

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation and Enforcement
Date of Meeting:	Wednesday 25th August 2021
Subject:	Licensing Act 2003 Multiple Temporary Event Notices
Premises:	Chaii Garden, 57a Alfred Street, Sparkbrook, Birmingham, B12 8JP
Ward affected:	Sparkbrook and Balsall Heath East
Contact Officer:	Bhupinder Nandhra, Senior Licensing Officer licensing@birmingham.gov.uk

1. Purpose of report:

To consider the objection notices to Temporary Event Notices (TENs), which seek to permit the provision of licensable activities on the dates and times as detailed in each TEN attached to this report as an Appendix.

2. Recommendation:

To consider the objection notices made by West Midlands Police and Environmental Health.

3. Brief Summary of Report:

Temporary Event Notices were submitted by Rajeeb Choudhury and received on 14th August 2021 in respect of Chaii Garden, 57a Alfred Street, Sparkbrook, Birmingham, B12 8JP.

Objection notices have been received from West Midlands Police and Environmental Health.

4. Compliance Issues:

When carrying out its licensing functions, a licensing authority must have regard to the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

4.1 Consistency with relevant Council Policies, Plans or Strategies:

The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

<p>5. Relevant background/chronology of key events:</p> <p>Rajeeb Choudhary submitted on 14th August 2021, Temporary Event Notices in respect of Chaii Garden, 57a Alfred Street, Sparkbrook, Birmingham, B12 8JP, which were served on the responsible authorities on 14th August 2021.</p> <p>The Temporary Event Notices are attached as Appendices 1 and 2.</p> <p>An objection notice has been received from West Midlands Police, which is attached at Appendix 3.</p> <p>An objection notice has been received from Environmental Health, which is attached at Appendix 4.</p> <p>Site location plans are attached, see Appendix 5.</p> <p>Under the licensing system of TENs, no actual permission is required to carry out a licensable activity on a temporary basis. An applicant must merely give notice of his intentions to operate a licensable activity to the licensing authority.</p> <p>However, the police or local authority exercising environmental health functions may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a TEN.</p> <p>Where a TEN is submitted, the licensing authority must consider the objection(s) at a hearing before a counter notice, or a notice including a statement of conditions can be issued.</p> <p>Conditions may only be applied if the TEN is in connection with licensable activities at licensed premises. It must be noted a Premises Licence is not currently in force for Chaii Garden, 57a Alfred Street, Sparkbrook, Birmingham, B12 8JP.</p> <p>When giving a TEN, consideration should be given to the following four licensing objectives:</p> <ol style="list-style-type: none"> 1. The prevention of crime and disorder 2. Public safety 3. The prevention of public nuisance; and 4. The protection of children from harm
<p>6. List of background documents:</p> <p>Temporary Event Notices, attached at Appendices 1 and 2.</p> <p>Objection notices from West Midlands Police and Environmental Health, attached at Appendices 3 and 4.</p> <p>Site location plans, Appendix 5</p>
<p>7. Options available</p> <p>At the hearing the Licensing Authority must consider each TEN separately and determine whether to:</p> <p>To issue the TEN</p> <p>To issue a Counter Notice</p>



Birmingham
Temporary Event Notice
Licensing Act 2003

For help contact
licensingonline@birmingham.gov.uk
 Telephone: 0121 303 9896

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Family name

E-mail address

Main telephone number Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- ☐ Applying as a business or organisation, including as a sole trader
- ☒ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

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Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>

Agent Details

First name	<input type="text" value="Duncan"/>	
Family name	<input type="text" value="Craig"/>	
E-mail address	<input type="text"/>	
Main telephone number	<input type="text"/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone		

Are you:

- ☐ An agent that is a business or organisation, including a sole trader
- ☒ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Your Address

Address official correspondence should be sent to.

