

# Temporary Event Notice: Kho Kho, 101 - 103 High Street, Ruislip

<b>Committee</b>	Licensing Sub-Committee
<b>Officer Contact</b>	Austen Young – Licensing Officer
<b>Papers with report</b>	Appendix 1 - Temporary Event Notice Appendix 2 - Objection from Environmental Protection Team Appendix 3 - Premises licence
<b>Ward affected</b>	Ruislip

## 1.0 SUMMARY

To consider a notification for a standard Temporary Event Notice (hereinafter referred to as a “TEN”) submitted by Mr Maulik Valand M for an event taking place at Kho Kho, 101-103 High Street, Ruislip, HA4 8JN, starting at 11:00pm on 31<sup>st</sup> May 2025 and ending at 01:30am on 1<sup>st</sup> June 2025. A hearing is required following the receipt of an objection from Jamie McCarthy, Noise & Nuisance Officer representing the London Borough of Hillingdon’s Environmental Protection team (hereinafter referred to as the EP team).

## 2.0 RECOMMENDATION

**That the Licensing Sub Committee assess all the submissions provided both verbal and written and determine this notice for a temporary event.**

The options available to the Licensing Sub-Committee are:

- i) Allow the licensable activities to go ahead as stated in the TEN;
- ii) Refuse the TEN and issue a counter notice preventing the TEN from taking effect; or
- iii) Approve the notification and impose one or more of the existing premises licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives

The Licensing Sub Committee can only impose conditions on the notification if section 106A(2) of the Licensing Act 2003 is satisfied which states:

*“The relevant licensing authority may impose one or more conditions on a standard temporary event notice if:*

- a) the authority considers it appropriate for the promotion of the licensing objectives to do so*
- b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and*
- c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.”*

The licensing authority must:

- (a) in a case where it decides not to give a Counter Notice under s.105 of the Licensing Act 2003, give the premises user, the Police and EP team notice of the decision;
- (b) in a case where it decides to issue a Counter Notice under s.105 of the Licensing Act 2003, give the premises user, the Police and EP team a Counter Notice and a notice stating the reasons for the decision; or
- (c) in a case where it decides not to give a Counter Notice under s.105 of the Licensing Act 2003 but impose conditions from an existing premises licence for the same premises under s106A of the Licensing Act 2003, give the premises user, the Police and the EP team notice of the decision and a separate statement setting out the conditions.

Any notice issued by the licensing authority under s. 105 or 106A of the Licensing Act 2003 must be given in the prescribed format and no later than twenty-four hours prior to the commencement of the event period stated in the notification.

### 3.0 APPLICATION

- 3.1 The TEN was submitted electronically by Mr Maulik Valand M, the premises user, and was received by the Licensing Authority on Friday 2<sup>nd</sup> May 2025 at 19:09 hours. It is for an event to be held at Kho Kho, 101 – 103 High Street, Ruislip, HA4 8JN.

The licensable activities to be authorised by the TEN are:

- 1. The sale by retail of alcohol (on the premises only)
- 2. The provision of regulated entertainment

The maximum number of people to be present on the premises will be 100.

The premises user describes the event as follows: *“The event aims to offer entertainment for the restaurant guest, allowing them to enjoy the day with their friends and family while enjoying a live DJ performance during the night”.*

The TEN is given to start at 11:00 hours on 31<sup>st</sup> May 2025 and finish at 01:30 hours on 1<sup>st</sup> June 2025

- 3.2 A copy of the TEN is attached as **Appendix 1**.

### 4.0 CONSULTATION

- 4.1 The TEN was forwarded to Metropolitan Police Licensing and the EP Team on 6<sup>th</sup> May 2025, being the first working day after the receipt of the TEN. There is a statutory three working days' consultation period for TENs.
- 4.2 On 6<sup>th</sup> May 2025, a notice of objection was received from the Environmental Protection (EP) Team. On 10<sup>th</sup> August 2024, officers served a noise abatement notice under s.80 of the Environmental Protection Act 1990 on the premises after having witnessed a statutory noise nuisance at a local resident's property which was attributed to Kho Kho. There are concerns that authorising the TEN for 31<sup>st</sup> May 2025 will result in further noise nuisance to neighbouring residents and risk breaching the noise abatement notice. No information has been provided as to the steps that will be taken to negate any noise complaints or prevent the breaching of the abatement notice.

