption off the premises are made from the supermarket sales floor.
Email *	Licensing.Team@tesco.com
Daytime Contact Telephone Number	01707940740
Variation	
Do you want the proposed variation to take effect as soon as possible? *	Yes
Variation	
Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see Guidance Note 1)*	No
Briefly describe the nature of the proposed variation. (Please see Guidance Note 2) *	Extending the licensable activities in line with store opening hours. Adding the licensable activity to the licence: The provision of late-night refreshment (indoors) on the following days: Monday-Sunday, 23:00-00:00. Extending the licensable hours for: the sale by retail of alcohol for consumption off the premises to 06:00-00:00, on the following days: Monday-Sunday. Removing embedded restrictions on licensable activities and non-standard timings for Sundays, Good Friday and Christmas Day.
If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number.	

# **Operating Schedule**

Please enter times in 24hr format (HH:MM)

A2

Complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.			
Provision of regulated entertainment (please read guidance note 3) *			
Plays			
Films			
Indoor Sporting Events			
Boxing or Wrestling			
Live Music			
Recorded Music			
Performances of Dance			
Anything of a similar description falling under Music or Dance			
✓ Provision of late night refreshment			
✓ Supply of Alcohol			
Type of Variation - Late Night Refreshment			
Please select the type of variation that applies to this activity.  * Add a new Activity			
Late Night Refreshment Standard Times			

Standard days and timings, where you intend to use the premises for late night refreshment. (please read guidance note 8) \*

S	42
Every Day	
23:00	
00:00	
Indoors	
Change an existing Activity	
ises for the supply of alcohol. (please r	ead guidance note 8) *
ises for the supply of alcohol. (please r	ead guidance note 8) *
	ead guidance note 8) *
Every Day	ead guidance note 8) *
Every Day  06:00	ead guidance note 8) *
	23:00  00:00  Indoors

Supply of Alcohol	AQ
State any seasonal variations for the supply of alcohol. (please read guidance note 6)	
Please state any non-standard timings, where you intend to use the premises for the supply of alcohol at different times from the Standard days and times listed? (please read guidance note 7)	
Adult Entertainment	
Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children. (please read guidance note 10)	N/a
Opening Hours Standard Times	
Standard days and timings, where the premises are open to to 24hr format (HH:MM)	he public. (please read guidance note 8) * Please enter times in
Day *	Every Day
	06:00
	00:00
Variation	
Please identify those conditions currently imposed on	These are the embedded restrictions on the licence (non-standard timings) for the supply of alcohol attached as part of Conversion Application under Transitional Godfather Rights (Licensing Act 1964) These are found in Appey 1 - Appey 1

l agree to return the original premises licence or the relevant part of the original premises licence: \*

with this application)

should be updated to reflect current mandatory conditions Annex 2 - Update to reflect current operating plan (enclosed

Note: This application cannot be processed until the original licence is received or a statement as to why it cannot be returned has been accepted.

## **Licensing Objectives**

consequence of the proposed variation you are seeking.

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

## **Licensing Objectives**

AQ

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 11)

Tesco is a large national operator with a range of head office and local support. The company has devised policies, procedures, systems and training to ensure that they sell alcohol in a responsible manner. There is a detailed programme which ensures that comprehensive training is provided to employees having regard to their role and the responsibilities and such training is regularly reviewed, and records kept.

b) The prevention of crime and disorder

We will have a digital CCTV system that covers the premises, including the main area which will be used for display of alcohol. Images will be retained for 31 days. A member of the management team will be on the premises all the times the store is open. This colleague will have responsibility for the premises and will be the initial point of contact for any issues that may arise.

c) Public safety

The premises licence holder is fully aware of its responsibilities under a range of health and safety related legislation and has policies and procedures in place to be confident of complying with the relevant obligations which arise.

d) The prevention of public nuisance

The company has a 'good neighbour' ethos which seeks to ensure that the premises plays an active part in the local community.

e) The protection of children from harm

The premises will operate a Think 25 policy. The checkouts will be programmed to prompt the customer assistant when an alcohol product is scanned at the checkout to follow the Think 25 policy. All colleagues will receive training in relation to the underlying law and Tesco policy, systems, and procedures. This training will be documented, and refresher training will be provided on a regular basis.

## **Declarations**

**Declaration Type \*** 

Sole Applicant - Individual or Other

### **Declarations**

I have made or enclosed payment of the fee or. I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. I have sent copies of this application and the plan to responsible authorities and others where applicable. I understand I must now advertise my application. I understand I must now return the original premises licence, or relevant part of it or have provided an explanation why I will not be able to do this. I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT

## **Declarations**

A2

Signature/Declaration of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (see Guidance Note 13). If signing/applying on behalf of the applicant, please state your name and in what capacity you are authorised to sign/apply. When submitting an on-line application form the 'Declaration made' checkbox must be selected.