Building number or name	<input type="text" value="Citadel Chambers"/>
Street	<input type="text" value="The Citadel, 190 Corporation Street"/>
District	<input type="text"/>
City or town	<input type="text" value="Birmingham"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B4 6QD"/>
Country	<input type="text" value="United Kingdom"/>

Section 2 of 9

APPLICATION DETAILS [\(See also guidance on completing the form, general notes and note 1\)](#)

Continued from previous page...

Have you had any previous or maiden names?

☐ Yes

☒ No

Your date of birth

/ /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

Does the premises have an address?

☒ Yes

☐ No

Continued from previous page...

Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☒ Neither

☐ Premises licence

☐ Club premises certificate

Location Details

Provide further details about the location of the event

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below ([see also guidance on completing the form, note 3](#))

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

Continued from previous page...

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LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises

[\(see also guidance on completing the form, note 6\):](#)

- ☐ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☐ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☒ The giving of a late temporary event notice

[\(See also guidance on completing the form, note 7\).](#)

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

[\(See also guidance on completing the form, note 8\).](#)

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

[\(see also guidance on completing the form, note 9\)](#)

Event start date

/ /
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

/ /
dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 10\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 11\)](#)

Continued from previous page...

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- ☐ On the premises only
- ☐ Off the premises only
- ☒ Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

N/A

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PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence? ☐ Yes ☒ No

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? ☒ Yes ☐ No

State the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year

2

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

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ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes ☒ No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes ☒ No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

Continued from previous page...

- THE INFORMATION CONTAINED IN THIS FORM IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT IT IS AN OFFENCE:
- (I) TO KNOWINGLY OR RECKLESSLY MAKE A FALSE STATEMENT IN CONNECTION WITH THIS TEMPORARY EVENT NOTICE AND THAT A PERSON IS LIABLE ON SUMMARY CONVICTION FOR SUCH AN OFFENCE TO A FINE OF ANY AMOUNT; AND
- (II) TO PERMIT AN UNAUTHORISED LICENSABLE ACTIVITY TO BE CARRIED ON AT ANY PLACE AND THAT A PERSON IS LIABLE ON SUMMARY CONVICTION FOR ANY SUCH OFFENCE TO A FINE OF ANY AMOUNT, OR TO IMPRISONMENT FOR A TERM NOT EXCEEDING SIX (6) MONTHS, OR TO BOTH.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name

Capacity

Date / /
dd mm yyyy

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/birmingham/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

	Birmingham Temporary Event Notice Licensing Act 2003	For help contact licensingonline@birmingham.gov.uk Telephone: 0121 303 9896

* required information

Section 1 of 9

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☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Family name

E-mail address

Main telephone number Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- ☐ Applying as a business or organisation, including as a sole trader
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District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
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Country	<input type="text"/>

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Family name	<input type="text" value="Craig"/>	
E-mail address	<input type="text"/>	
Main telephone number	<input type="text"/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone		

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Your Address

Address official correspondence should be sent to.

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Section 2 of 9

APPLICATION DETAILS [\(See also guidance on completing the form, general notes and note 1\)](#)

Continued from previous page...

Have you had any previous or maiden names?

☐ Yes

☒ No

Your date of birth

/ /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

Does the premises have an address?

☒ Yes

☐ No

Continued from previous page...

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☐ Yes

☒ No

Building number or name

Chaii Garden

Street

57a Albert Street

District

Sparkbrook

City or town

Birmingham

County or administrative area

Postcode

B12 8JP

Country

United Kingdom

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☒ Neither

☐ Premises licence

☐ Club premises certificate

Location Details

Provide further details about the location of the event

At the above address

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below ([see also guidance on completing the form, note 3](#))

N/A

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

Drive through takeaway

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

Park and dine chaii eatery summer celebration during premises licence application representation period.

Continued from previous page...