- 4.3 The objection from the EP Team can be found in **Appendix 2**.
- 4.4 No objection has been received from the Police, who are the only other party who can comment on TENs.

## **5.0 BACKGROUND INFORMATION**

### **5.1 Premises Licence Holder**

The premises licence holder is Raaj Hospitality Ltd. The full premises licence is attached as **Appendix 3**. It is confirmed that the noise abatement notice was served on Raaj Hospitality Ltd.

### **5.2 Designated Premises Supervisor**

The designated premises supervisor (hereinafter referred to as the DPS) is Mr Maulik Mahendrabhai Valand. They hold a personal licence, number 22/05143/LAPER, issued by the London Borough of Newham. It is confirmed that Mr Maulik Valand is the applicant in respect of this TEN.

### **5.3 Description of the premises**

Kho Kho is located on Ruislip High Street in a mixed residential/commercial area. There is residential accommodation on South Road to the rear of the premises and above some of the shops on the High Street, including directly above the premises. The premises operates as a restaurant and bar, with an outside smoking area to the front of the premises.

### **5.4 Current Licensable Activities and Opening Hours**

The premises is currently licensed for the sale by retail of alcohol for consumption on the premises only and the provision of late night refreshment. Alcohol may be sold between the hours of 10:00 and 00:00 Sundays to Thursdays, and between the hours of 10:00 and 01:30 the following day on Fridays and Saturdays. Late night refreshment may be provided between the hours of 23:00 and 00:30 Sundays to Thursdays, and between the hours of 23:00 and 02:00 on Fridays and Saturdays. The premises may open between the hours of 10:00 and 00:30 Sundays to Thursdays, and between the hours of 10:00 and 02:00 on Fridays and Saturdays.

- 5.5 The premises licence does include extended hours for a number of special dates, such as Saints days, listed under non-standard timings on the licence. None of the listed non-standard timings are relevant to the TEN which is due to be considered.

- 5.6 The full premises licence is attached at **Appendix 3**.

### **5.7 Previous TENs**

Records show that the following TENs have been submitted by Kho Kho for 2025 and the previous two calendar years:

<b>Received</b>	<b>Type of TEN</b>	<b>Licensable Activities</b>	<b>Event Dates and Times</b>	<b>Outcome</b>
29/03/2023	Standard	Regulated entertainment  Late night refreshment	06/05/23 – 07/05/23  23:00 – 01:30 hrs	Withdrawn by applicant after objection received on the grounds of the prevention of public nuisance
11/12/2023	Late	Sale of alcohol	24/12/23 - 25/12/23  23:00 – 02:00 hrs	Refused after objection received on the grounds of the prevention of public nuisance
15/12/2023	Late	Sale of alcohol	31/12/23 - 01/01/24  23:00 – 02:00 hrs	Granted
23/01/2024	Standard	Sale of alcohol  Regulated entertainment	14/02/24 - 15/02/24  23:00 – 02:00 hrs	Withdrawn by applicant – wrong date
29/01/2024	Standard	Sale of alcohol  Regulated entertainment	17/02/24 - 18/02/24  23:00 – 02:00 hrs	Granted
10/04/2024	Standard	Sale of alcohol  Regulated entertainment	04/05/24 - 05/05/24  23:00 – 02:00 hrs	Granted
15/04/2024	Standard	Sale of alcohol  Regulated entertainment	25/05/24 - 26/05/24  23:00 – 02:00 hrs	Granted
03/07/2024	Late	Sale of alcohol  Regulated entertainment	12/07/24 - 13/07/24  23:00 – 02:00 hrs	Refused after objection received on the grounds of the prevention of public nuisance
27/07/2024	Late	Sale of alcohol  Regulated entertainment	09/08/24 - 10/08/24	Granted

