



# Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	28 January 2019		
<b>Applicant:</b>	Mr Abie Shahrtash		
<b>Premises:</b>	Taza Take Away		
<b>Premises address:</b>	35A Queensway London W2 4QJ		<b>Ward:</b>
			<b>Cumulative Impact Area:</b>
<b>Premises description:</b>	The premises are a take away food establishment offering Late Night Refreshment between the hours of 23:00 and 00:00, Monday to Saturday.		
<b>Variation description:</b>	The applicant is seeking to extend the trading hours by a further two hours Monday to Saturday and add Late Night Refreshment on a Sunday		
<b>Premises licence history:</b>	The premises has had the benefit of a premises licence since 2006. The current premises licence reference is 06/10311/WCCMAP which is attached as Appendix 2 of this report. Please see Appendix 5 of the report for a full licence history.		
<b>Applicant submissions:</b>	On submission of the application, the applicant provided the following information: "We have always helped our community in any way we possibly could, our history is a testimony to our claim		

1-B Current and proposed licensable activities, areas and hours							
Late night refreshment							
Indoors, outdoors or both		Current :			Proposed:		
		Both			No change		
	Current Hours		Proposed Hours		Licensable Area		
	Start:	End:	Start:	End:	Current:	Proposed:	
<b>Monday</b>	23:00	00:00	23:00	02:00	Ground floor	No change	
<b>Tuesday</b>	23:00	00:00	23:00	02:00			
<b>Wednesday</b>	23:00	00:00	23:00	02:00			
<b>Thursday</b>	23:00	00:00	23:00	02:00			
<b>Friday</b>	23:00	00:00	23:00	02:00			
<b>Saturday</b>	23:00	00:00	23:00	02:00			
<b>Sunday</b>			23:00	02:00			
<b>Seasonal variations/ Non-standard timings:</b>		Current:			Proposed:		
		None			No Change		

<b>Hours premises are open to the public</b>							
	Current Hours		Proposed Hours		Premises Area		
	Start:	End:	Start:	End:	Current:	Proposed:	
<b>Monday</b>	10:00	00:00	10:00	02:00	Ground floor	No change	
<b>Tuesday</b>	10:00	00:00	10:00	02:00			
<b>Wednesday</b>	10:00	00:00	10:00	02:00			
<b>Thursday</b>	10:00	00:00	10:00	02:00			
<b>Friday</b>	10:00	00:00	10:00	02:00			
<b>Saturday</b>	10:00	00:00	10:00	02:00			
<b>Sunday</b>	10:00	00:00	10:00	02:00			
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>		
	None				No change		

<b>1-C Layout alteration</b>
<b>None</b>

<b>1-D Conditions being varied, added or removed</b>	
<b>Condition</b>	<b>Proposed variation</b>
<b>No change in conditions is proposed</b>	

## 2. Representations

<b>2-A Responsible Authorities</b>
<b>Responsible Authority:</b> Licensing Authority
<b>Representative:</b> Roxanna Haq
<b>Received:</b> 25 February 2019
I write in relation to the application (19/01149/LIPV) submitted for the variation of a Premises Licence for:
<b>Taza Take Away, 35A Queensway, London W2 4Q</b>
As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from harm

This application seeks the following:

1. To extend the terminal hour for the provision of late night refreshment, (currently Monday to Sunday 23:00 to 00:00) to:  
Monday to Sunday 23:00 – 02:00

The premises is located within the Bayswater Cumulative Impact area and as such a number of policy points must be considered, namely HRS1, FFP2 and CIP1.

Policy point 2.5.16 states “It is recognised that late night refreshment premises play an important role by providing food and drink for visitors and workers and for some residents late at night. However because of the late hours that they operate, public nuisance can arise from these premises that affects residents and businesses. This is particularly from premises selling hot food or hot drink for consumption off the premises. Therefore, the Licensing Authority will give separate consideration to those late night refreshment premises offering the sale of hot food or drink for consumption off the premises. Where it is proposed to sell hot food and hot drink to standing customers or at fast food premises or for consumption off the premises (take-away), the application will be considered under policies FFP1 and FFP2.” It is the Licensing Authority’s policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

2.5.10 states that “Should a restaurant apply for permission to supply late night refreshment, that is the supply of hot food or hot drink at any time between the hours of 23.00 and 05.00, then, in the event of relevant representations being received, the licensing sub-committee will have regard, amongst other matters, to the desirability of encouraging the rapid dispersal of people from the Cumulative Impact areas, and the times of closing of other premises in the vicinity.”

Furthermore policy points 2.3.4 says “The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensing objectives of preventing crime and disorder and public nuisance. The hours at which noise may occur and disturbance of residents’ rest, relaxation and sleep will be of particular concern.” And point 2.3.5 “Activity associated with late night licensed premises may have an impact on the local environment and may cause public nuisance. The effect of noise is greater later at night when ambient noise levels are lower and residents are at home relaxing or wishing to sleep.”

