



HILLINGDON
LONDON



NOTICE OF HEARING

Licensing Sub-Committee

Date: FRIDAY, 14 APRIL 2023

Time: 3.00 PM

Venue: COMMITTEE ROOM 6,
CIVIC CENTRE

Meeting Details: Members of the Public and Media are welcome to attend. This meeting may also be broadcast live.

If this is a public hearing, the agenda is available online at www.hillingdon.gov.uk or you can use a smart phone camera and scan the code below:



Councillors on the Sub-Committee:

Roy Chamdal (Chairman)
Darran Davies
Barry Nelson-West

IMPORTANT INFORMATION

On receipt of this notice, you **MUST** notify the Committee Clerk (contact details below) by the following date:

Wednesday 12 April 2023

If you don't notify you may lose your right to speak at the hearing. When notifying you must confirm:

- 1) Whether you intend to attend or to be represented by someone at the hearing;
- 2) If you consider a hearing to be unnecessary and;
- 3) Whether to request that another person attends (other than your representative) as a witness

Published: Thursday, 6 April 2023

Contact: Liz Penny
Tel: 01895 250636
Email: epenny@hillington.gov.uk

Putting our residents first

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
Phase II, Civic Centre, High Street, Uxbridge, UB8 1UW

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It is recommended to give advance notice of filming to ensure any particular requirements can be met. The Council will provide seating areas for residents/public, high speed WiFi access to all attending and an area for the media to report. The officer shown on the front of this agenda should be contacted for further information and will be available to assist. When present in the room, silent mode should be enabled for all mobile devices.

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Agenda

CHAIRMAN'S ANNOUNCEMENTS

Hearing Protocol

- 1 Apologies for Absence
- 2 Declarations of interest in matters coming before this meeting
- 3 To confirm that the items of business marked Part I will be considered in Public and items marked Part II will be considered in Private
- 4 Matters that have been notified in advance or urgent

Part I - Members, Public and Press

	Title of Report / Address of application	Ward	Time	Page
5	Temporary Event Notice Application: Kho Kho, Ruislip	Ruislip	15:00	3 - 28

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Order of proceedings – application under the Licensing Act 2003

The Chairman of the Sub-Committee will open the hearing by introducing the Councillors, explaining the purpose of the proceedings and the general procedure. The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing.

Introduction by the Regulatory Services/Licensing Officer



The Applicant / Licence Holder



Responsible Authorities (if present)



Other Parties (residents etc...)



DISCUSSION LED BY THE SUB-COMMITTEE

The Chairman will lead the discussion. This will be a chance for all parties to provide comments on any submissions that have been made to the Sub-Committee.



Closing remarks from each party



Sub-Committee deliberates



Chairman announces the decision

The Council's Regulatory Services/Licensing Officer will introduce the report and will outline the matter before the Sub-Committee, giving any relevant background information. The Sub-Committee may ask questions of the officer.

The Applicant, licence holder or the person representing him/her will be invited to address the Sub-Committee. They will be allowed sufficient time to present his/her case. The Sub-Committee may ask questions.

Responsible Authorities will be invited to address the Sub-Committee and will be allowed sufficient time. The Sub-Committee may ask questions of the Responsible Authorities.

Other parties will be invited to address the Sub-Committee. Where there are a number of parties making similar representations the Chairman will expect the parties to nominate a spokesperson to make the representations and all will be allowed sufficient time. The Sub-Committee may ask questions of the Other Parties.

The Chairman will invite the Responsible Authorities and Other Parties to make brief closing remarks on the application. The Applicant / licence holder makes the final closing remarks.

The Sub-Committee will remain in the room to deliberate and make their decision, with only the Legal Advisor and the Clerk to the Sub-Committee remaining. All others present will be asked to leave the room. If the meeting is being broadcast, any filming will be stopped for this part.

Parties may return to the room when invited to do so and the Chairman will announce the decision. The Chairman will remind the Applicant / licence holder that the decision will be sent to them in writing. There can be no further questions or statements.