Full Name *	James Skinner		
Date *	12/05/2022		
Capacity *	Authorised Agent		
✓ Declaration made			
Do you wish to provide alternative correspondence details? *	Yes		
Alternative Correspondence Address			
This is the address which we shall use to correspond with you	about this application.		
Please provide Contact Name (where not previously given) and postal address for correspondence associated with this application (See guidance note 15).			
Title *	Mr		
First name *	James Skinner		
Surname *	Tesco Licensing Team		
Street address *	5 Falcon Way		
	Shire Park		
Town/City *	Welwyn Garden City		
County	Hertfordshire		
Postcode *	AL7 1TW		
Telephone Number	01707940740		
Email Address *	Licensing.Team@tesco.com		

If the variation is granted for Tesco Express, 10 - 14 Bywood Avenue, Croydon, Surrey, CR0 7RA, we would be happy to include the following conditions

Licensed hours 7am- midnight.

- 1. The CCTV system will display, on screen and on any recording, the correct time and date that images were captured.
- A CCTV system must be installed at the premises covering the entrance and the alcohol aisle. A head and shoulders image to identification standard must be captured of every person entering the premises. Images shall be kept for 31 days and supplied to the police or local authority on request.
- 3. CCTV signage will be displayed, reminding customers that CCTV is in operation.
- 4. Staff will be trained in relation to conflict management and the licensing objectives. Refresher training on age restricted sales shall be given twice a year. Training records will be made available for inspection upon request by police or other responsible authority
- 5. A digital incident bg shall be kept at the premises and made available on request to the Police or an authorised officer of the London Borough of Croydon. The log will record the following:
  - Date of the incident
  - Time of the incident
  - Location of the incident
  - Persons concerned in the incident
  - Summary of incident
  - Identification of emergency personnel concerned where available
  - All crimes reported to the venue
  - Any incidents of serious disorder
- 6. A challenge 25 policy to be in operation at the premises with signage on display throughout the premises.
- 7. A refusal system will be in place. A till prompt will appear when alcohol is scanned reminding the cashier to follow Think 25
- 8. Signage must be displayed in a prominent position on the premises requesting that customers leave quietly.
- 9. Ensure that no Beer, Lager, or Cider is sold that exceeds 6.0% ABV with the exception of premium and craft products.
- 10. There shall be no sale of single cans of beer, lager or cider from the premises with the exception of premium and craft products.

From: Sent: 03 June 2022 15:46

To: LICENSING <LICENSING@croydon.gov.uk>

Cc: Signature ; Cllr Richard Chatterjee ; Cllr Sue Bennett

Subject: Fw: Tesco Bywood Avenue Licensing request

Hi,

Plus what on earth are they going to do with an indoor refreshment licence - what does that mean in English, to me it sounds like a cafe or bar?

At the moment their opening hours as per the sign in their door are from 07.00 to 22.00, hence NOT as listed in their application.

I have lived here since 1983 and NO shop has ever been allowed to operate these extreme hours in what is a very small row of shops in what is a heavily residential area.

In fact there was a big battle when Tescos moved here, hence the limitations imposed by the council, and up until now it has been working well, other than the car parking which is complete pandemonium - double yellow lines are totally ignored, triple parking it's the wild west round there and we get the overflow in

This is extremely unneighbourly of Tescos as Long Lane Woods already has a drinking/drugs problem with vagrants meeting their regularly - we recently did a litter pick there and it was all empty bottles and beer cans!

This is really going to help us clean up our neighbourhood; I will be forwarding this to the police as I hope they will be consulted over what is a very stupid idea, just a money making gimmick by Tescos to increase their profits irrespective of the harm it will cause.

What is wrong with Elmers End Tescos Superstore going back to 24 hour operations as they are on an industrial estate and have a massive car park hence they are in a far better position to cater for all the extra noise this will cause?

Regards



From: Sent: 04 June 2022 11:22
To: ken.murphy@uk.tesco.com

Cc: LICENSING < LICENSING@croydon.gov.uk>

Subject: Fw: Application to vary a premises licence at Tesco Local 10-14 Bywood Ave, CRO 7RA

Hello Mr Murphy,

I am very sorry to have to contact you directly about the above application; I have also forwarded the message below which explains the problem far better than I can (sent by the MORA (contact)).

I would have contacted your representative directly but there is no name or contact details on the licence application hence my reason for coming direct to you.

I would also like to ask if this application is a mistake because it does not make any sense, as a lot less than a mile away you have the Elmers End Tesco Superstore (officially in Bromley) which used to have 24 hour opening which was changed because of Covid.

I don't think who ever planned this has actually visited Bywood Avenue and has seen how small the store actually is, plus the difficulty of loading/unloading Articulated lorries outside the shop - parking is a nightmare.