The Licensing Authority have been made aware that on Monday 18 February 2019, at approximately 01.00; (this represents a Sunday night of trading); two City Inspectors attended the above premises, which was open and appeared to be trading. A test purchase was carried out and hot food was sold to the inspectors. A receipt was provided for this transaction which appeared to have the incorrect date and time on it. This sale was in contravention of Section 136 Licensing Act 2003;

- 1) to carry on a Licensable activity otherwise than in accordance with an authorisation;
- 2) Or; to knowingly allow a Licensable activity to carry on.

The inspectors were informed that an application to vary the late night refreshment hours had been submitted and were shown the blue notice on display. The staff member was advised by the inspectors that since the licence application had not been granted they should not be trading at this time and only trade within the permitted hours specified on their premises licence. The inspectors noted that while they were present further customers came in but were refused service and told the premises was closed.

There have been a number of resident objections to this application in relation to noise and public nuisance. Policy point 2.5.20 states "These issues are of particular concern in the Cumulative Impact Areas where there are high concentrations of fast food premises in addition to other licensed premises. On this basis and because the attraction and retention of people by the premises mitigates against their rapid dispersal from the cumulative impact areas, the Licensing Authority considers that the grant of variations or new licences for fast food premises in the Cumulative Impact Areas should be limited to exceptional circumstances.

The Licensing Authority request further information as to how the applicant proposes to address the above concerns should this variation application be granted within the Bayswater cumulative impact area.

Further discussions will be held with the applicant prior to the hearing and any further submissions will be forwarded on for Members information.

Please accept this as a formal representation and I look forward to receiving any further submissions.

**(A copy of the City Inspectors report appears at appendix 3)**

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Maxwell Owusu Koduaah
<b>Received:</b>	11 February 2029

I refer to the application to vary the Premises Licence number for the above mentioned premises. This premises is located within the Queensway/Bayswater Cumulative Impact area. I have considered the information that you have provided within and accompanying this application. I have also considered the proposed licensable activities in line with the relevant policies within the Council's Statement of Licensing Policy dated January 2016.

**The applicant is seeking the following changes:**

1. To extend the hours for the provision of Late Night Refreshment from 00:00 to 02:00 hours Monday to Saturday
2. To provide Late Night Refreshment on Sunday between the hours of 23:00 hours

and 02:00 hours.

**Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:**

1. Extending the hour to provide Late Night Refreshment by 2 hours Monday to Saturday may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the Queensway/Bayswater Cumulative Impact area
2. The provision of late night refreshment and the hours requested on Sundays may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the Queensway/Bayswater Cumulative Impact area

It is my view that there is insufficient information to address the concerns of Environmental Health and the granting of this application as presented would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area.

The applicant is asked to contact the undersigned to arrange a site visit to assess the premises and discuss the application to ensure the premises is satisfactory. Following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	Reaz Guerra
<b>Received:</b>	30 January 2019

With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a New Premises Licence as it is our belief that if granted the application would undermine the Crime Prevention Objective.

The venue is situated in the Queensway/Bayswater Cumulative Impact Area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

There is insufficient detail in the operating schedule to address the Crime Prevention Objective.

The hours for supply of alcohol exceeds Westminster's core hours policy.

It is for these reasons that we are objecting to the application

**2-B Other Persons**

<b>Name:</b>			
<b>Address and/or Residents Association:</b>			
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	25 February 2019		

I live in [REDACTED] and I wish to object to this application on a number of grounds. The first being the noise, Taza's patrons are loud, disruptive and have zero consideration for the residents. The staff often come out the back of Taza late at night yelling and smoking.

Secondly is the rubbish, the customers from Taza leave the leftover plates, drinks, cutlery and food all over the street and the car park as does one of the staff.

Thirdly is the fact that this application has been rejected previously and I believe it should not be granted as it will be detrimental to the already suffering residents. Queensway at night is not a pleasant place and I see only more problems with cars and loud customers.

<b>Name:</b>			
<b>Address and/or Residents Association:</b>			
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	4 February 2019		

Dear Sir or Madam,

[REDACTED] the establishment for which the license application is changing, I'd like to highlight here the continuous hassle associated with Taza Kebab over the recent years and I would therefore object any continuation of the license unless significant changes are made.

My objection is based on the following:

- 1) The amount of traffic caused by customers visiting the premises (people parking on the street where it is not allowed to - e.g. stopping in the second row, causing congestion and honking). While this should not be an issue in general for a restaurant of this size, this place seems to attract a clientele not abiding by the rules.
- 2) I've witnessed at least 50 fights between workers in the establishment and people/customers passing by in the past eight years. These involved shouting as well as manual aggression in several cases, in particular during summer time. For many of these, there was no involvement of the police. This should not be acceptable behaviour and should be closely monitored.
- 3) The doors of the premises are always kept open, and ventilation above the grill does not appear to be sufficient. In particular in summer time, I can constantly smell burnt lamb fat in my flat when the windows are open.