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Temporary Event Notice application: Kho Kho

ITEM 5

Committee	Licensing Sub-Committee
Officer Contact	David Reed, Licensing Service 01895 277433
Papers with report	Appendix 1 - Temporary Event Notice Application (Standard) Appendix 2 – Anti-Social Behaviour & Environment Team (ASBET) objection Appendix 3 - Premises licence Appendix 4 – Supporting email from Police Appendix 5 – Supporting info from ASBET
Ward(s) affected	Ruislip

1.0 SUMMARY

1.1 To consider an application for a standard Temporary Event Notice (hereinafter referred to as TEN) submitted by Mr Maulik Valand for an event between 6th May and 7th May 2023 at Kho Kho, 101-103 High Street, Ruislip, HA4 8JN. A hearing is required following an objection from Adam Stitson representing London Borough of Hillingdon’s Anti-Social Behaviour & Environment Team (hereinafter referred to as ASBET).

2.0 RECOMMENDATION

That the Licensing Sub Committee assess all evidence pertinent to the application and make a decision on whether to support the objection or not.

The Licensing and Appeals Sub-Committee has the following options when issuing the Decision Notice:

- i) Approve the notification as made;
- ii) Refuse the notification and issue a Counter Notice/Decision Notice preventing the notification from taking effect; or
- iii) Approve the notification and impose one or more of the conditions in existence on the current premises licence relating to the premises.

Please note, that should the Sub-Committee decide to impose conditions on the Temporary Event Notice, a Notice (Statement of Conditions) (s. 106A(3)) needs to be given.

Attention is hereby drawn that on the dates the applicant has applied for, additional hours are due to be authorised by the Home Secretary to mark the occasion of the King’s Coronation. Standard Hours for Sale of Alcohol and Late-Night Refreshment are to be increased by 2 hours, from 2300 to 0100hrs nationally; however, enabling legislation is yet to be ratified.

3.0 INFORMATION

3.1 On 29th March 2023, a Temporary Event Application was submitted electronically online. The application, from Mr Maulik Valand, was for the following licensable activities:

1. The provision of regulated entertainment
2. The provision of late-night refreshment

The applicant describes the event as a '*Coronation celebration and also to test the improvements made at the premises to restrict sound leakage.*'

The TEN is being sought from 23:00 hours on 6th May 2023 to 01:30 hours on 7th May 2023.

A copy of the application is attached as **Appendix 1**

4.0 CONSULTATION

4.1 The TEN was forwarded to the Police Licensing Officer and ASBET on 30th March 2023 for consultation. There is a statutory 3 working days' consultation period for TENs.

5.0 OBJECTION

5.1 On 30th March 2023, a notice of objection was received from ASBET due to concerns relating to the likelihood of disturbance to local residents. The ASBET objection is attached as **Appendix 2** with further supporting information contained in **Appendix 5**

5.2 The Police are supporting ASBET's objection. Please see **Appendix 4**.

6.0 BACKGROUND INFORMATION

Premises Licence Holder

6.1 The premises licence holder is Raaj Hospitality Ltd, The Long Lodge, 265-269 Kingston Road, London, SW19 3NW. The premises licence is attached as **Appendix 3**.

Designated Premises Supervisor

6.2 The designated premises supervisor (hereinafter referred to as the DPS) is Mr Maulik Mahendrabhai Valand. He holds a personal licence, number 22/05143/LAPER, with London Borough of Newham.

Description of the premises

6.3 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 also 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.

6.4 Current Licensable Activities & Opening Hours

<u>Activity</u>		<u>Permitted</u>
Sale of Alcohol:	Consumption on the premises	✓
	Consumption off the premises	
Regulated Entertainment:	Plays	
	Films (Indoors)	
	Live Music (Indoors)	
	Recorded Music (Indoors)	
	<i>Entertainment of a similar description</i>	
	Indoor Sporting Events	
	Boxing/Wrestling	
Late Night Refreshment (Indoors)		✓

	Sale of Alcohol	Regulated Entertainment	Late Night Refreshment	Opening hours
Monday	10:00-00:00	N/A	23:00-00:30	10:00-00:30
Tuesday	10:00-00:00	N/A	23:00-00:30	10:00-00:30
Wednesday	10:00-00:00	N/A	23:00-00:30	10:00-00:30
Thursday	10:00-00:00	N/A	23:00-00:30	10:00-00:30
Friday	10:00-01:30	N/A	23:00-02:00	10:00-02:00
Saturday	10:00-01:30	N/A	23:00-02:00	10:00-02:00
Sunday	10:00-00:00	N/A	23:00-00:30	10:00-00:30