			23:00 – 02:00 hrs	
11/08/2024	Late	Sale of alcohol  Regulated entertainment	23/08/24 - 24/08/24  23:00 – 02:00 hrs	Refused after objection received on the grounds of the prevention of public nuisance
29/08/2024	Standard	Sale of alcohol  Regulated entertainment	14/09/24 - 15/09/24  23:00 – 01:30 hrs	Withdrawn by applicant after objection received on the grounds of the prevention of public nuisance
17/09/2024	Late	Sale of alcohol  Regulated entertainment	28/09/24 – 29/09/24  23:00 – 01:00 hrs	Granted
01/10/2024	Late	Sale of alcohol  Regulated entertainment	12/10/24 – 13/10/24  23:00 – 01:30 hrs	Refused after objection received on the grounds of the prevention of public nuisance
18/10/2024	Late	Sale of alcohol  Regulated entertainment	01/11/24 – 02/11/24  23:00 – 01:30 hrs	Refused after objection received on the grounds of the prevention of public nuisance
18/11/2024	Late	Regulated entertainment	30/11/24 – 01/12/24  23:00 – 01:29 hrs	Refused after objection received on the grounds of the prevention of public nuisance
09/12/2024	Late	Sale of alcohol  Regulated entertainment	21/12/24 – 22/12/24  23:00 – 00:30 hrs	Granted
11/12/2024	Late	Sale of alcohol  Regulated entertainment	24/12/24 – 25/12/24  23:00 – 01:30 hrs	Granted

5.8 The event held on 9<sup>th</sup> August 2024 resulted in the service of a noise abatement notice under s.80 of the Environmental Protection Act 1990 on the premises after officers

witnessed a statutory noise nuisance at a local resident's property which was attributed to Kho Kho. This notice is still in effect and is the notice referred to in the objection from the EP team.

## 6.0 OFFICERS OBSERVATIONS

### 6.1 Mediation

As is standard practice, when the objection was forwarded to Mr Maulik, they were advised of the options which were available to them, which included withdrawing the TEN, proceeding to a hearing, or proposing mediation. Due to the short legal timescales for processing TENs, Mr Maulik was asked to provide any dates to avoid for any meeting.

6.2 At the time of writing this report, there have been no proposals put forward to amend the TEN or to further correspondence regarding mediation.

### 6.3 Complaints

Records show that the following complaints regarding noise nuisance from the premises have been received for 2025 and the previous two calendar years:

Date	Complaint Problem
15/01/2023	OOH noise team officers attended residential property and witnessed loud amplified music that was intrusive with penetrating vibrations that could be felt under foot emanating from Kho Kho
27 – 29/01/2023	Reports of loud music at Kho Kho made to OOH noise team
19/11/2023	Complaint re DJ and drums playing at Kho Kho at 08:30 hours
01– 03/12/2023	OOH noise team officers called out regarding loud music at Kho Kho
15/02/2024	Complaint to Licensing Team about loud music coming from a DJ at Kho Kho on Wednesday 14 <sup>th</sup> February until after 01:00 hours the following day
17/02/2024	Complaint to OOH noise team about noise from Kho Kho
19/02/2024	Complaint to Licensing Team about “floor shaking bass and music” coming from Kho Kho from 20:30 hours on Saturday 17 <sup>th</sup> February until 02:00 hours the following day. Also loud music on Wednesday 14 <sup>th</sup> February
10/08/2024	OOH noise officers served a s.80 noise abatement notice after witnessing a statutory noise nuisance after visiting a complainant's property
28-29/09/24	Complaint to OOH noise team about noise disturbance arising from an event at the premises

Due to the timescales involved this report has been put forward at short notice and therefore details of additional complaints may be presented verbally by the EP team.

### 6.4 Noise Abatement Notices

A noise abatement notice under s.80 of the Environmental Protection Act 1990 was served on the premises in August 2023 in connection with noise from their extractor fans. A breach

of the notice was witnessed on 25<sup>th</sup> January 2024 and a Fixed Penalty Notice (FPN) was issued on 26<sup>th</sup> March 2024. The FPN was paid with discount.