I would therefore ask you to consider any extension of the license in the light of significant improvements to the points above.

<b>Name:</b>	[REDACTED] - Happybadge Ltd,		
<b>Address and/or Residents Association</b>	Freeholder Of 7-45 Queensway		
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	25 February		

We write as Freeholder of 7-45 Queensway (Queens Court) which contains the Taza Unit at 35A Queensway. The above mentioned application is for Taza to extend their hours of operation from midnight to 2am. This application is completely unjustifiable and should be refused by the Council.

Taza already causes significant harm to residents from its operation including noise disturbance from the operation of the premises, antisocial behaviour from both its staff and customers, odour and disturbance issues relating from its existing not fit for purpose kitchen extract and general lack of respect and consideration for the residents directly above and around its operation.

The Taza unit at ground floor has residential windows only 1m above the restaurant operation. The nature of the operation and the lay out of the premises means that during its hours of operation the premises is continuously open to the street, its customers que out to the street and eat the food on tables and chairs outside the restaurant. There will be no way for Taza to control this if they extend their hours of operation as there simply is not space in their restaurant to do so.

Granting of this hours of operation extension would make life unbearable for the residents directly above and around the unit and the Council will be inundated with complaints. The applicant has not sought to address any of the issues that this application would lead to by way of the provision of management statements or an explanation of their operation and how they could justify extending their hours of operation. The only reason they state in their application is 'We simply want to make our ends meet'.

We would suggest that not only is this factually incorrect with the level of complaints their existing operation provides from existing residents but also should fall significantly below the Council's criteria for justifying the extension.

In summary we believe that this extension to Taza's hours of operation cannot be justified, the application itself it severely lacking in supporting information to justify such an extension. Were the council to approve this it would lead to significant disturbance for the residents of Queensway and it also should go against The Council's aspiration to improve Queensway to the benefit of its residents.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	25 February 2019		
<p>I would like to register a strong objection to this application to extend the hours permitted for serving takeaway food at the above premises until 2am. It is within the Queensway/Bayswater Cumulative Impact Area: policy TAW2, limiting hours for takeaway food to no later than 23.00, surely applies here.</p> <p>I support the objections made by residents (including the residents' association of</p>			

Princess Court, the large block of flats above the premises, and also SEBRA), and the reasons they give for refusal.

May I also draw your attention to the email dated 2 November 2018 from [REDACTED] to the Lancaster Gate councillors, describing recent enforcement action at these premises and the neighbouring newsagent at 35b Queensway, in the course of which a senior City Inspector felt intimidated by the owner of Taza and others alongside.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	South East Bayswater Residents Association		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	22 February 2019		

The South East Bayswater Residents' Association (SEBRA) most strongly object to this application.

Queensway is located in a WCC STRESS area and the use of fast food take-away service causes real nuisance in terms of noise from customers and cars, discarded litter, potential crime & disorder etc.

There is a very large block of residential flats (Queens Court) above 3tA Queensway as well as flats opposite (and also in Princess Court a large block of flats just to the north ) and noise and nuisance from continuous stream of customers coming and leaving after midnight will be unbearable to the occupants of these flats.

SEBRA's experience of issues with late night outlets is extensive in Bayswater with numerous problems of discarded litter, congregation of customers outside making noise and disorder (often with customers standing around or sitting on pavement outside eating the take-away!), cars pulling up and leaving to buy a take-away leaving engine running and playing loud music etc.

Westminster City Council acknowledges all these numerous problems and in their licensing policy Queensway has been designated as the Queensway/Bayswater Stress Area and hours of opening of late night establishments is restricted to WCC 'Core Hours' with take - away food normally limited to no later than 23.00 (Policy TAW2). We trust application will be refused.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	Queensway Residents Association		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	25 February 2019		

Queensway Residents' Association (QRA) writes to make a relevant representation objecting to the grant of this application in the terms applied for. QRA objects on the basis that the likely effect of this application, if granted, and considering the premises in question are located within the Queensway/Bayswater Stress Area. It raises significant issues in respect of the City Council's 'Stress Area' policy TAW2 and particularly as the applicants proposals are bereft of anything which could go some way to resolving our very real concerns about something that, undoubtedly, would have be a severely

detrimental impact on the local residential amenity.

In light of the above, we trust the above application will be refused.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

<b>Policy CIP1 applies</b>	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact 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. (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas
<b>Policy HRS1 applies</b>	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies  <u>For premises for the supply of alcohol for consumption on the premises:</u> Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30
<b>Policy FFP2 applies</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours under Policy HRS1.

### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

<b>Appendix 1</b>	Current Premises Licence
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	City Inspectors Report
<b>Appendix 4</b>	Premises History
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 8094 Email: <a href="mailto:kjackaman@westminster.gov.uk">kjackaman@westminster.gov.uk</a>

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

### Background Documents – Local Government (Access to Information) Act 1972

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Licensing Authority representation	25 February 2019
<b>5</b>	Environmental Health Service representation	11 February 2019
<b>6</b>	Metropolitan Police Service representation	30 January 2019
<b>7</b>	Interested Party Representation 1	25 February 2019
<b>8</b>	Interested Party Representation 2	4 February 2019
<b>9</b>	Interested Party Representation 3	25 February 2019
<b>10</b>	Interested Party Representation 4	25 February 2019
<b>11</b>	Interested Party Representation 5	22 February 2019
<b>12</b>	Interested Party Representation 6	25 February 2019

## Current Premises Licence

## Appendix 1



Schedule 12  
Part A

WARD: Lancaster Gate  
UPRN: 999000098038

### **City of Westminster**

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

**Premises licence number:**

06/10311/WCCMAP

#### **Part 1 – Premises details**

**Postal address of premises:**

Taza Take Away  
35A Queensway  
London  
W2 4QJ

**Telephone Number:** 020 7705 2829 / 020 7727 7420

**Where the licence is time limited, the dates:**

N/A

**Licensable activities authorised by the licence:**

Late Night Refreshment

**The times the licence authorises the carrying out of licensable activities:**

Late Night Refreshment: Monday to Saturday - 23:00 to 00:00

**The opening hours of the premises:**

Monday to Sunday - 10:00 to 00:00

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

N/A

#### **Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Mr Abie Shahrtash  
35A Queensway  
London  
W2 4QT  
*Telephone Number : 020 7727 7420*

Mrs Antje Shahrtsah  
35A Queensway  
London  
W2 4QT

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

N/A

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

**Name:** N/A  
**Address:** N/A  
**Phone:** N/A

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

**Licence Number:** N/A  
**Licensing Authority:** N/A

**Date:** \_\_\_\_\_

**Signed:** \_\_\_\_\_  
Director of Legal & Administrative Services

## **Annex 1 – Mandatory conditions**

None

## **Annex 2 – Conditions consistent with the operating Schedule**

None

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

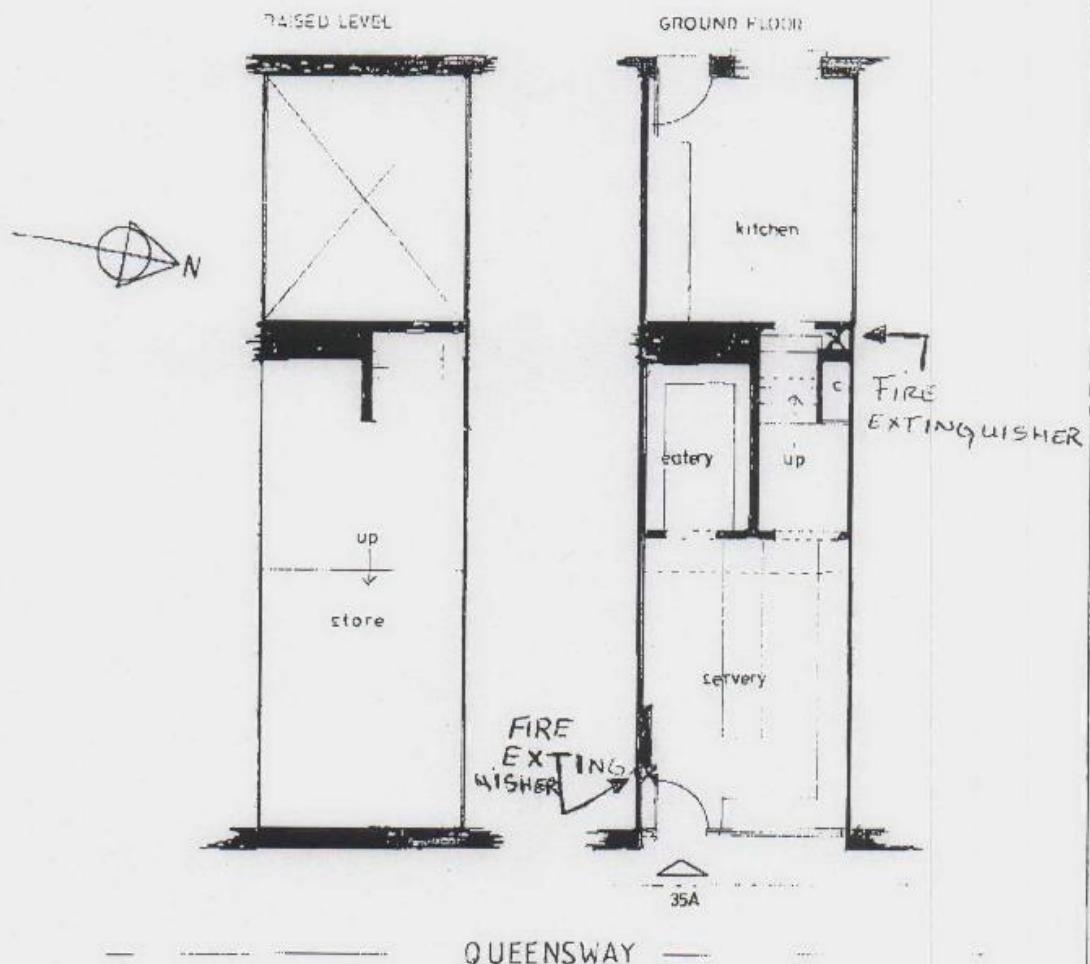
1. The pavement from the building line to the kerb edge immediately outside the premises, including gutter-channel at its junction with the kerb edge, is swept and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
2. The pavement from the building line to the kerb edge immediately outside the premises is thoroughly washed down, unless the air temperature is 4 degrees Centigrade and falling.
3. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council.
4. Details of a dedicated and adequate, refuse storage area are forwarded to the Environmental Health Consultation Team for approval within 28 days of the grant of any licence.
5. Tables and chairs shall be confined within the forecourt and shall not spread onto the footway.
6. After closing the shop front shall be covered by security shutters.
7. Any entertainment, performance, service or exhibition involving nudity or sexual stimulation which would come within the definition of a sex counter establishment in schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted) shall not be provided. (ii) This condition does not apply to any entertainment which is an integral part of a licensed performance of a play.

