

Appendix 1

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Brick Lane Chai Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Chaiiwala 55 Brick Lane London			
Post town		Postcode	E1 6PU

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£0 (not currently rated)

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

- | | | | |
|-----|--|-------------------------------------|-----------------------------|
| a) | an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) | a person other than an individual * | | |
| i | as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii | as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii | as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv | other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) | a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) | a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Brick Lane Chai Ltd
Address
109 Coleman Road Leicester LE5 4LE
Registered number (where applicable)
13706262

Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
A	S	A	P				

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			

Please give a general description of the premises (please read guidance note 1) Restaurant/Cafe with delivery service
--

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input type="checkbox"/>

- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ☒

Supply of alcohol (if ticking yes, fill in box J) ☐

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)	
Wed				
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)	
Fri				
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Sun				

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	23:00	23:30			
Tue	23:00	23:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed	23:00	23:30	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Thur	23:00	23:30	The terminal hour shall be extended to 02:00 during the holy month of Ramadan and on Eid.		
Fri	23:00	24:00			
Sat	23:00	24:00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

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 9).

As far as the applicant is aware none of the proposed activities should give rise to concern in respect of children.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	24:00	
Tue	08:00	24:00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6) The terminal hour shall be extended to 02:30 during the holy month of Ramadan and on Eid.
Wed	08:00	24:00	
Thur	08:00	24:00	
Fri	08:00	00:30	
Sat	08:00	00:30	
Sun	08:00	23:00	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The licensing objectives have been considered taking into account the nature of the premises and the proposed style of operation.

We have also considered in detail and taken into account the Statement of Licensing Policy of London Borough of Tower Hamlets.

We have taken into account the Licensing Authority's Framework Hours policy in deciding the hours which you will see are strictly in line with the policy. Therefore, the application has taken into account the Licensing Authority's expectations as expressed in its Policy in relation to hours in this location

This operating schedule has also been prepared on the basis of the hours being within the confines of the Framework Hours and the conditions have been volunteered accordingly.

The premises seem to be within the CIZ. Therefore, we have taken into account:

- that these are very small premises. It can be seen from the plans that the capacity is around 50. This is one (and the first) of example of factors listed in the Policy which the Licensing Authority may consider as exceptional where the premises wish to operate within the Framework Hours.
- the proposed application also falls within the second example listed the Policy as being exceptional i.e. there will be no sale/supply of alcohol.

The application is effectively only for half an hour Mondays to Thursdays and one hour on Friday and Saturday.

The non-standard timings are to cater for the community who wish to socialise later in a non-alcohol venue during the holy month of Ramadan; without the need to apply for TEN's.

The premises will operate in accordance with all relevant legislation.

The premises will liaise and co-cooperate with the Responsible Authorities

b) The prevention of crime and disorder

A CCTV system with recording equipment will be installed and maintained at the premises.

All recordings used in conjunction with CCTV will:

Be of evidential quality in all lighting conditions;

Indicate the correct time and date; and

Be retained for a period of 31 consecutive days.

The premises will liaise and co-cooperate with the Responsible Authorities

c) Public safety

The premises will operate in accordance with all relevant legislation which promotes the prevention of public safety objective. For example, the Health & Safety and Food Safety legislation

The premises will liaise and co-operate with the Responsible Authorities.

d) The prevention of public nuisance

The premises will operate in accordance with all relevant legislation which promotes the prevention of public nuisance objective. For example, Environmental Protection Act 1990.

Arrangements for the storage and disposal of refuse will not cause a nuisance.

The premises will liaise and co-operate with the Responsible Authorities.

e) The protection of children from harm

See box a) above.

Checklist:

Please tick to indicate agreement


- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☐
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☐

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	13 October 2022
Capacity	Authorised Agent

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Walaiti Rathore
Licensing Law Consultancy
3 The Triangle
NG2 Business Park
Queens Drive

Post town Nottingham

Postcode NG2 1AE

Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which

combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.

- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].

- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.

- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

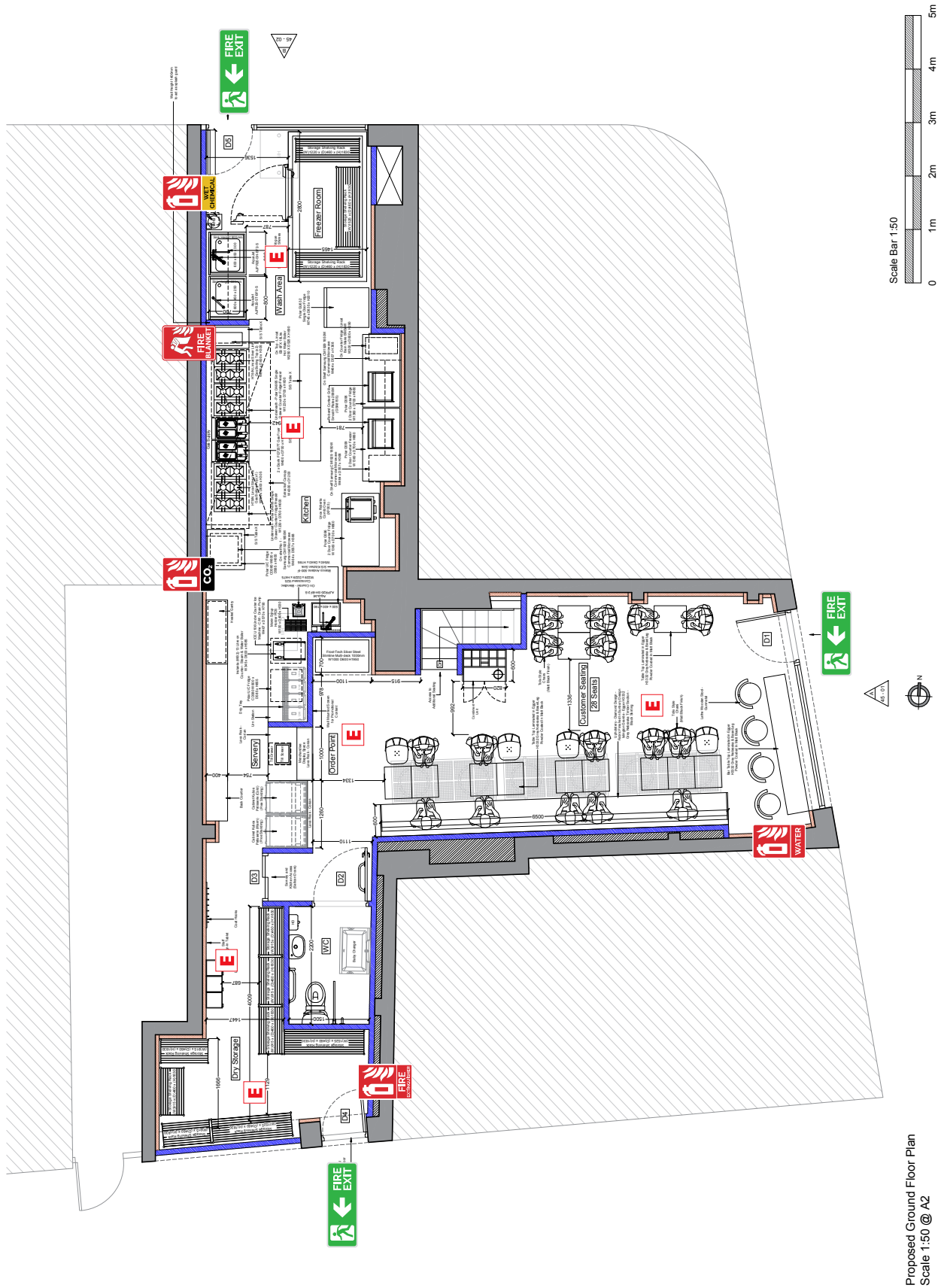
As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