- 6.5 A second noise abatement notice under s.80 of the Environmental Protection Act 1990 was served on the premises on 10<sup>th</sup> August 2024 in connection with noise from loud amplified music. This notice remains in force and is the notice referenced by the EP team in their objection.

## **7.0 RELEVANT SECTION OF S.182 GUIDANCE**

### **7.1 Public Nuisance**

**Paragraph 2.21** states “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”.

**Paragraph 2.22** states “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”.

### **7.2 General**

**Paragraph 7.2** states that “The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”).”

**Paragraph 7.6** states that “The police or EHA [defined earlier in the guidance as the local authority exercising environmental health functions] (“relevant persons” for the purposes of TENs) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. A relevant person may also intervene by agreeing a modification of the proposed arrangements directly with the TENs user (see paragraph 7.36). If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded (see paragraphs 7.15-7.22)”.

### 7.3 **Standard and late temporary event notices**

**Paragraph 7.8** states that “There are two types of TEN: a standard TEN and a late TEN. These are subject to different processes: a standard notice is given no later than ten working days before the event to which it relates; and a late notice is given not before nine and not later than five working days before the event”.

### 7.4 **Standard temporary event notices**

**Paragraph 7.9** states that ““Ten working days” (and other periods of days which apply to other requirements in relation to TENs) exclude the day the notice is received and the first day of the event”.

**Paragraph 7.10** states that “The police and EHA have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives”.

**Paragraph 7.11** states that “Although ten clear working days is the minimum possible notice that may be given, licensing authorities should publicise their preferences in terms of advance notice and encourage premises users to provide the earliest possible notice of events planned by them. Licensing authorities should also consider publicising a preferred maximum time in advance of an event by when TENs should ideally be given to them”.

### 7.5 **Role of the licensing authority**

**Paragraph 7.28** states that “If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection unless all parties agree that this is unnecessary. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence or certificate conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice”.

### 7.6 **Police and environmental health intervention**

**Paragraph 7.32** states that “The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives”.

**Paragraph 7.33** states that “If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN”.

**Paragraph 7.34** states that “Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing,



the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings (or appeals) in respect of late TENs and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead”.

## **7.7 Applying conditions to a TEN**

**Paragraph 7.38** states that “The 2003 Act provides that only the licensing authority can impose conditions to a TEN from the existing conditions on the premises licence or club premises certificate at the venue. The licensing authority can only do so:

- if the police or the EHA have objected to the TEN;
- if that objection has not been withdrawn;
- if there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;
- and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions”.

**Paragraph 7.39** states that “This decision is one for the licensing authority alone, regardless of the premises user’s views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations”.

## **8.0 RELEVANT SECTIONS OF HILLINGDON’S LICENSING POLICY**

### **8.1 Licensing Objectives – The Prevention of Public Nuisance**

**Paragraph 12.1** states “Licensing Sub Committees will be mindful that 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. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance. They should then include in the operating schedule how they will deal with those matters. The concerns mainly relate to noise nuisance from within the premises or from the use of any outside areas, light pollution, smoke and noxious smells. This may also include patrons outside a premises and the dispersal of customers. Due regard will be given to the impact these may have and the Licensing Authority will expect operating schedules to satisfactorily address these issues”.

### **8.2 Decision Making and Licensing Hearings**

**Paragraph 19.6** states “A Licensing Sub-Committee will also sit to hear cases where the police and/or the Council’s Noise and Nuisance officers have opposed a Temporary Event Notice on the basis that, should the event go ahead, one or more of the licensing objectives would not be promoted”.

## **9.0 LEGAL CONSIDERATIONS**

- 9.1 Where it is proposed to use premises for one or more licensable activities during a period not exceeding 168 hours (7 days), an individual may give to the licensing authority notice of that proposal a Temporary Event Notice (“TEN”). The Police and the Council’s Environmental Health Authority (“EHA”) in this case, the Environmental Protection Team

("EP team") are required to object to temporary event notices where it is considered that the proposed temporary event would undermine the licensing objectives.