Also when unloading lorries outside the shop, obviously the families in the flats above the shop would have to close their front windows so imagine the disturbance this will cause late at night or early in the morning, especially when some of these lorry drivers refuse to turn off their chiller units which can be heard and felt nearly 50metres away - surely the residents of these flats are due for some consideration?

Surely it would be far more sensible to change the Superstore's opening times back to 24 hours as the location is on an industrial Estate with an enormous car park, a 24 hour petrol station and lots of proper storage and loading facilities - this would be far more cost effective and not have such a detrimental effect on Tesco's reputation - it would show you are really listening!

I would like to flag up a different problem that the change of hours may bring - less than 2 years ago a man was murdered approx 300 metres from Tesco Express, according to the police this was a mugging that went wrong, but the point I'm making this chap was coming home from work sometime after midnight!

I know you don't mean it, but your employees leaving work after midnight are being put at unnecessary risk, because I'm afraid to say Croydon is now one of the worst crime areas in London - we alone have been burgled 6 times in my 39 years here.

Please read the letter below.

### Kind Regards

From: Sent: 03 June 2022 16:17

To: LICENSING <LICENSING@croydon.gov.uk>

Cc: Cllr Sue Bennett; Cllr Richard Chatterjee; Sarah Jones;

Subject: Application to vary a premises licence at Tesco Local 10-14 Bywood Ave, CRO 7RA

A neighbour recently brought to my attention an "Application to vary a premises licence to be granted under the Licensing Act 2003" that she had read at our local Tesco, at the above address on Bywood Avenue. I have since read it for myself and looked at the application on-line.

I live very close by, about a 30 second walk away, and was dismayed to read this, for the following reasons:

1. This is a purely residential area. The block of shops, of which Tesco is one, all have flats above them, some with young families. There is already noise late at night, both from people walking along Bywood Ave and from car doors slamming, without making alcohol available for even longer hours. I note the stated hours of operation on the application are 0600 - 0000, but for the last several years the opening hours have been 0700 - 2200, and these are the hours stated on the store itself. I would



have thought this is long enough for a small store in a residential area - especially as there is a Tesco Superstore at Elmers End, less than a mile away and that is NOT in a residential area

- 2. I think it entirely likely that if this extension to the licence is granted, the convenience store at 4 Bywood Ave Portland Wines would also apply for an extension on the same basis as Tesco. I say this because they used to open until 2300 hours, as did Tesco several years ago, but after Tesco changed their opening time to 2200 hours, the convenience store did the same possibly the two fast food outlets would also want to increase their opening hours
- 3. Part of the extension application reads "the provision of late night refreshment (in doors) 2300 0000" every night of the week. I don't know what they mean by "in doors" as surely they don't mean actually drinking on the premises as for a bar or pub? Also, this is a very small shop and there would not be room
- 4. Parking outside the shops is an on-going issue. A few years ago, after requests from residents, double-yellow parking lines were installed at all streets intersecting with Bywood Avenue, at both ends of the shopping centre. The council considered at the time that there were good safety grounds for agreeing to put these no-parking restrictions in place though I have to say most people take no notice of them and still park all over the pavements because there is no enforcement
- 5. There are issues with drug-dealing around The Rosery late at night. These have been reported to the police over the years but it seems to be on-going. I can't personally vouch for this as cannot see out on to The Rosery due to be to be under about such things mainly because I am for the local Residents Association (MORA). We certainly do not need anything else that might encourage more social problems
- 6. There are several groups of drinkers during the day (and possibly late into the night), in the nearby Long Lane Woods, and at times on the Ashburton Playing Fields, and always there are discarded beer cans and vodka and gin bottles thrown into the bushes. Several weeks ago a local church group organised a litter pick in Long Lane Wood, which I joined in with, and it was pretty disgusting. We must have collected over one tonne of rubbish in less than 2-1/2 hours not just beer cans and spirit bottles of course, but probably this represented a huge percentage of what was collected. Since then I have been periodically doing my own litter pick, just to try to stop the Woods getting to the state they were in before
- 7. Many households are already struggling to make ends meet, and the Government and councils are forever trying to encourage people to live more healthily, so what possible reason could there be to make alcohol available for even longer hours?

I very much hope you will give serious considerations to these points and make the decision to decline this application.