## Annex 4 – Plans

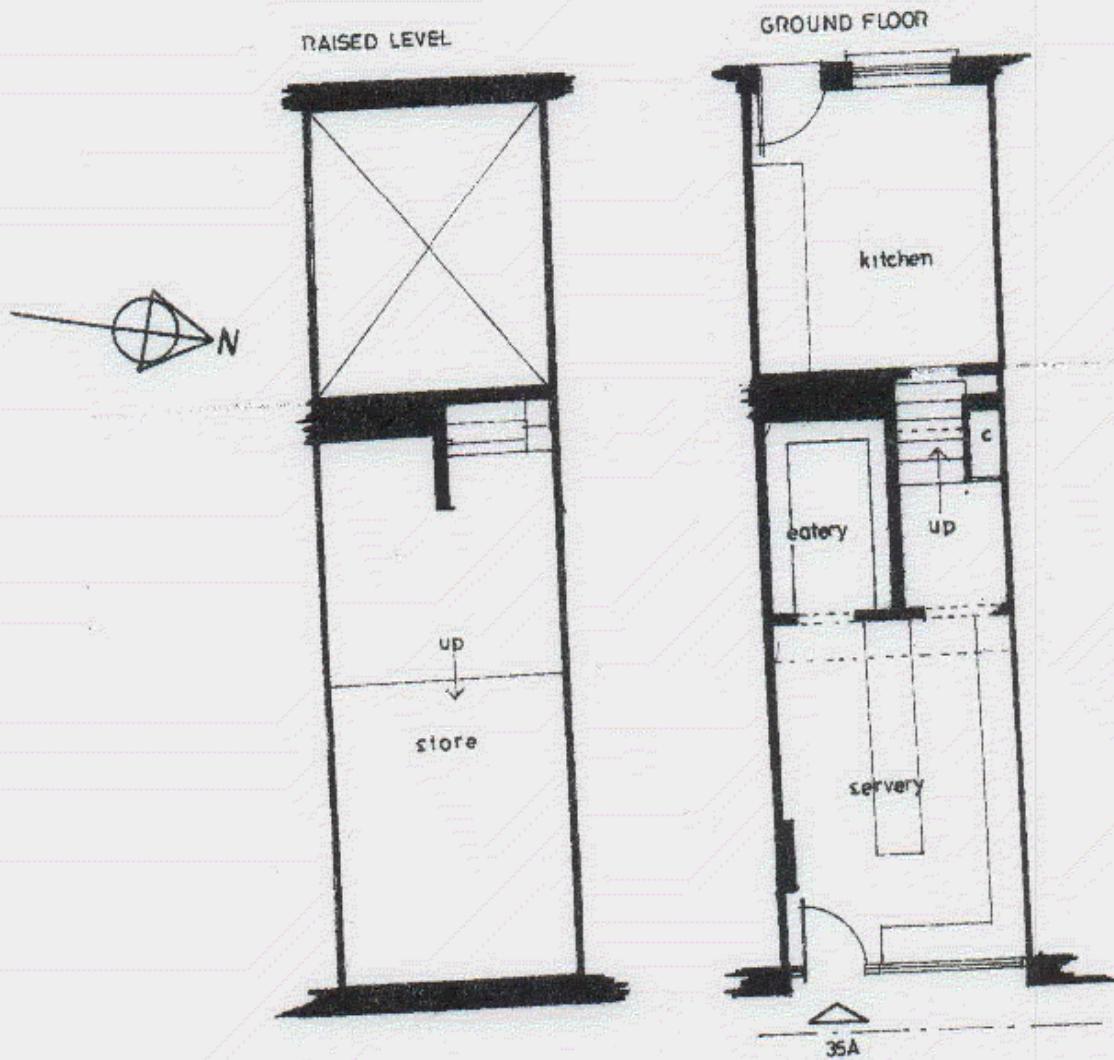
FROM :BDVANCE

FAX NO. :12345678900

08 Dec. 2005 16:28 P1



 the village studios architectural draughting & design	<u>TITLE</u>	<u>SCALE</u>	
	Floor plan	1:100	
	<u>ADDRESS</u>	<u>DATE</u>	<u>BY</u>
	Tazu Takeaway 35a Queensway London W2 4QJ	Nov 05	RHS
	<u>REF:</u> VS 097/05		



<u>TITLE</u>	<u>SCALE</u>	
Floor plan	1: 100	
<u>ADDRESS</u>	<u>DATE</u>	<u>REF.</u>
Taza Takeaway 35a Queensway London W2 4QJ	Nov 05	RHS VS 097/05



Schedule 12  
Part B

WARD: Lancaster Gate  
UPRN: 999000098038

**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

Premises licence  
summary

Regulation 33, 34

Premises licence number: 06/10311/WCCMAP

**Part 1 – Premises details**

**Postal address of premises:**

Taza Take Away  
35A Queensway  
London  
W2 4QJ

**Telephone Number:** 020 7705 2829 / 020 7727 7420

**Where the licence is time limited, the dates:**

N/A

**Licensable activities authorised by the licence:**

Late Night Refreshment

**The times the licence authorises the carrying out of licensable activities:**

Late Night Refreshment: Monday to Saturday - 23:00 to 00:00

**The opening hours of the premises:**

Monday to Sunday - 10:00 to 00:00

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

N/A

**Name and (registered) address of holder of premises licence:**

Mr Abie Shahrtash  
35A Queensway  
London  
W2 4QT

Mrs Antje Shahrtsah  
35A Queensway  
London  
W2 4QT

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

N/A

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Name:** N/A

**State whether access to the premises by children is restricted or prohibited:**

Restricted

**Date:** \_\_\_\_\_

**Signed:**

Director of Legal & Administrative Services

## **Applicant Supporting Documents**

No documents submitted

## **Appendix 2**

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CITY OF WESTMINSTER

**PREMISES LICENSING INSPECTOR**

MEMORANDUM

**TO** Ms Roxsana Haq  
Senior Licensing Officer

**LIC REF** 19/01149/LIPV

**FROM** Glyn Franks  
[REDACTED]  
City Inspectors  
Public Protection and Licensing  
15th Floor, Westminster City Hall  
gfranks@westminster.gov.uk

**REF** 19/06253/ELSELF

**RE Taza, 35A Queensway W2**

I refer to the application for a variation of the Premises Licence.