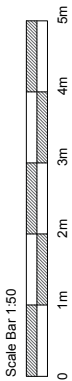
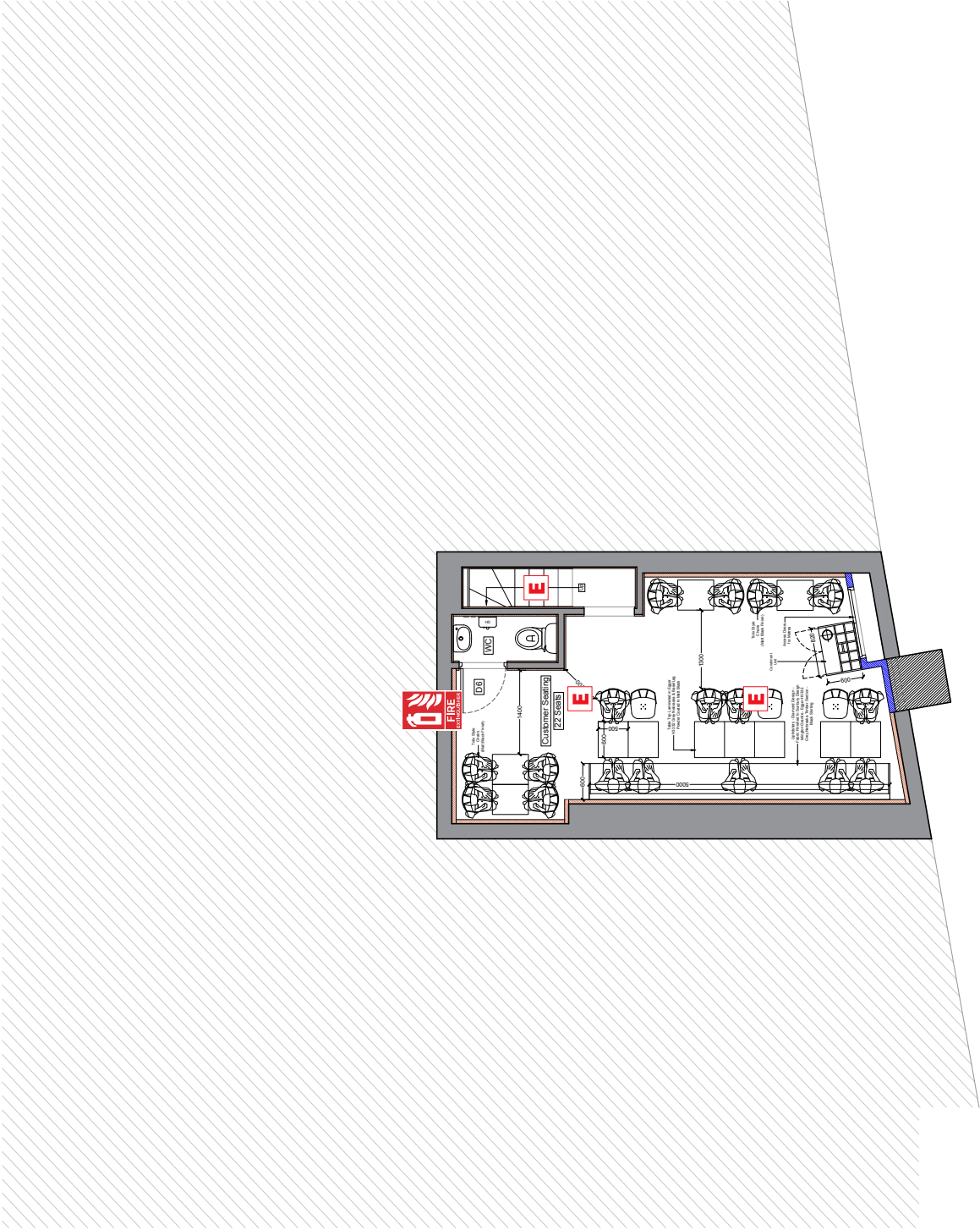
In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Appendix 2



Drawn	Date	Scale
SP	01/22	1:50 @ A2
Client	Chailwala	
Project	Schematic Drawing	
Schematic drawings are indicative and are subject to further inspection and dimension check to reflect the true nature of the site.		
Site Address		
55 Brick Lane		
London		
E1 6PU		
Sheet	Rev	
A2-10	00	