6.5 Non-standard Timings and seasonal variations

In addition to the hours detailed above, Licensable Activities may be provided as per the details below:

- 25th January Burns Night 10:00hrs -02:00hrs the following day
- 14th February 10:00hrs -02:00hrs the following day
- 1st March St David's Day 10:00hrs -02:00hrs the following day
- 17th March St Patricks Day 10:00hrs -02:00hrs the following day
- 23rd April St Georges Day 10:00hrs -02:00hrs the following day
- Diwali 10:00hrs -02:00hrs the following day
- 31st October Halloween 10:00hrs -02:00hrs the following day

5th November Guy Fawkes Night 10:00hrs-02:00hrs the following day
 30th November St Andrews Day 10:00hrs -02:00hrs the following day
 24th December Christmas Eve 10:00hrs -03:00hrs the following day
 26th December Boxing Day 10:00hrs -02:00hrs the following day
 31st December New Year's Eve 10:00hrs -03:00hrs the following day
 Sundays preceding Bank Holiday Monday 10:00hrs -02:00hrs the following day
 Premises open to the Public for an additional 30 minutes after the terminal hour for licensable activity.

6.6 Previous TEN Applications

Records show that the following Temporary Event Notice application have been submitted for Kho Kho in the past two years:

Type of TEN	Event dates	Submitted electronically on	Status
Late TEN	03/12/2022 - 04/12/2022 23:00 – 01:00	25/11/2022	Refused
Late TEN	23/12/2022 – 25/12/2022 11:00 – 01:00	15/12/2022	Refused
Late TEN	30/12/2022 – 01/01/2023 23:00 – 01:00	20/12/2022	Refused

7.0 OFFICERS OBSERVATIONS

Mediation

7.1 Mr Valand was contacted on 30th March 2023 via email and advised that the TEN application had attracted an objection from ASBET on public nuisance grounds. A telephone call was also made to the number provided on the application form, which was answered by Mr Walia, the manager of the premises, advising him of the objection.

The email and phone call advised that the applicant could contact Mr Stitson to discuss the objection directly, and a contact email was provided.

As of the time of writing, no contact has been received from the applicant.

Complaints

7.2 There have been numerous complaints regarding noise nuisance from the premises dating back several years and continuing to the present.

Date	Noise Problem
17/06/2019	Loud extractor fan Reported to the Council online
03/07/2019	Loud extractor fan Reported to the Council online

25/03/2021	Loud music and gatherings impacting on residents. Reported to council online
19/05/2021	Noise Abatement Notice served for nuisance relating to extractor fan.
16/10/2021	Loud music being played contrary to Noise Abatement Notice. Reported to the Council online. Officers attended and witnessed breach of Notice.
23/10/2021	Loud music reported, Officers attended and witnessed further breaches of Notice.
06/11/2021	Unlawful fireworks display reported. Officers witnessed professional, display-grade fireworks detonated in inappropriate residential area with insufficient safety precautions.
07/11/2021	Report from resident complaining that after the fireworks display on the night prior, drummers performed, causing a further noise nuisance
19/02/2022	Officers attended premises regarding noise complaint and gave verbal warning about statutory noise nuisance.
13/05/2022	Officers attended premises regarding noise complaint and gave verbal warning about statutory noise nuisance.
14/05/2022	Officers attended premises regarding noise complaint and gave verbal warning about statutory noise nuisance. Noise nuisance was witnessed by Officers.
21/05/2022	Officers attended premises regarding noise complaint and gave verbal warning about statutory noise nuisance. Noise nuisance was witnessed by Officers.
17/07/2022	Complaint received about extractor fan noise. Officers attended and witnessed the noise.
30/10/2022	Complaint received via contact centre regarding loud amplified music.
23/12/2022	Complaint received by OOH Noise Team. Officers attended and witnessed a Statutory Nuisance

The premises was subject to a Review of Premises Licence after ASBET felt that the management of the premises was not upholding the Licensing Objective of Preventing Public Nuisance; whereupon the Sub-Committee deemed it appropriate to remove Regulated Entertainment (Live and Recorded Music) from the Premises Licence for the venue. This was in part due to the repeated noise complaints and breaches of Noise Abatement Notices. The decision notice was issued on 20/01/2022 confirming the removal of Regulated Entertainment from the Premises Licence.