- 9.2 The purpose of the hearing is for the licensing authority to consider whether, having regard to the objections, the licensing objectives would be undermined if the temporary event were to be permitted. The applicant and any objectors may agree modifications to the temporary event notice in order to overcome objections, and if so agreed, the relevant objections are deemed to have been withdrawn. If all objections are withdrawn, the event may proceed in accordance with the temporary event notice.
- 9.3 The procedure to be followed by the licensing authority on receipt of a TEN depends on whether the notice is a "Standard" TEN or a "Late" TEN. If the police, EP team or both give an objection to a late TEN, the notice will not be valid and the event will not go ahead. There is no mechanism for a hearing or application of any existing licence conditions in relation to a "Late" TEN.
- 9.4 When considering an objection following an application for a standard TEN the Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. The licensing objectives are;
- Prevention of crime and disorder
  - Public Safety
  - Prevention of public nuisance
  - Protection of children from harm
- 9.5 Members should note that each objective is of equal importance. There are no other licensing objectives and the four objectives are paramount considerations at all times.
- 9.6 An application for a standard TEN may be made pursuant to s.100A the Licensing Act 2003, and with regard to The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005.
- 9.7 Where an objection is made to the Licensing Authority by a relevant person i.e. the police or authority responsible for minimising or preventing the risk of pollution of the environment/harm to human health (EP team), a hearing must be held to determine the objection, unless all are agreed that such a hearing is unnecessary s.105(2)(a) Licensing Act 2003.
- 9.8 The Sub-Committee must ensure that all licensing decisions:
- Have a direct relationship to the promotion of one or more of the four licensing objectives
  - Have regard to the Council's statement of licensing policy
  - Have regard to the Secretary of State guidance
- 9.9 The Sub-Committee having regard to matters that have been raised through the objection notice from a relevant person/s will provide a counter notice or a decision notice where it considers it appropriate for the promotion of the licensing objective on a case-by-case basis s.105(3) Licensing Act 2003.
- 9.10 The Sub-Committee may make the following decisions:
- Approve the notification as made;
  - Refuse the notification and issue a Counter Notice/Decision Notice preventing the notification from taking effect; or

- Approve the notification and impose one or more of the conditions in existence on the current premises licence relating to the premises.

9.11 The sub-committee can only impose conditions on the TEN if section 106A(2) of the Licensing Act 2003 is satisfied, which states:

*“The relevant licensing authority may impose one or more conditions on a standard temporary event notice if:*

- a) the authority considers it appropriate for the promotion of the licensing objectives to do so*
- b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and*
- c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.”*

9.12 Any notice issued by the licensing authority under sections 105 or 106A of the Licensing Act 2003 must be given in the prescribed format and no later than twenty-four hours prior to the commencement of the event period stated in the notification.

9.13 Section 149(7) of the Equality Act 2010 defines nine relevant protected characteristics these are:

- i. age
- ii. gender reassignment
- iii. being married or in a civil partnership
- iv. being pregnant or on maternity leave
- v. disability
- vi. race including colour, nationality, ethnic or national origin
- vii. religion or belief
- viii. sex
- ix. sexual orientation

9.14 Officers have provided the Sub-Committee with recommendations related to this application. Subject to the above-mentioned factors having been properly considered, the Sub-Committee may depart from the recommendations if there are good reasons for doing so. The Sub-Committee is advised that such departures could give rise to an appeal or judicial review.

#### 9.15 Appeal

In the case of decisions on Standard TENs, where a Counter Notice is issued by the Licensing Authority, all parties to the hearing have the right to appeal the decision of the Sub-Committee to the Magistrates’ Court within a period of 21 days beginning with the day on which the premises user was notified by the Licensing Authority of the decision (Schedule 5 Part 3 Paragraph 16 Licensing Act 2003).

9.16 No appeal may be brought later than five working days before the day on which the event specified in the TEN begins. No appeal may be made where a counter notice is issued following an objection to a Late Temporary Event Notice.