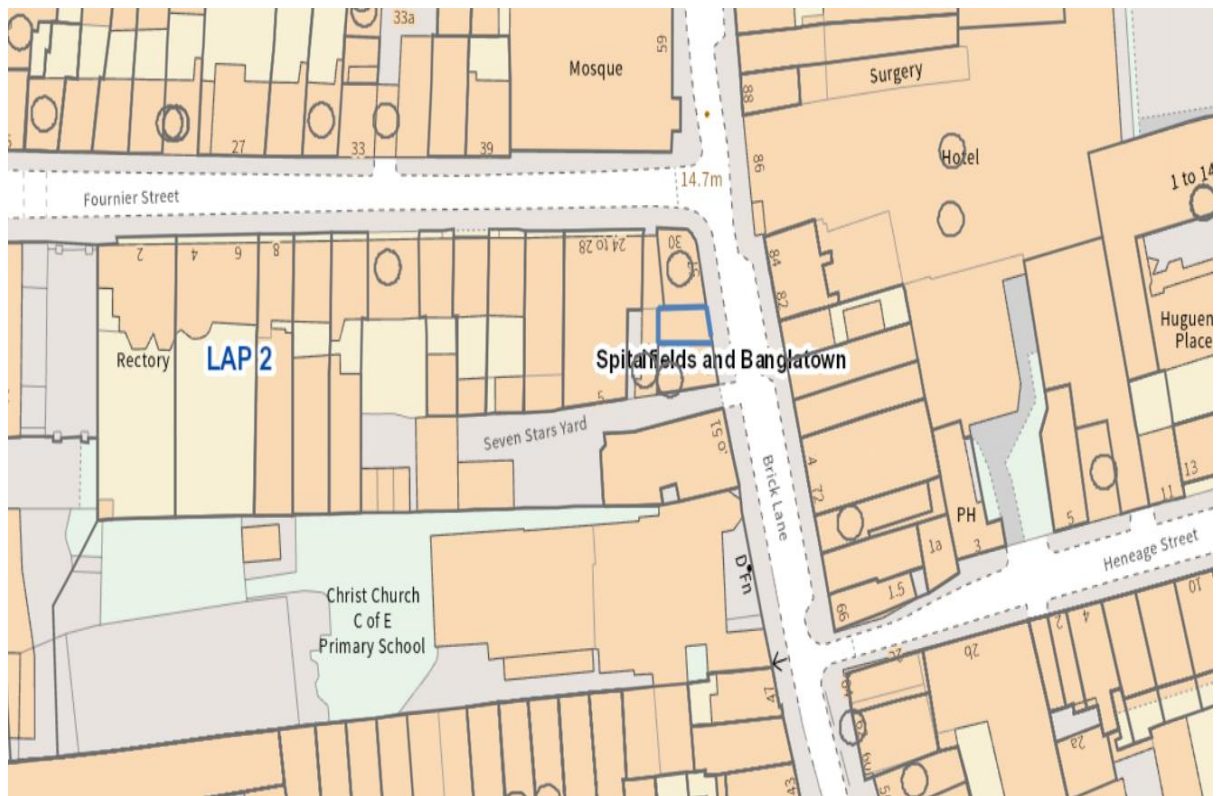
Proposed Basement Plan
Scale 1:50 @ A2

LEGEND	
	Existing Walls
	Proposed Walls - Metal Stud Partitions 100mm
	Proposed Partitioning 50mm & for Stud Partitions 70mm Allowance) Metal Stud Partitions 100mm
	Proposed Partitioning 50mm & for Stud Partitions 70mm Allowance) Metal Stud Partitions 100mm
	Door
	Ceiling Height
	Grid Ceiling Height
	Rain Water Pipe
	Down Pipe
	Site Boundary
	Manhole Inspection Cover
	North Indicator

Drawn	Date	Scale
SP	01/22	1:50 @ A2
Client	Chaiwala	
Project	Schematic Drawing	
Schematic drawings are indicative and are subject to further inspection and dimension check to reflect the true nature of the site.		
Site Address		
55 Brick Lane London E1 6PU		
Sheet	Rev	
A2-09	00	

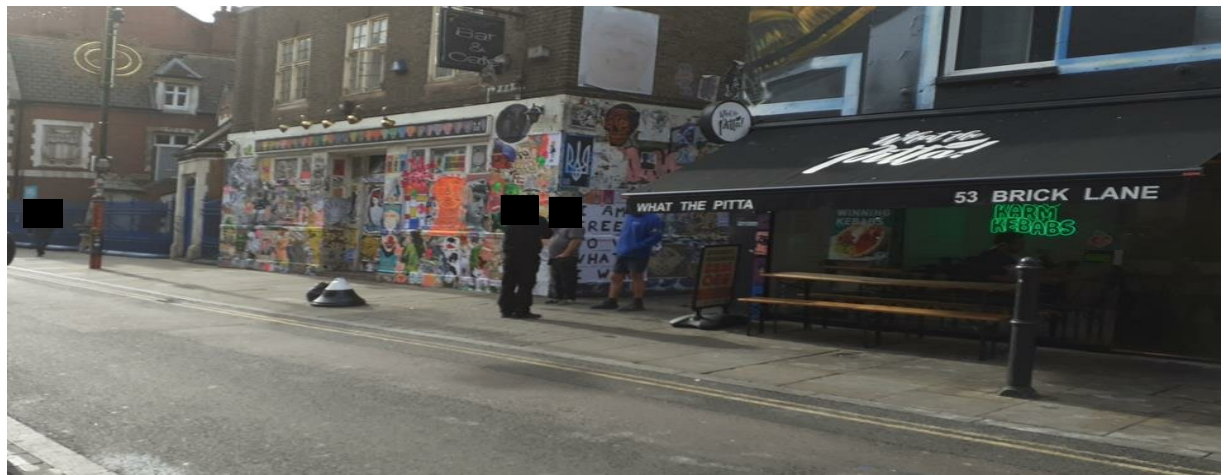
Appendix 3

Map of surrounding area



Appendix 4

Images of surrounding area



Appendix 5

Address	Licensable activities/times	Opening hours
(Seven Stars) Basement and Ground Floor 49 Brick Lane	<p><u>The sale by retail of alcohol (on sales)</u> Monday - Saturday 10 00 hrs to 02 00 hrs the following morning Sunday 10 00 hrs to midnight</p> <p><u>Late Night Refreshment</u> Monday - Saturday until 02 00 hrs the following morning Sunday until midnight</p> <p><u>The provision of regulated entertainment</u> Live Music and the Provision of Facilities for Making Music (Karaoke only) Monday - Saturday 19 00 hrs to 02 00 hrs the following morning Sunday 19 00 hrs to midnight</p> <p>Recorded Music Monday - Saturday from 11:00 hrs to 02:00 hrs the following morning Sunday 11 00 hrs to midnight</p>	<ul style="list-style-type: none"> Monday - Saturday 10: 00 hrs to 02:30 hrs the following morning Sunday 10:00 hrs to 00:30 hrs the following morning
(Kill the Cat) 43 Brick Lane	<p><u>Supply of alcohol – on and off</u></p> <ul style="list-style-type: none"> Monday to Wednesday from 12:00hrs (midday) to 22:00hrs Thursday to Saturday from 11:00hrs to 23:00hrs Sunday from 11:00hrs to 21:00hrs 	<ul style="list-style-type: none"> Monday to Wednesday from 12:00hrs (midday) to 22:00hrs Thursday to Saturday from 11:00hrs to 23:00hrs Sunday from 11:00hrs to 21:00hrs
(Cost Price) 41 Brick Lane	<p><u>The sale by retail of alcohol (off sales only)</u></p> <ul style="list-style-type: none"> Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight) Friday and Saturday, from 11:00hrs to 01:00hrs (the following day) 	<ul style="list-style-type: none"> Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight) Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)