The premises appealed the decision; however, on the day of the appeal hearing (25/11/2022), the appellants withdrew their appeal. As such, the decision of the Sub-Committee was upheld and came into force, removing Regulated Entertainment from the Premises Licence.

7.3 Section 182 Guidance

Police and environmental health intervention

7.6 The police or EHA (“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).

7.9 “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.

7.10 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.

7.11 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.

7.28 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.

7.32 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.

7.33 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.

7.34 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.

7.38 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.

7.39 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.

7.4 Statement of Licensing Policy:

12.1 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.

19.6 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.

8.0 LEGAL IMPLICATIONS

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

- 8.2 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.
- 8.3 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, EHA 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.
- 8.4 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

Members should note that each objective is of equal importance. There are no other licencing objectives and the four objectives are paramount considerations at all times.

- 8.5 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.
- 8.6 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 (EHA), a hearing must be held to determine the objection, unless all are agreed that such a hearing is unnecessary s.105(2)(a) Licencing Act 2003.
- 8.7 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
- 8.8 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) Licencing Act 2003.
- 8.9 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.

8.10 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.”*

8.11 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.

Appeal

8.12 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).

8.13 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.

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Temporary Event Notice

Reference	LBH1680095869462
Title	Mr
First name	Maulik
Last name	Valand
Do you have a previous title, first name or last name	NO
Address	
City or town	
County	
Postcode	
Would you like to use an alternative address for correspondence	YES
Alternative address	
Address	Kho Kho 101-103 High Street
Postcode	HA4 8JN
Date of birth	
Place of birth	
National Insurance number	
Telephone	
Email address	
Premises	
Premises business name	KHO KHO
Premises property name	KHO KHO
Premises property number	101-103
Street	High Street
Town	Ruislip
County	Middlesex
Postcode	HA4 8JN
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?	YES
Licence / Certificate Details	
Premises licence number	LBHIL 009244
Please describe the nature of the premises	Bar Restaurant in a parade of shops in the high street
Event	

Please describe the nature of the event	Coronation celebrations. also test the improvements made at the premises to restrict sound leakage,
Please state the licensable activities that you intend to carry on at the premises	regulated_entertainment,late_night_refreshment
How many days is your event?	2
From - To	06/05/2023 - 07/05/2023
Start	23:mm
Finish	01:30
Maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers	200
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both	on_premises
Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (defined as any live display of nudity)	YES
Relevant Entertainment	
Start	23:00
Finish	01:30
Entertainment details	DJ, no adult entertainment
Personal Licence	
Do you currently hold a valid personal licence?	YES
Issuing licensing authority	Newham Council
Licence number	22/05143/LAPER
Date of issue	30/11/2022
Date of Expiry	20/05/2024
Further relevant details	none
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	NO
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	NO
Has any associate of yours already given a temporary event notice for the same premises in which the event period	Neither

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	NO
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period	Neither
Payment	
Payment (£)	£21
Transaction ID	CMYXRZ9CD5QF
Declaration	
The information contained in this form is correct to the best of my knowledge and belief	Yes
I understand that it is an offence: (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale;	Yes
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	Yes
Your name (Premises user as detailed on page 1)	Mr Maulik Valand
Date	29/03/2023

RE: Temporary Event Notice Submitted / Paid (LBH1680095869462)

Adam Stitson <AStitson@Hillingdon.Gov.UK>

Thu 30/03/2023 10:04

To: licensing <licensing@hillingdon.gov.uk>;licensing-xh@met.pnn.police.uk <licensing-xh@met.pnn.police.uk>;Joanne Howells <jhowells@hillingdon.gov.uk>

The Anti Social Behaviour and Environment Team wish to object to this Temporary Event Notice for the following reasons (Prevention Of Public Nuisance):

1. This premises has a long history of perpetrating noise nuisance that adversely affects residents living nearby, often continuing until the early hours of the morning.
2. Officers from the ASB Team have often witnessed loud amplified music from this venue at a level that constitutes a statutory noise nuisance.
3. The music has been sufficiently loud to be clearly audible in nearby residential properties, at a level that would make day to day activities such as sleeping or reading impossible.
4. It has been made absolutely clear to the management of the premises that the noise is worse for neighbours the later the hour, as the sound becomes increasingly penetrating and intrusive.
5. The current status of the premises is that no regulated entertainment is permitted after 23.00 and if this event were to go ahead, it would contravene that and be a certain nuisance to neighbours, who have already had to endure many months of problems from this establishment.