With regards

Company of the Company

From: Sent: 04 June 2022 11:28

To: LICENSING <LICENSING@croydon.gov.uk>

Cc: Cllr Sue Bennett; Cllr Richard Chatterjee; Sarah Jones; (ken.murphy@uk.tesco.com Subject: Fw: Application to vary a premises licence at Tesco Local 10-14 Bywood Ave, CRO 7RA

ADDENDUM TO EMAIL REPRESENTATION DATED 03 JUNE 2022 - APPLICATION TO VARY A PREMISES LICENCE AT TESCO, 10-14 BYWOOD AVE, CR0 7RA

I omitted three further points in my representation of yesterday:

1. In the application Tesco states: "the company has a good neighbour ethos which seeks to ensure that premises plays an active part in the local community". I would be very interested to know what activities they have been involved in (in this location), that would give the company the right to say this? The date of this application is 12 May 2022. There is a notification of this application attached to a drainpipe close to the shop, and another in the window of the premises, and possibly in other places the other side of the shop from my direction. I know that this is all the notification Tesco is required to give under current law but if the company cared about local residents it would not have taken much effort to drop leaflets into nearby houses. I use the Tesco local often but didn't even notice the

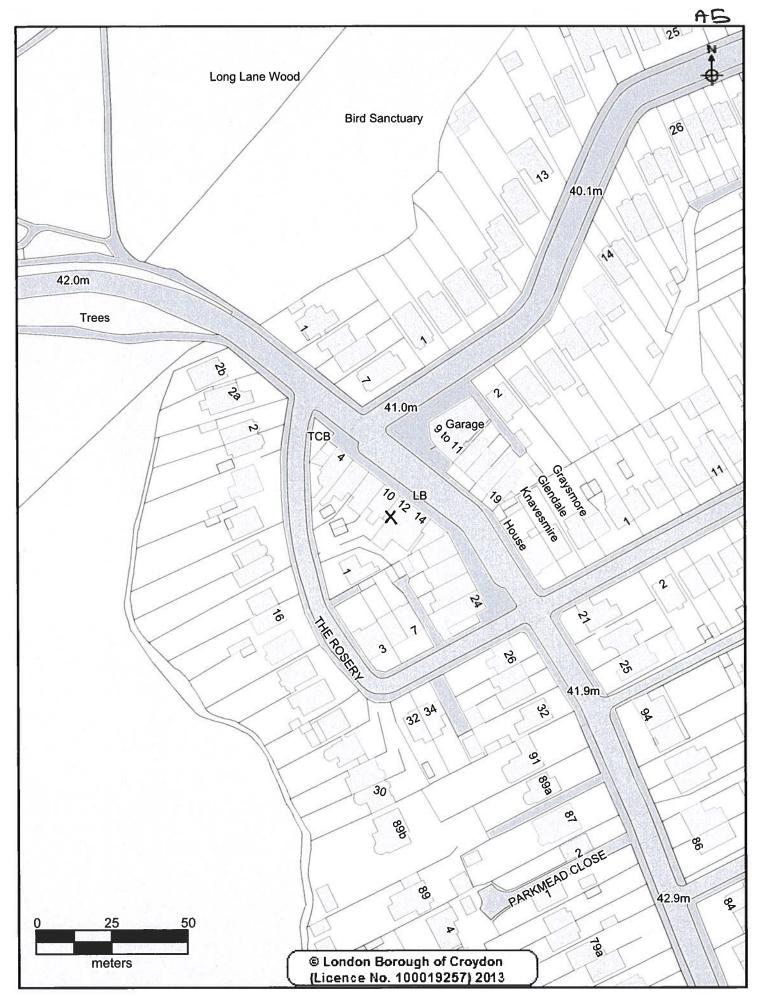
notifications until a few days ago. It was raining hard so I didn't get the chance to stop and read it, and it was the following day my neighbour mentioned it to me

- 2. I have only lived in this location for a little over 11 years, but my has lived here for almost 39 years; he was here before Tesco moved in. There had always been a convenience store on that site and I am told that when residents spoke to Tesco at the time, they were assured that the opening hours would remain the same as for the previous shop(s) ie 0700 to 2200. This was a concern to residents for the same reasons as I have already stated that this is a purely residential area. For a time there were problems with large articulated lorries parking on The Rosery when making deliveries to the back of the Tesco premises (which are off The Rosery). This street runs right the way behind the block of shops on Bywood, having entry/exit at either end of the block, and is a narrow, residential street. It was noisy and dangerous having these large trucks on The Rosery, and after complaints to Tesco by residents, this practice did eventually stop
- 3. Last, but not least, I would have concerns for the Tesco staff. A shift ending at 2200 hours is late enough for those who then have to lock up and, in some cases, walk home. A couple of years ago a young man was stabbed to death on Bywood Avenue while walking home from work this was not a gang-related incident, but just an innocent person walking home from work. I have also heard of other incidents over recent years of residents being accosted late at night.

I will end by saying that I am sure all residents appreciate having the Tesco Local here - it is a very busy little store and I am sure is very profitable for Tesco, but would ask that they consider both the residents and their own staff before making such applications, especially as they specifically involve alcohol.

Thank you for your consideration.





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**London Borough Croydon** 

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