Chez Elles 45 Brick Lane	<p>The sale by retail of alcohol (on sales)</p> <ul style="list-style-type: none"> Monday to Sunday, from 12:00 hours to 23:00 hours 	<ul style="list-style-type: none"> Monday to Sunday, from 11:00 hours to 23:30 hours
Brick Lane Coffee Shop 47 Brick Lane	<p>Sale of Alcohol (on & off sales)</p> <ul style="list-style-type: none"> Monday to Sunday from 09:00 hours to 23:00 hours <p>Late Night refreshment:</p> <ul style="list-style-type: none"> Monday to Sunday from 23:00 hours to 23:30 hours 	Monday to Sunday from 07:00 hours to 23:30 hours
(Morley's) 60 - 62 Brick Lane	<p><u>The provision of late light refreshment</u></p> <ul style="list-style-type: none"> Monday to Thursday, from 23:00 hours to 23:30 hours Friday and Saturday, from 23:00 hours to 00:00 hours (midnight) 	<ul style="list-style-type: none"> Monday to Thursday, from 11:00 hours to 00:00 hours (midnight) Friday and Saturday, from 11:00 hours to 00:30 hours (the following day) Sunday, from 11:00 hours to 23:00 hours
(Vegan Yes) 64 Brick Lane	<p><u>The supply of alcohol (on sales only)</u></p> <ul style="list-style-type: none"> Monday to Sunday, from 12:00 hours to 21:30 hours 	<ul style="list-style-type: none"> Monday to Sunday, from 11:30 hours to 21:30 hours
(Sketch) 68 Brick Lane	<p><u>The sale by retail of alcohol (on sales only)</u></p> <ul style="list-style-type: none"> Monday to Saturday, from 11:00 hrs to 22:30 hrs Sunday, from 12:00 hrs to 22:00 hrs 	<ul style="list-style-type: none"> Monday to Saturday from 11:00 hrs to 23:00 hrs Sunday from 12:00 hrs to 22:30 hrs
(Lucky Dog Chinese Restaurant) 70 Brick Lane	<p><u>Sale of Alcohol (on sales only)</u></p> <ul style="list-style-type: none"> Monday to Sunday from 12:00 hours to 21:45 hours 	<ul style="list-style-type: none"> Monday to Sunday from 12:00 hours to 22:00 hours

<p>(Monsoon) 78 Brick Lane</p>	<p>The sale by retail of alcohol (on sales)</p> <ul style="list-style-type: none"> • Sunday from midday until 23.00 hours • Monday -Wednesday from midday until midnight • Thursday - Saturday from 11:00 hours until 02:00 hours the following day. <p>On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p> <p>For provision of Late Night Refreshment: Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours until midnight only</p>	<ul style="list-style-type: none"> • Sunday from midday until 23.00 hours • Monday - Wednesday from midday until midnight • Thursday - Saturday from 11:00 hours until 02:00 hours the following day.
<p>(Pepe's Piri Piri) 82-84 Brick Lane</p>	<p><u>The provision of late night refreshment</u></p> <p>Sunday to Thursday 23:00 – 23:30 hours. Friday & Saturday 23:00 – 01:00 hours the following day.</p>	<ul style="list-style-type: none"> • Sunday to Thursday 23:00 – 23:30 hours. • Friday & Saturday 23:00 – 01:00 hours the following day.
<p>(Shawarma) 84 Brick Lane</p>	<p><u>The provision of late night refreshment:</u></p> <ul style="list-style-type: none"> • Monday to Wednesday 23:00 hours to 00:00 hours (midnight) 	<ul style="list-style-type: none"> • Monday to Wednesday 10:00 hours to 00:30 hours

	<ul style="list-style-type: none"> Thursday to Saturday 23:00 hours to 02:00 hours Sunday 23:00 hours to 23:30 hours <p>Non Standard Timings: From the end of permitted hours on New Years Eve until 02:00 hours New Years Day Sundays preceding a Bank Holiday Monday until 02:00 hours.</p>	<p>Thursday to Saturday 10:00 hours to 02:30 hours Sunday 10:00 hours to 00:00 hours (midnight)</p> <p>Non Standard Timings: From the end of permitted hours on New Years Eve until 02:00 hours New Years Day Sundays preceding a Bank Holiday Monday until 02:00 hours.</p>
<p>(Masala Restaurant) 88 Brick Lane</p>	<p><u>The sale of alcohol (on sales)</u></p> <ul style="list-style-type: none"> Monday to Saturday 12:00 hours to 23:30 hours Sunday 12:00 hours to 23:00 hours <p><u>Late Night Refreshment</u></p> <ul style="list-style-type: none"> Monday to Saturday until 23:30 hours 	<ul style="list-style-type: none"> Monday to Saturday 12:00 hours to midnight Sunday 12:00 hours to 23:30 hours
<p>(Pride of Spitalfields) 3 Heneage Street</p>	<p><u>The sale by retail of alcohol (on sales):</u></p> <ul style="list-style-type: none"> Monday - Thursday from 10:30 hours to 01:00 hours the following day Friday and Saturday from 10:30 hours to 02:00 hours the following day Sunday from 10:30 hours to midnight <p><u>Regulated Entertainment consisting of Provision of Recorded Music</u></p> <ul style="list-style-type: none"> Monday - Thursday from 10:30 hours to 01:00 hours the following day Friday and Saturday from 10:30 hours to 02:00 hours the following day Sunday from 10:30 hours to midnight 	<ul style="list-style-type: none"> Monday - Thursday from 10:30 hours to 01:00 hours the following day Friday and Saturday from 10:30 hours to 02:00 hours the following day Sunday from 10:30 hours to midnight Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in

	<p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>	<p>effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>
--	--	--

Appendix 6

Section 182 Advice by the Home Office Updated on December 2022

Relevant, vexatious and frivolous representations

9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.

9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this

Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 7

Lavine Miller-Johnson

From: Licensing
Sent: 16 November 2022 16:56
To: Lavine Miller-Johnson
Subject: FW: M153887 - Chaiiwala - 55 Brick Lane, London, E1 6PU

Follow Up Flag: Follow up
Flag Status: Flagged

From: Onuoha Olere <[REDACTED]>
Sent: 16 November 2022 16:45
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: FW: M153887 - Chaiiwala - 55 Brick Lane, London, E1 6PU

Dear Licensing,

Having considered the premises license application for Chaiiwala, at 55 Brick Lane, London, E1 6PU. I have to consider the impact of the licensing objectives, particular for Environmental Protection the prevention of Public Nuisance and the prevention of noise generated from within the premises or outside areas of the premises to be causing disturbance to people living above the premises and in the vicinity. Consideration also has to be given to the fact that the premises is within Brick Lane Cumulative Impact Zone.

There is insufficient information in the operating schedule of the licence application to show how the applicant will promote the licensing objective for the prevention of public nuisance. Condition ***“premises will operate in accordance with all relevant legislation which promotes the prevention of public nuisance objective”***. ***Arrangements for the storage and disposal of refuse will not cause a nuisance*** “The premises will liaise and cooperate with responsible authorities” is very general and subjective. Also, there is no consideration of the impact on public nuisance from increase footfall from persons accessing and egressing the premises, obstruction of footpath, idling of any vehicles by your business or drivers associated with your business whilst the premises are in operation, signs and notices, noise emanating from the premise or vibration transmitted through the structure of the premises which gives rise to a public nuisance particularly when considering the premises is in Brick Lane Cumulative Impact Zone.