The premises are currently Licensed to serve Late Night Refreshment; Monday to Saturday; from 2300 until 00.00

On Monday the 18<sup>th</sup> of February, at approximately 01.00; (this represents a Sunday night of trading); two City Inspectors attended the above venue, which was open and appeared to be trading.

At my request, they made a test purchase of hot food. The food was prepared and heated, sold at a cost of £7; and the Inspectors were given a receipt.

This sale was in contravention of Section 136 Licensing Act 2003;

- 1) to carry on a Licensable activity otherwise than in accordance with an authorisation;
  - 2) Or; to knowingly allow a Licensable activity to carry on.
-

This is an extract of the message passed to me the same day of the test purchase

Hi Glyn,

I visited Taza Takeaway, 35a Queensway at approximately 01:00hrs accompanied by another Inspector. The premises was open and what appeared to be lamb and chicken donor was being cooked on the rotating grills. We ordered one lamb and one chicken shawarma which was served to us, we were asked if we wanted to sit outside or takeaway. I paid £7 for the two shawarma and requested a receipt which was provided. I noticed that the date and time on the receipt are incorrect by a huge margin (16.06.12 – 14:49hrs), please see the scanned copy of the receipt attached. The meat was put in a pitta bread and heated on a sandwich press at the counter.

I then introduced myself and asked the male who served us if there was a valid licence to serve hot food at this time. He replied that they had applied for the licence and pointed at a blue notice stuck to the front door of the premises. I advised the male that since the licence application had not been granted they should not be trading at this time and only trade within the permitted hours specified on their premises licence.

While I was making my notes the male who served us called the owner, Mr Abie Shahrtash who claimed he stayed open due to community spirit and had been trading in the Queensway for 25 years. He was advised also that until the variation application is granted he should trade within the permitted hours on the current licence. While we were present 3-4 males came in but were refused service and told the premises was closed. There were 4 male members of staff on the premises, all were wearing red t-shirts with the Taza logo on the front and back in yellow.