Thank you.

Adam Stitson

From: licensing <licensing@hillingdon.gov.uk>

Sent: 30 March 2023 07:47

To: licensing-xh@met.pnn.police.uk; Adam Stitson <AStitson@Hillingdon.Gov.UK>; Joanne Howells <jhowells@hillingdon.gov.uk>

Subject: Fw: Temporary Event Notice Submitted / Paid (LBH1680095869462)

Hello

Please see attached TEN.

Thanks

Kerry

Licensing Service

London Borough of Hillingdon

3S/08 Civic Centre

High Street

Uxbridge UB8 1UW

tel: internal: 7433

tel: external: 01895 277433



PREMISES LICENCE

Ref:

LBH/MAU/009244

Premises Licence Number:

LBHIL 009244

This Premises Licence has been issued by Daniel Ferrer on behalf of the Licensing Authority, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW

Signature:

Date: 9th December 2022

Part 1 – Premises Details

Postal Address of Premises or, if none, Ordnance Survey map reference or description -

Kho Kho
101-103 High Street

Post Town - Ruislip

Postcode - HA4 8JN

Telephone number – 01895 636706

Where the licence is time limited, the dates -

N/A

Licensable activities authorised by the licence -

- A) Sale by retail of alcohol (on the premises)
- B) Provision of late night refreshment (indoors only)

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

The sale of alcohol

Sunday to Thursday between 10.00 hours and 00.00 hours

Friday and Saturday between 10.00 hours and 01.30 hours the following day

Late night refreshment

Sunday to Thursday between 23.00 hours and 00.30 hours

Friday and Saturday between 23.00 hours and 02.00 hours the following day

Non-standard timings for sale of alcohol and late-night refreshment

25th January Burns Night 10:00hrs -02:00hrs the following day

14th February 10:00hrs -02:00hrs the following day

1st March St Davids Day 10:00hrs -02:00hrs the following day

17th March St Patricks Day 10:00hrs -02:00hrs the following day

23rd April St Georges Day 10:00hrs -02:00hrs the following day

Diwali 10:00hrs -02:00hrs the following day

31st October Halloween 10:00hrs -02:00hrs the following day

5th November Guy Fawkes Night 10:00hrs-02:00hrs the following day

30th November St Andrews Day 10:00hrs -02:00hrs the following day

24th December Christmas Eve 10:00hrs -03:00hrs the following day

26th December Boxing Day 10:00hrs -02:00hrs the following day

31st December New Year's Eve 10:00hrs -03:00hrs the following day

Sundays preceding Bank Holiday Monday 10:00hrs -02:00hrs the following day

Premises open to the Public for an additional 30 minutes after the terminal hour for licensable activity.

The opening hours of the premises:

Sunday to Thursday between 10.00 hours and 00.30 hours

Friday and Saturday between 10.00 hours and 02.00 hours the following day

Non-standard timings

25th January Burns Night 10:00hrs -02:00hrs the following day

14th February 10:00hrs -02:00hrs the following day

1st March St Davids Day 10:00hrs -02:00hrs the following day

17th March St Patricks Day 10:00hrs -02:00hrs the following day

23rd April St Georges Day 10:00hrs -02:00hrs the following day

Diwali 10:00hrs -02:00hrs the following day

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26th December Boxing Day 10:00hrs -02:00hrs the following day

31st December New Year's Eve 10:00hrs -03:00hrs the following day

Sundays preceding Bank Holiday Monday 10:00hrs -02:00hrs the following day

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

ON SUPPLIES ONLY

Part 2

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

Raaj Hospitality Ltd
The Long Lodge
265-269 Kingston Road
London
SW19 3NW

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

12349043

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

Maulik Mahendrabhai Valand
13 Henderson Road
London
E7 8EG

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

22/05143/LAPER - London Borough of Newham

Annex 1 – Mandatory Conditions

Mandatory Conditions - Alcohol

1. No sale/supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the premises licence
2. No sale/supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his/her Personal Licence is suspended.
3. Every sale/supply of alcohol under the premises licence shall be made, or authorised, by a person who holds a Personal Licence
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

7. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Mandatory Condition - Permitted Price

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - (b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$
 where—
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory Condition - Door Supervisors

All Door Supervisors employed at the premises shall be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001 or be entitled to carry out that activity by virtue of Section 4 of that Act.