Noise Sensitive premises: residential premises in proximity (above premises).

In my view the application, as it stands fails, to comply with the objective of the Licensing Act 2003 relating to “public nuisance” for the following reasons:-

- Noise breakout from the venue affecting neighbouring residents,
- Access & egress to and from the venue including patrons outside the premises obstructing footpath, whilst the premises is in operation
- Hours of operation
- How to manage idling of vehicles from customers and staff associated with premises during pick up and deliveries

CONCLUSION

Environmental Protection **does not** support the application of 55 Brick Lane, London, E1 for the following reasons:

1. There is great likelihood of disturbance to residential premises from the impact of additional footfall,
2. The applicant has not provided sufficient information to show how they will promote the licensing objective for the prevention of public nuisance
3. The premises is in Brick Lane Cumulative Impact Zone.
4. Parking and idling of vehicle

If the committee are minded granting this application, I would ask that the following conditions be considered:

- 1 Loudspeakers shall not be located in the entrance lobby or outside the premise building.
- 2 Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke, shall be limited to 5 persons at any one time.
- 3 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 public nuisance
- 4 There shall be no idling of any vehicles by business, customers or drivers associated with your premises
- 5 Notices shall be prominently displayed at all exits requesting customers and staff to respect the needs of local residents and businesses and leave the area quietly.

Kind regards

Olere

Onuoha OLERE
Environmental Protection Officer
Environmental Health & Trading Standards
Place Directorate
London Borough of Tower Hamlets
Mulberry Place, 5 Clove Crescent
London, E14 2BG
Phone - 02073646830

Section 61 consent

To apply for all Control of Pollution Act 1974 Section 61 consents, dispensations and variations please apply here:
https://www.towerhamlets.gov.uk/lgnl/environment_and_waste/environmental_health/pollution/Guidance-for-Section-61-Applications.aspx

Click here to see the Tower Hamlets Noise

map: <https://towerhamlets.maps.arcgis.com/apps/webappviewer/index.html?id=ab567dca90424100b0026259e447d911>

Appendix 8

Lavine Miller-Johnson

From: Licensing
Sent: 07 November 2022 16:21
To: Lavine Miller-Johnson
Subject: FW: serious objections on late night refreshments at 55 Brick Lane E1 6pu for chaiiwala

Follow Up Flag: Follow up
Flag Status: Flagged

From: mila akter <[REDACTED]>
Sent: 07 November 2022 14:48
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: serious objections on late night refreshments at 55 Brick Lane E1 6pu for chaiiwala

Dear team

We live in [REDACTED] which is just in front of this above subject premise.

Our windows open just in front of the shop. :-(

we highly object to this late night refreshments plan specially for gathering and snacking after 23:00.

Chaiwala is famous for gathering people/crowds during night selling chai and overcrowding.

wherever they got permission they did the same overcrowding at night and made a mesh in the area.

<https://www.nottinghampost.com/news/nottingham-news/indian-street-food-cafe-chaiiwala-5791072>

It will be a nightmare for us to even think of this as we need to go to work early in the morning.

Please please stop this rubbish as he will disturb the whole area in the late night..

regards
Mila Akter
[REDACTED]

IN ASSOCIATION WITH
PRIDE OF BRITAIN



Indian street food cafe Chaiiwala allowed to open late despite complaints over 'horrendous' noise

The cafe has before operated beyond its authorised opening hours, prompting complaints from a resident

SHARE 41

By [Joseph Locker](#) Digital News Correspondent
15:01, 16 AUG 2021 | **UPDATED** 11:17, 17 AUG 2021

Boo



Privacy | Gregory Boulevard (Image: Nottingham Post)



The matter was debated during a lengthy committee meeting on Monday, August 16, where a resident who lives above the street food and Indi objected to the plans.

However the licence to serve late-night refreshment until 1am, with closure by 1.30am, was approved.

A resident who lives in the flat directly above, questioned the approval of the licence following the month of Ramadan (which took place from A May 12 this year).

During Ramadan she said the cafe had remained open well beyond what was authorised and described the resulting noise as "horrendous", leading to contact Environmental Health officer Peter McEvoy to conduct an investigation.

Walaiti Rathore, who represented Chaiiwala during the meeting, admitted the cafe remained open beyond what was unauthorised and said: "The operation beyond 11pm, we put our hands up to that, but that's all now been factored in as part of this process, moving forward that's not going to happen and the only hours they will operate are the ones that operate now or the ones as part of this process.

"Yes they did go beyond the hours they were authorised to do but they have now spoken to the responsible authorities."

Combat Siege

Sponsored

The resident added: "To me that was my trial run in this situation and this is why I drafted Mr McEvoy in because I just could not stand the noise pollution coming from downstairs."

Islam Hussain, an employee and shareholder for Chaiiwala, replied: "We are actually a construction group, that is our main area of expertise and this was an investment we made as part of the successful operation of our construction business.

"So rather naively we were not experts in licencing or hours of operation, so when we received communication from the council saying you were in breach of the licencing law we made every effort to pull the hours back to 11pm, seven days a week.

"I would like to apologise to the resident."

As a result the owners at Chaiiwala applied for an extended opening hours licence.

During the meeting Mr Rathore outlined the cafe's reasons for extending opening hours and said: "There is no logical basis of refusing the application. The issues in this case are straight forward but I think it would be helpful for me to set out the background to the application and put it into perspective. The starting point to note is this is not an application for alcohol or regulated entertainment, this is an application for late-night refreshment.

"You may be aware that Chaiiwala is the fastest growing global brand and you may be aware that by brand design and other factors they have positioned themselves as a concept and space for people who wish to socialise in an alcohol and loud music-free environment and some of their stores have late-night licenses which they operate successfully and therefore they have a proven track record in this industry."

Mr Rathore says they had liaised with [Nottinghamshire Police](#) and Environmental Health to come upon a suitable proposal.



late-night refreshment on Friday and Saturday to 1am.

"We also became aware there was only one objection representation. A resident who lives above the premises in a flat.

"We arranged and had a meeting with her with a view to hopefully resolving the matter amicably."

The resident was given the opportunity to come up with a counter-proposal, but Mr Rathore said they had received no official reply.

Instead she opposed the proposals, adding: "The noise is absolutely horrendous and that is why I drafted Environmental Health in.

"There is a recording that has been done. Last night I was awoken again. The month of Ramadan I ended up having to come and sleep at my ch house. I shouldn't have to do that."

"I have been assaulted by customers that have been in Chaiiwala, just because I asked them can they move their car please s get on my c

"I have been spat at, I have had coffee thrown at me. This is all in the log with the police report where I have reported it."