The male who served us was in his late 40s to early 50s, stocky build with his head almost clean shaven, he refused to give his name when requested. I am sure if requested, Mr Shahrtash will provide the details of all staff working at the time of my visit. If you need a statement please let me know.

This matter has been recorded on Uniform reference 19/06253/ELSELF

## Appendix 4

### **Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
06/10311/WCCMAP	Conversion	23 February 2006	Granted by Licensing Sub Committee
05/12976/LIPN	New premises licence	23 February 2006	Granted by Licensing Sub Committee
18/09436/LIPVM	Minor Variation to extend trading hours to 02:00 and add Late Night Refreshment on Sundays	29 August 2018	Refused under delegated authority
19/00904/LIPVM	Minor Variation to extend trading hours to 02:00 and add Late Night Refreshment on Sundays	29 January 2019	Withdrawn

**There is no appeal history**

## **Appendix 5**

### ***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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

#### **Conditions: On Current Licence -**

##### **Mandatory:**

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 responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
    - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
      - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
        - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
        - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (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.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(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.
- 8(ii) For the purposes of the condition set out in paragraph 8(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.
- 8(iii). Where the permitted price given by Paragraph 8(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.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(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.

## **Annex 2 – Conditions consistent with the operating Schedule**

None

## **Annex 3 – Conditions attached after a hearing by the licensing authority**

8. The pavement from the building line to the kerb edge immediately outside the premises, including gutter-channel at its junction with the kerb edge, is swept and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
9. The pavement from the building line to the kerb edge immediately outside the premises is thoroughly washed down, unless the air temperature is 4 degrees Centigrade and falling.
10. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council.
11. Details of a dedicated and adequate, refuse storage area are forwarded to the Environmental Health Consultation Team for approval within 28 days of the grant of any licence.
12. Tables and chairs shall be confined within the forecourt and shall not spread onto the footway.
13. After closing the shop front shall be covered by security shutters.
14. Any entertainment, performance, service or exhibition involving nudity or sexual stimulation which would come within the definition of a sex counter establishment in schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted) shall not be provided. (ii) This condition does not apply to any entertainment which is an integral part of a licensed performance of a play.

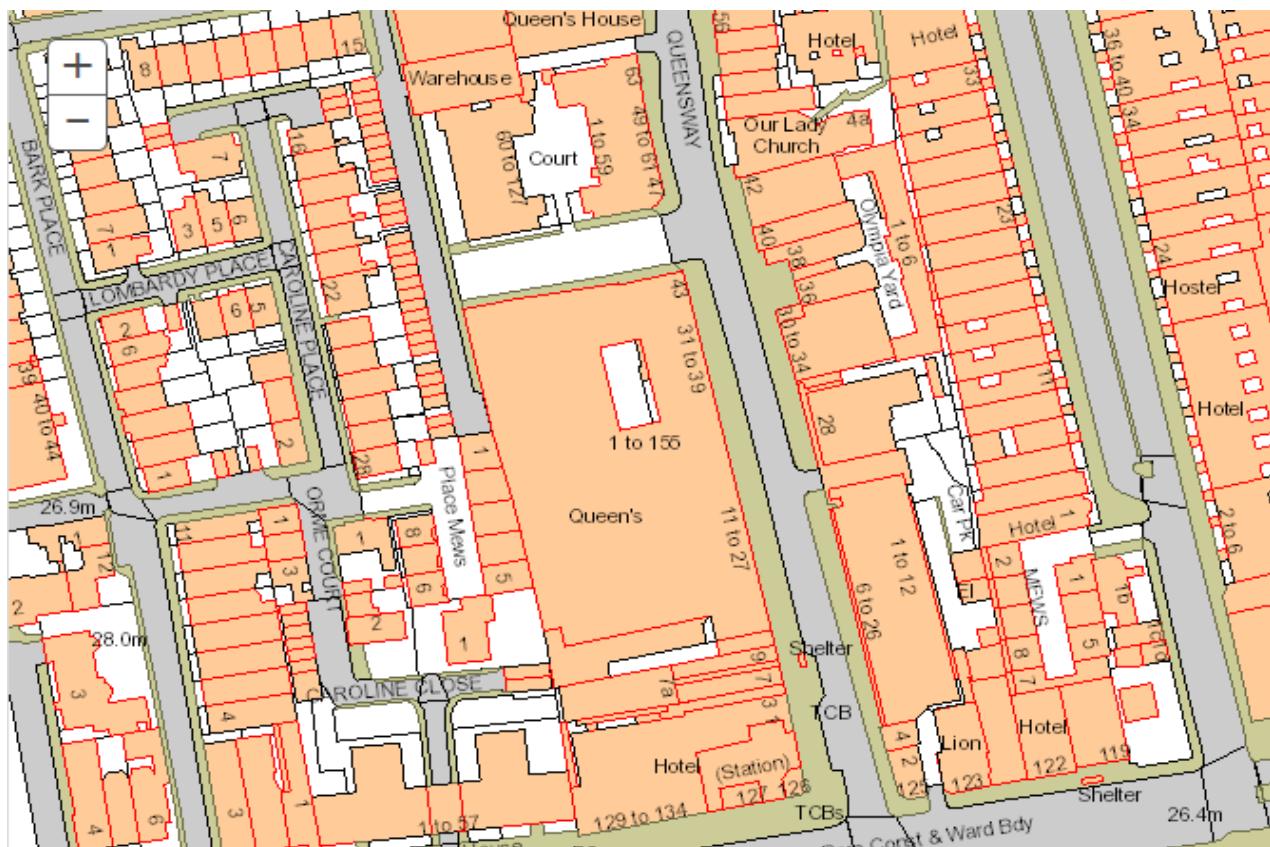
**Conditions proposed by Environmental Health to be added to the premises licence in the event that the application is granted.**

15. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
16. All tables and chairs shall be removed from the outside area by **23.00** hours each day
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
19. 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.
20. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway
21. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated

## Residential Map and List of Premises in the Vicinity

## Appendix 6

Due to technical issue with the Council's GIS Mapping System an alternative map of the premises and locality has been provided



Resident Count: 475

### Licensed premises within 75 metres of 35A Queensway

Licence Number	Trading Name	Address	Premises Type	Time Period
11/06692/LIPDPS	Caps News	35B Queensway London W2 4QJ	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
06/10311/WCCMAP	Taza Take Away	35A Queensway London W2 4QJ	Shop	Monday to Sunday; 10:00 - 00:00
17/06728/LIPN	Ground Floor	31-31A Queensway London W2 4QJ	Shop	Monday to Saturday; 07:00 - 00:00   Sunday; 08:00 - 00:00

06/10289/WCCMAP	Kalinka	35 Queensway London W2 4QJ	Shop	Monday to Saturday; 11:00 - 20:00   Sunday; 12:00 - 18:30
15/03800/LIPT	Queensway Food & Wine	37 Queensway London W2 4QJ	Food store	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
10/04568/LIPN	Curry Place	36 Queensway London W2 3RX	Restaurant	Monday to Thursday; 11:00 - 23:30   Friday to Saturday; 11:00 - 00:00   Sunday; 12:00 - 22:30
10/06611/LIPT	Food Basics Limited	28 Queensway London W2 3RX	Restaurant	Monday to Saturday; 10:00 - 23:00   Sunday; 10:00 - 22:30
09/10291/LIPN	Casa Brasil	Unit L001 Queensway Market 23-25 Queensway London W2 4QJ	Restaurant	Monday to Saturday; 11:00 - 20:00   Sunday; 12:00 - 18:00
17/03341/LIPVM	Queen's Ice Bowl	Queens Ice Club 17 Queensway London W2 4QP	Ice rink	Monday to Thursday; 09:00 - 00:00   Friday to Saturday; 09:00 - 00:30   Sunday; 09:00 - 23:00
18/08878/LIPT	Del Casa	27 Queensway London W2 4QJ	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
15/02559/LIPN	La Docta	Unit A15 Queensway Market 23 - 25 Queensway London W2 4QJ	Shop	Monday to Sunday; 10:00 - 20:30
13/08953/LIPT	Royal China Chinese Restaurant	13 Queensway London W2 4QJ	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00

09/01492/LIPT	Bedouin	38 Queensway London W2 3RS	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
16/03595/LIPN	Not Recorded	44 Queensway London W2 3RS	Shop	Monday to Sunday; 09:00 - 22:00
14/02691/LIPDPS	Med Mezze	22 Queensway London W2 3RX	Restaurant	Monday to Thursday; 10:00 - 23:00   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30   Sundays before Bank Holidays; 10:00 - 00:00
06/10112/WCCMAP	Mandarin Kitchen	14-16 Queensway London W2 3RX	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
15/11442/LIPN	Not Recorded	10 Queensway London W2 3RX	Shop (large)	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:00
15/03322/LIPV	Manoush Restaurant	48 Queensway London W2 3RY	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30   Sundays before Bank Holidays; 12:00 - 00:00

13/01987/LIPT	Kam Tong Chinese Restaurant	59-63 Queensway London W2 4QH	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30   Sundays before Bank Holidays; 12:00 - 00:00
18/04670/LIPDPS	Bella Italia	55-57 Queensway London W2 4QH	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
16/02012/LIPDPS	Hung Toa Restaurant	51 Queensway London W2 4QH	Restaurant	Monday to Saturday; 12:00 - 23:30   Sunday; 12:00 - 22:30
16/05337/LIPT	Kam Tong Chinese Restaurant	59-63 Queensway London W2 4QH	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30   Sundays before Bank Holidays; 12:00 - 00:00
17/02109/LIPDPS	Maharaja	50 Queensway London W2 3RY	Restaurant	Monday to Sunday; 12:00 - 00:30