Annex 2– Conditions consistent with the operating Schedule

Prevention of crime and disorder

1. All staff involved in the sale or supply of alcohol shall receive training on current "Best Practice" and their responsibilities under the Licensing Act 2003. Records of the training will be kept in a retrievable format and made available for inspection without undue delay to the Police and authorised officers of the London Borough of Hillingdon.
2. When SIA door staff are deployed their full name, SIA badge number and the name of the company they are employed by will be recorded in a specific log together with the date and hours they are working. This will be produced by the premises licence holder or their agent, without undue delay, following any reasonable request made by the Police or authorised officers from the London Borough of Hillingdon
3. All Door Supervisors employed at the entrance/exit of the premises will wear high visibility clothing.
4. With the exception of pre-booked functions, the premises will be set out with a sufficient seating for 80 persons.
5. An incident and refusals log will be kept at the premises and fully maintained to record adequate information detailing any significant incidents and persons refused alcohol. This will include time and date, brief details of the incident, people involved and action taken. This will be signed by the person making the entry and the logs will regularly be checked by the Designated Premises Supervisor.
6. A digital recording CCTV system will be installed and fully maintained to comply with the following:
 - a) All cameras will be capable of recording images of a quality sufficiently high to identify individuals.
 - b) At least one camera will be installed that is capable of taking a higher quality "head and shoulder" image of every person entering the premises.
 - c) Images will be retained for a minimum of 28 days before being overwritten.
 - d) The images will be stored in a format that is easily retrievable. Copies will be provided without undue delay, and in accordance with the data protection act, following any reasonable request from the Police or authorised officers of the London Borough of Hillingdon.
 - e) At all times when the premises are open for licensable activity, at least one person will be able to operate the CCTV system and allow images to be viewed by the Police, or authorised officers of the London Borough of Hillingdon, in the lawful pursuit of their duty.
 - f) If for any reason the CCTV system malfunctions this information will be communicated without any undue delay in a format agreed by the Police or authorised officers of the London Borough of Hillingdon.

Public safety

7. No drinks shall be taken off the premises. With the exception of drinks in sealed containers sold for consumption off the premises.

Prevention of public nuisance

8. All windows and doors will be kept closed (except for entry and exit) at all times when regulated entertainment takes place.

9. Prominent, clear and legible notices shall be displayed at the entrance/exit requesting patrons to respect the needs of local residents by leaving the premises and the local area without causing any undue disturbance.
10. Smokers will be monitored and controlled by staff to ensure that the licensing objectives are fully promoted

Protection of children from harm

11. As per the Mandatory Conditions - The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014. The age verification policy adopted by the premises will be in line with the current "best practice" recommended by the Police and Licensing Authority.
12. After 22:00hrs all persons under 16 years of age will be accompanied by an adult of 18 years of age or over.

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

Additional conditions imposed following a Review hearing on 20 January 2022 that took effect on 25 November 2022 when Appeal dismissed.

1. Last entry to the premises shall be 2230 hours daily.
2. Regulated Entertainment up until 2300 hours must adhere to the relevant conditions of the licence.
3. Regulated Entertainment should cease at 2300 hours.
4. Regular Noise boundary checks conducted by a manager.
5. All boundary checks must be recorded in an incident logbook.
6. Windows and doors must be closed during regulated entertainment.
7. All staff must receive health and safety training by an accredited course provider.
8. A noise limiter shall be in use to ensure that noise emanating from the speakers does not cause a nuisance to nearby residents.
9. A working contact number and email address to be provided to residents at all times.

Annex 4 – Plans

Licensing Service registered plan number 2098/20

RE: Temporary Event Notice Submitted / Paid (LBH1680095869462)

on behalf of

Licensing-XH@met.police.uk <Licensing-XH@met.police.uk>

Thu 30/03/2023 13:15

To: licensing <licensing@hillingdon.gov.uk>

Good Afternoon,

There have not been any recent crime reports at this venue and so we have no evidence under crime and disorder to object to this TEN.

The application is to increase the hours for regulated entertainment (and LNR) and we note that the ASBET team are objecting because of the previous noise nuisance and likelihood of further nuisance if they were to have entertainment until the requested late hour.