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises

(see also guidance on completing the form, note 6):

- ☐ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☐ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

(See also guidance on completing the form, note 7).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

(See also guidance on completing the form, note 8).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 9)

Event start date

07 / 09 / 2021
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

11 / 09 / 2021
dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

23:00 - 03:00 all days

(see also guidance on completing the form, note 10)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

10

Note that the maximum number of people cannot exceed 499.

(see also guidance on completing the form, note 11)

Continued from previous page...

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- ☐ On the premises only
- ☐ Off the premises only
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Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

N/A

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence? ☐ Yes ☒ No

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? ☒ Yes ☐ No

State the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year

3

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes

☒ No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

☐ Yes

☒ No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes

☒ No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

☐ Yes

☒ No

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

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- (II) TO PERMIT AN UNAUTHORISED LICENSABLE ACTIVITY TO BE CARRIED ON AT ANY PLACE AND THAT A PERSON IS LIABLE ON SUMMARY CONVICTION FOR ANY SUCH OFFENCE TO A FINE OF ANY AMOUNT, OR TO IMPRISONMENT FOR A TERM NOT EXCEEDING SIX (6) MONTHS, OR TO BOTH.

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Full name

Capacity

Date / /
dd mm yyyy

[Add another signatory](#)

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- Don't forget to make sure you have all your supporting documentation to hand.

From: bw licensing
Sent: 18 August 2021 13:54
To: Licensing ; bw licensing ; Pollution Team
Cc: 'Duncan Craig'
Subject: RE: [External]: 4 X TENS - Chaii Garden, 57a Albert Street, Birmingham, B12 8JP

Licensing,

I am writing to confirm West Midlands Police will be objecting to the 4 X Tens applications submitted for Chaii Garden.

I am aware counter notices have already been issued for two of the late Ten applications in response to Environmental health's objecting early today.

West Midlands Police object on the grounds of prevention of crime and disorder and prevention of public nuisance.

The local neighbourhood team have received several complaints regarding this premises operation from local residents and businesses, these complaints vary and statements are being gathered at the time of sending this objection and I can expand at a later date with specific details when necessary.

One notable complaint is regarding licensable activity already being carried out at the premises already without a Temporary event notice or premises licence being issued, with reports of serving until the early hours.

Regards

Huram Taj 60679
Licensing Department
Birmingham Partnerships Team:Lloyd House Birmingham: West Midlands Police

From: Martin Key
Sent: 17 August 2021 17:00
To: Licensing ; Duncan Craig
Cc: Pollution Team ; 'bw_licensing
Subject: RE: 4 X TENS - Chaii Garden, 57a Albert Street, Birmingham, B12 8JP
Importance: High

Hi

I am responding on behalf of the Environmental Health team as a responsible authority. I have received an application from Rajeeb Choudhury for a number of TENS and late TENS as follows for late night refreshment at Chaii Garden, 57a Albert Street, Sparkbrook, Birmingham, B12 8JP between the hours of 23:00 and 03:00 for up to 10 people:-

- a) DCC/LATETEN1/CHAI – 21/22 August 2021 (late TEN)
- b) DCC/LATETEN2/CHAI – 24 - 29 August 2021 (late TEN)
- c) DCC/TEN1/CHAI – 31 August 2021 to 5 September 2021
- d) DCC/TEN2/CHAI – 7 – 11 September 2021.

The activity is described as a Restaurant and takeaway and the event as a park and dine chai eatery summer celebration during premises licence application representation period. This department has received a number of complaints relating to noise from amplified music and anti-social behaviour associated with the operation of this business and given the extended hours that are being sought, the existing nuisance and the proximate residential use I object to the TENS on the basis that the proposal will not meet the crime and disorder and public nuisance licensing objectives. I would therefore request that you issue a counter notice in respect of the late TENS a) and b) above and deal with the two TENS accordingly.

Best Regards

Martin Key
Environmental Protection Officer

Environmental Protection Unit
Regulation & Enforcement
City Operations Directorate
Birmingham City Council