Mr McEvoy, who was speaking not on behalf of Environmental Health but instead as part of his responsibility to investigate the noise under the Environmental Protection Act, explained the fundamental problem was that he deemed the noise coming from downstairs was "loud enough to sleep", particularly impact noises which had been identified as the biggest issue.

However Mr Rathore argued the resident's complaints "were not enough to influence a licencing decision" and the committee should therefore on the licencing matter at hand.

He added the premises being regulated would in fact benefit the resident, adding: "She chose, and this is stated in her email to the council, fairl to live in one of Nottingham's busiest if not the busiest mixed-use streets and the problems in the wider area have been there for decades.

"The resident should have or would have known this. All we are asking you to do today is apply a licencing act and that is what you are concerne today.

"There seems to be a suggestion there may be a statutory nuisance which is dealt with under a different legislation but not relevant to today's p

"These matters were thoroughly investigated by the both the police and the Environmental Health officer and yet they were still supportive of tl

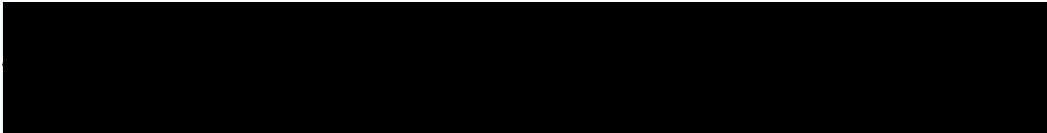
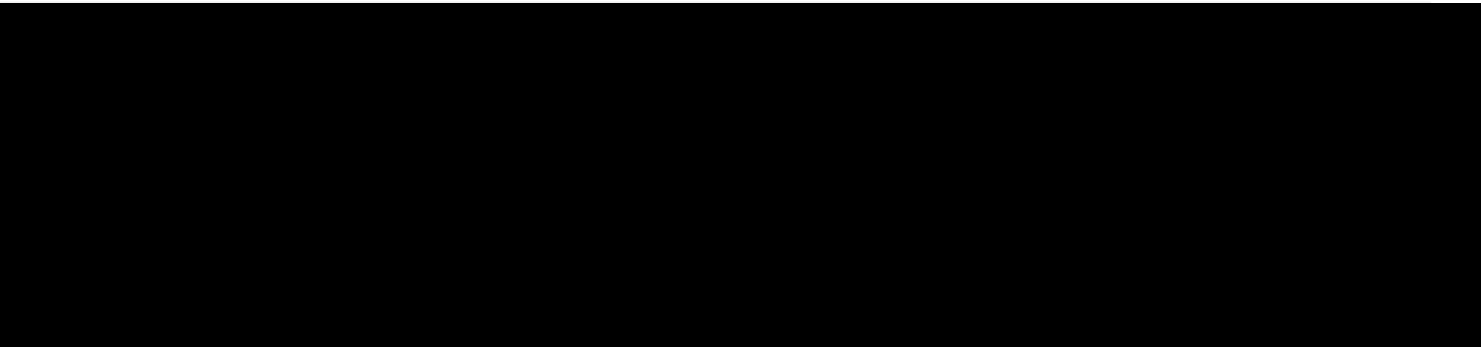


138612091369

After some deliberation councillor Toby Neal, the chairman of the committee, said: "We are agreed that we will allow this licence, condition to a put up for residents' parking.

"The licencing of this puts a lot more onus on the applicant to be a lot more responsible and I believe it will strengthen any co ; you will ha they have to meet the objectives and you do have a right, as do all other residents, to ask for a review if there is evidence thei breach of th

Another condition includes the need for additional CCTV to be installed in due course.



Appendix 9

Lavine Miller-Johnson

From: Mohshin Ali
Sent: 02 December 2022 16:47
To: Lavine Miller-Johnson
Cc: Walaiti Rathore
Subject: LA Rep withdrawn: Chaiiwala), 55 Brick Lane, London E1 6PU
Attachments: RE: LA Rep: Chaiiwala), 55 Brick Lane, London E1 6PU

Dear Licensing Authority,

Licensing Act 2003

New premises licence application: (Chaiiwala), 55 Brick Lane, London E1 6PU

The Licensing Authority (acting a Responsible Authority) withdraws the representation made for the above premises on the 16th November 2022. To confirm, the applicant has amended the application and agreed to the following times and conditions:

Hours amended for Late Night Refreshment:

- *Monday to Thursday, (No LNR)*
- *Friday and Saturday, from 23:00 hrs to 00:00hrs (midnight)*

Non-standard time:

- *During the holy month of Ramadan and on Eid, from 23:00 hrs to 02:00 hrs the following day.*

Licensing Conditions:

- 1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team.*
 - a. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.*
 - b. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.*
 - c. All recordings shall be stored for a minimum period of 31 days with date and time stamping.*
 - d. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.*
- 2. An incident log shall be kept at the premises and record all incidents of crime and disorder associated with the premises. The incident log shall be made available on request to an authorised officer of the Council or the Police.*
- 3. Signs shall be prominently displayed both inside and outside the premises asking customers to respect local residents and be quiet when leaving the premises.*

4. *Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.*

Kind regards,

Mohshin Ali

Senior Licensing Officer

Licensing and Safety Team

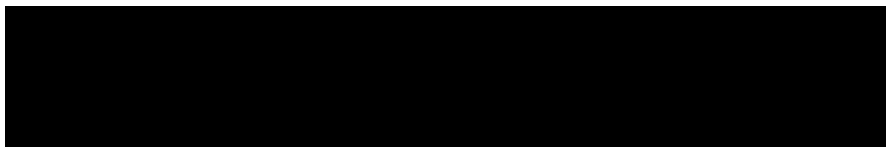
Environmental Health & Trading Standards

Place Directorate

Mulberry Place

5 Clove Crescent

London E14 2BG



[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)

Appendix 10

Prevention of Public Nuisance

- 9.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 9.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 9.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in Section 18 of this Policy (Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area), and these may include conditions drawn from the Model Pool of Conditions found in the Secretary of States Guidance.
- 9.4 **Street Furniture** – placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.
- 9.5 **Fly Posting** – The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.

Appendix 11

Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated December 2022

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Appendix 12

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

Members need to bear in mind that once patrons have left a premises they are no longer under direct control. Members will need to be satisfied that there is a link between the way the premises is operating and the behaviour that is complained of. An example of this would be that irresponsible drinking is being encouraged. Before deciding that any particular licensing conditions are proportionate, Members will also need to be satisfied that other legislation is not a more effective route. For example, if the problem is drinking in the street it may be that the Council should designate the area as a place where alcohol cannot be consumed in public.

Members may also wish to consider whether the hours of opening relate to any problems of anti-social behaviour.