We fully support the representation made by the ASBET and do not think an event is how the venue should "test" their improvements to "restrict sound leakage". This needs to be rectified and established prior to any intention to operate into the early hours of the morning.

Kind regards,
Penny



Penny Brown PC 3267WA

West Area Police Licensing Officer, Hillingdon (XH)

Metropolitan Police Service, West Area.

Ruislip Police Station, The Oaks, Ruislip, Middlesex, HA4 7LE.

w: www.met.police.uk

e:

e: Licensing-XH@met.pnn.police.uk

From: Adam Stitson <AStitson@Hillingdon.Gov.UK>

Sent: 30 March 2023 11:05

To: licensing <licensing@hillingdon.gov.uk>; Licensing - XH <Licensing-XH@met.police.uk>; Joanne Howells <jhowells@hillingdon.gov.uk>

Subject: RE: Temporary Event Notice Submitted / Paid (LBH1680095869462)

The Anti Social Behaviour and Environment Team wish to object to this Temporary Event Notice for the following reasons (Prevention Of Public Nuisance):

1. This premises has a long history of perpetrating noise nuisance that adversely affects residents living nearby, often continuing until the early hours of the morning.
2. Officers from the ASB Team have often witnessed loud amplified music from this venue at a level that constitutes a statutory noise nuisance.
3. The music has been sufficiently loud to be clearly audible in nearby residential properties, at a level that would make day to day activities such as sleeping or reading impossible.
4. It has been made absolutely clear to the management of the premises that the noise is worse for neighbours the later the hour, as the sound becomes increasingly penetrating and intrusive.
5. The current status of the premises is that no regulated entertainment is permitted after 23.00 and if this event were to go ahead, it would contravene that and be a certain nuisance to neighbours, who have already had to endure many months of noise from this establishment.

Thank you.
Adam Stitson

From: licensing <licensing@hillingdon.gov.uk>
Sent: 30 March 2023 07:47
To: licensing-xh@met.pnn.police.uk; Adam Stitson <AStitson@Hillingdon.Gov.UK>; Joanne Howells <jhowells@hillingdon.gov.uk>
Subject: Fw: Temporary Event Notice Submitted / Paid (LBH1680095869462)

Hello

Please see attached TEN.

Thanks
Kerry

Licensing Service

London Borough of Hillingdon

3S/08 Civic Centre

High Street

Uxbridge UB8 1UW

tel: internal: 7433

tel: external: 01895 277433



From: donotreply_onlineforms@hillingdon.gov.uk <donotreply_onlineforms@hillingdon.gov.uk>
Sent: Wednesday, March 29, 2023 1:55 PM
To: licensing <licensing@hillingdon.gov.uk>
Subject: Temporary Event Notice Submitted / Paid (LBH1680095869462)

Temporary Event Notice

Incidents Of Noise Nuisance Kho Kho October 2022 To March 2023

30 3 23 - As requested Craig and I attended Kho Kho this evening at 21:30-21:47 the restaurant was not busy around 15 customers, there was no security and no issues to report outside, We went around the rear of the restaurant and could hear the extractor fan but not sure if this would cause a nuisance for the residents living on South Drive.

Craig and I went around to South Drive and could hear the sound of the extractor fan outside 19-21, the fan did sound quite loud and then we heard some whining noise standing in front of these properties would give you a fair assessment if this would be a nuisance within someone property.

19/02/2022- ASB Officers attended the venue and spoke with the manager at **23:10hrs** regarding loud amplified music which constituted a statutory noise nuisance- **Verbal warning given**

21//05/2022- ASB Officers attended the venue and spoke with the manager at **01.05hrs** regarding loud amplified music which constituted a statutory noise nuisance- **Verbal warning given**

13/05/2022 - ASB Officers attended the venue and spoke with the manager at **23:50hrs** regarding loud amplified music which constituted a statutory noise nuisance- **Verbal warning given**

14/05/2022- ASB Officers attended the venue and spoke with the manager at **23:50hrs** regarding loud amplified music which constituted a statutory noise nuisance- **Verbal warning given**

30/10/2022- Called received from contact centre regarding a complaint made by a resident regarding loud amplified noise coming from the venue- tried to call complainant but no answer was received.

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