If Members believe that there is a substantial problem of anti-social behaviour and it cannot be proportionately addressed by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy” (**see Section 4.15 and 4.16 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 6.2 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. (**See Appendix 3 of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- Bottle Bans
- Plastic containers
- CCTV (outside the premises)
- Restrictions on open containers for “off sales”
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 8 of the Licensing Policy**).

Police Powers

The Licensing Act 2003, Part 8 gives a senior police officer the power to close a premises for up to 24 hours where the officer believes there is, or is likely to be disorder on or in the vicinity and closure is necessary in the interests of public.

Guidance Issued under Section 182 of the Licensing Act 2003

The key role of the Police is acknowledged (2.1).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) CCTV inside & out, communication, police liaison, no glasses are all relevant

There is also guidance issued around public nuisance (2.15 – 2.21).

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.21).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (14.13).

Other Legislation

Crime and Disorder Act 1998

The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder.

The Act also introduced a wide range of measures designed to address anti-social behaviour committed by adults and young people. These include:

- Anti-Social Behaviour Orders
- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

Appendix 13

Licensing Policy - Appendix 5

Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area

1. The Licensing Authority has adopted a special policy relating to cumulative impact in areas of:
 - Brick Lane
 - Bethnal Green

This special policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impacts with one or more of the licensing objectives.

2. The Council reviewed the Special Cumulative Impact Policy in 2021 and, following consultation, decided it was still of the opinion that the concentration of licensed premises within Brick Lane area was having a cumulative impact on the licensing objectives of crime and disorder and prevention of public nuisance. As part of the review in 2021, the Council also decided that the concentration of licensed premises within the Bethnal Green area was also having a cumulative impact on the licensing objectives of crime and disorder and prevention of public nuisance.

Review of Cumulative Impact Assessment - Supporting Evidence

3. In determining the Councils CIAs for the area of Brick Lane and Bethnal Green (Figures One and Two Below) the Council considered the following evidence:
 - Hot spot maps of incidents of crime and disorder and ASB linked to Licence premises in the defined areas for 2017 to 2020.
 - Complaint data from Environmental Health and Trading Standards relating to Noise and Licensing.
 - Licence Application data for the defined areas for 2017 to 2020
 - Results of the Consultation, that included Survey data and comments and written responses.

This evidence is published on our website:

<http://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?CId=309&Mid=12361>.

Cumulative Impact Assessments (Brick Lane and Bethnal Green)

4. The Licensing Authority is of the view that the number, type and density of premises selling/supplying alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane and Bethnal Green Areas (highlighted in Figures One and Two below) is having a cumulative impact on the licensing objectives. Therefore, it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. Thus, it has declared a cumulative impact assessment within these areas.
5. The Brick Lane and Bethnal Green CIAs aim to manage the negative cumulative impact of the concentration of licensed premises in these areas and the stresses that the saturation of licensed premises has had on the local amenity, environmental degradation and emergency and regulatory services in managing this impact.
6. The effect of this Special Cumulative Assessment Policy will apply to the following types of applications:
 - New Premises Licences applications,
 - New Club Premises Certificates applications
 - Provisional Statements,
 - Variation of Premises Licences and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).

However, it will only apply where the application seeks to permit the Licensable activities of:

- the sale or supply of alcohol for consumption on or off the premises, and/or,
- the provision of late night refreshment.

7. **This Policy will be strictly applied and where relevant representations are received and it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIAs if they wish to rebut this presumption.**
8. The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications (Councillors, Members of the Public) within the CIA zones the application will be refused.
9. Where representations have been received in respect to applications within the CIA zones the onus is on the applicant to adequately rebut the presumption.

10. It must be stressed that the presumption created by this special policy does not relieve responsible authorities or other persons of the need to make a representation. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted in line with their delegated authority.
11. This special policy is not absolute and the Licensing Authority recognises that it has to balance the needs of businesses with local residents. The circumstances of each application will be considered on its merits and the Licensing Authority shall grant applications, when representations are not received. The applicant should demonstrate that the operation of the premises will not add to the cumulative impact on one or more of the following licensing objectives:
 - Prevention of Crime and Disorder;
 - Prevention of Public Nuisance.

Therefore, applicants will be expected to comprehensively demonstrate why a new or varied licence will not add to the cumulative impact. They are strongly advised to give consideration to mitigating potential cumulative impact issues when setting out steps they will take to promote the licensing objectives in their operating schedule.

12. The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

Possible exceptions to the Brick Lane and Bethnal Green Cumulative Impact Assessments

- Applications for licences for small premises with a capacity of fifty persons or less who only intend to operate within framework hours, and that;
 - Only have consumption of food (late night refreshment) and drink (alcohol) on the premises only,
 - Only provide Off sales of food (late night refreshment) and drink (alcohol) for delivery (i.e. not for take away),and,
 - Have arrangements to prevent vertical drinking, for example fully seated venues;
- Applications for licences that are not alcohol led (e.g. Hairdressers wanting to provide alcohol to clients during their hair cut/treatments), .
- Applications for licences where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same CIA Area.

Licensing Authority will **not** consider the following as possible exceptions:

- that the premises will be well managed and run,
- that the premises will be constructed to a high standard,
- that the applicant operates similar premises elsewhere without complaint.

The Cumulative Impact Assessment Areas for the Brick Lane and Bethnal Green

13. The Cumulative Impact Assessment Areas are detailed in the maps below.

Figure One

Brick Lane area:

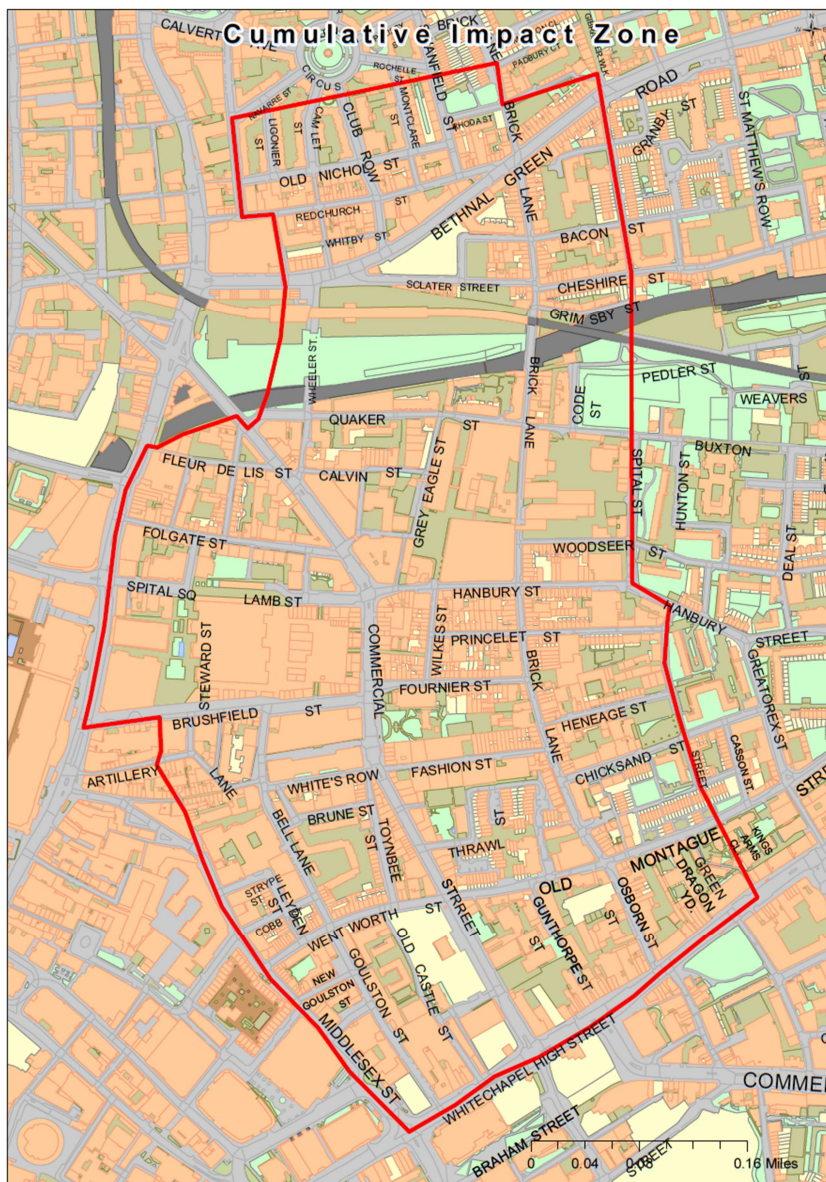
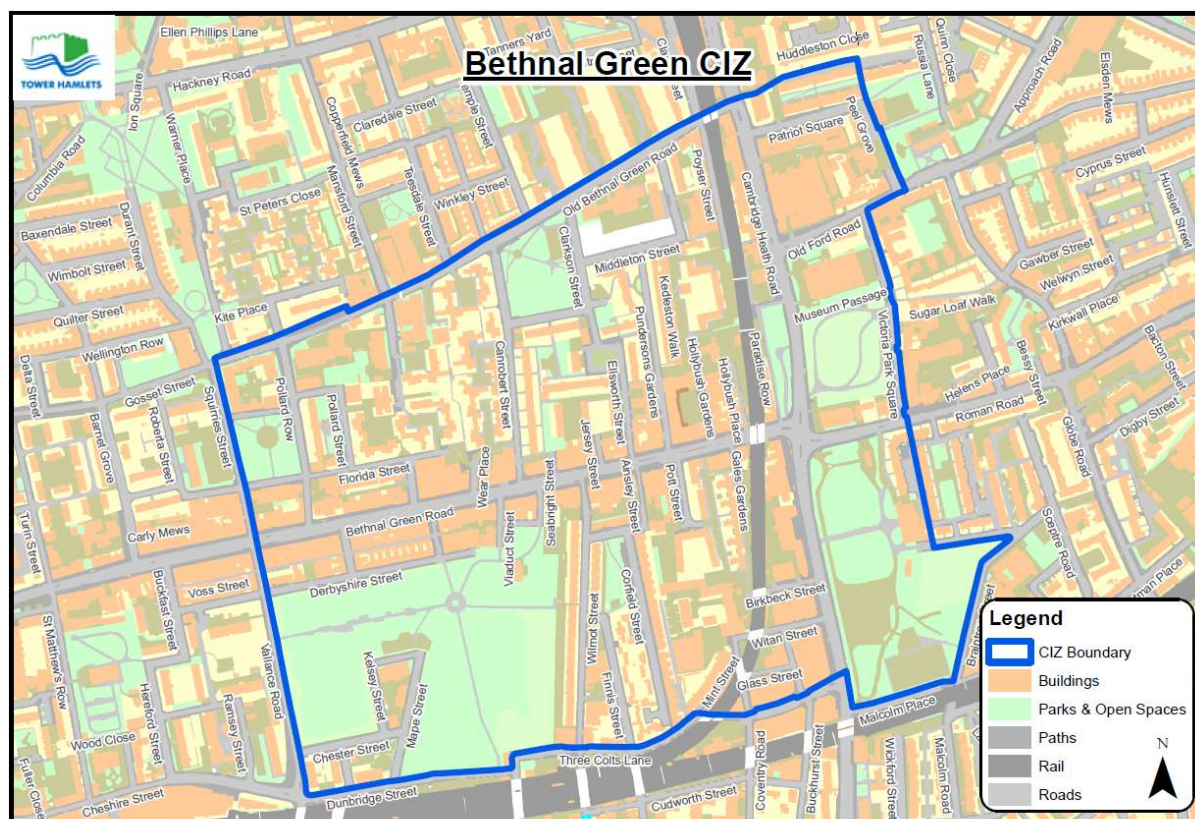


Figure Two:

Bethnal Green Area



Appendix 14

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

The Council has however adopted a set of framework hours as follows:

- Monday to Thursday, from 06:00 hrs to 23:30 hrs
- Friday and Saturday, from 06:00 hrs to 00:00 hrs (midnight)
- Sunday, from 06:00 hrs to 22:30 hrs

(see 14.8 of the Licensing Policy)

In considering the applicability of frame work hours to any particular application regard should be had to the following

- Location
- Proposed hours of regulated activities, and the proposed hours the premises are open to the public
- The adequacy of the applicant's proposals to deal with issues of crime and disorder and public nuisance
- Previous history
- Access to public transport
- Proximity to other licensed premises, and their hours

(See 14.9 of the licensing policy)

Subject to any representations to the contrary in individual cases the following premises are not generally considered to contribute to late night anti-social behaviour and will therefore generally have greater freedom

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 15

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

The Council has however adopted a set of framework hours as follows:

- Monday to Thursday, from 06:00 hrs to 23:30 hrs
- Friday and Saturday, from 06:00 hrs to 00:00 hrs (midnight)
- Sunday, from 06:00 hrs to 22:30 hrs

(see 14.8 of the Licensing Policy)

In considering the applicability of frame work hours to any particular application regard should be had to the following

- Location
- Proposed hours of regulated activities, and the proposed hours the premises are open to the public
- The adequacy of the applicant's proposals to deal with issues of crime and disorder and public nuisance
- Previous history
- Access to public transport
- Proximity to other licensed premises, and their hours

(See 14.9 of the licensing policy)

Subject to any representations to the contrary in individual cases the following premises are not generally considered to contribute to late night anti-social behaviour and will therefore generally have greater freedom

- Theatres
- Cinemas
- Premises with club premises certificates