

**Application for the review of a premises licence or club premises certificate 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 Mark Oakley Anti Social Behaviour & Environment Officer for the London Borough of Hillingdon

(Insert name of applicant)

apply for the review of a premises licence under section 51 / of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Captain Morgan's Freehouse 210 Field End Road Eastcote	
Post town Ruislip	Post code (if known) HA5 1RD

Name of premises licence holder or club holding club premises certificate (if known) Mr Darren Farrell

Number of premises licence or club premises certificate (if known) 433/05

Part 2 - Applicant details

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname**First names****I am 18 years old or over**

Please tick ✓ yes

**Current postal
address if
different from
premises
address****Post town****Post Code****Daytime contact telephone number****E-mail address
(optional)****(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Mark Oakley London Borough of Hillingdon Civic Centre, 2E/08 Uxbridge Middlesex UB8 1UW
Telephone number (if any) 01895 556930
E-mail address (optional) moakley@hillington.gov.uk

This application to review relates to the following licensing objective(s)

- | | |
|-----------------------------------------|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

Prevention of Public Nuisance
Prevention of Crime and Disorder

Grounds exist as evidence of continued disturbance and nuisance caused by the venue in the playing of amplified music together with noisy and disorderly customers.

Noise abatement notices served under Environmental Protection Act 1990.

Breaches of the noise abatement notices witnessed by Hillingdon Council Enforcement Officer's

Please provide as much information as possible to support the application (please read guidance note 3)

On the **26th November 2017** (Sunday) at 00:48 Craig Lloyd (London Borough of Hillingdon Anti Social Behaviour (ASB) Officer) received a call from an Eastcote resident regarding loud amplified music being played by Captains Morgans PH, the level of music was disturbing and this at a time outside the times permitted on the premises licence. Officer Lloyd was unable to attend immediately and called back at 01:05 to inform the Authority that the music had been turned down.

On the **14th January 2018** at 00:07 (Sunday morning) Craig Lloyd (ASB Officer) received a call from . As a result he attended flat at 00:30. From bedroom he formed the opinion that the music he could hear was at a level of a Statutory Noise Nuisance. The music was penetrating and intrusive, sleep deemed as being impossible. A visit was made to Captain Morgan's Freehouse at 00:45, the manager of Captain Morgan's was seen and advised of the complaint, it was requested that the volume and bass were reduced.

At 02:10, on the same morning the Authority received a further call to say that the volume had been turned back up, the Authority were unable to attend due to other commitments.

On the **17th January 2018** a Noise Abatement Notice was served on Darren Farrell at a Northolt address.

On the **4th February 2018** called Hillingdon Authority at 23:26 to complain about the loud music and thudding coming from Captain Morgan's Freehouse. Ricky Khaiq (Hillingdon ASB Officer) attended at 00:09 and confirmed there was loud music coming from the premise. Doors were locked and 4 to 5 persons could be seen inside, drinking, dancing. The blinds were closed. Officers banged on the door, there was no answer but the lights and music were immediately turned off.

On the **20th February 2018** a noise abatement notice together with a warning letter was served by post on Darren Farrell.

On the **22nd February 2018** (Thursday) at 23:10. Call from a complainant, Craig Lloyd visited the complainant at 23:45, no nuisance was witnessed at the time of the visit.

On the **26th February 2018**, at 00:20 (Monday) Hillingdon received a call from regarding loud amplified music. A call by return was made to him at 00:36 during the return call the music disturbance stopped.

On the **17th March 2018** (Saturday) at 00:53 hours, call received from . Officers visited complainant at 13:25 hours music could be heard coming from Captain Morgans Freehouse. No security on site to be seen; did not enter property due to officer safety. Caller called officers again at 02:30 hours and stated music was still ongoing, no visit done on that occasion due to weather conditions. *Can't find this one on statements*

On the **22nd March 2018** (Thursday) at 23:05 a resident called our out of hours service to report loud amplified music this also after the permitted licensing hours of Sunday.

Officers attended the complainants flat at 23:40 where they witnessed loud amplified music audible from the complainant's bedroom which was penetrating and intrusive, sleep was deemed impossible.

At 00:25, a Noise Abatement Notice was served on the Captain Morgan's Freehouse by placing the notice under the front door of the premises. The receipt of the abatement notice was confirmed by telephone call to the Council from the owners the following day.

On the **24th March 2018**, (Saturday) at 23:58, loud amplified music audible from complainant's bedroom was again witnessed by Mark Oakley (ASB Officer) which was penetrating and intrusive, sleep impossible deemed a statutory noise nuisance.

The manager and part owner of the bar, Kevin Bates was seen, He was informed the music was a statutory noise nuisance, Mr Bates reduced the music level. Discussions took place about the suitable volume levels at the bar.

On the **4th April 2018** (Wednesday) called to say there was loud music again at Captain Morgan's until about 01:30. Caller said he could still hear through headphones and ear plugs. Local Authority officer were unable to attend.

On the **14th April 2018** (Saturday) at 02:06 the Local Authority received a call from regarding loud amplified music. This at a time outside the licensing hours for regulated entertainment. Officers attended at 02:30, the pub was full of customers. Door staff told to shut music off as it had passed 01:30. The door staff then began to clear customers out of the premises. At one stage the music was turned up fully whilst officer were attending.

Further calls were made to complain about excessive music on the 21st April where at 01:10 a statutory noise nuisance was witnessed.

On the **5th May 2018** (Saturday) officers observed a disturbance at 01:15 outside the premises the officers witnessed aggressive behaviour of the bars customers and loud and heated arguments. At 02:30 that morning the Authority received a call from saying that the music was not very loud in the bar. Due to commitments officers were unable to attend.

Further complaints about booming music being played at the bar were received from at 00:13 on the 7th May, the level was intermittent and it stopped at 01:15 officers were unable to attend.

On the **11th May 2018** (Friday) called the Authority at 01:45. He was called back at 01:50. The music had stopped at this point and was started again at 02:35. Local Authority officers were able to attend at 02:45 when there was no loud music being played, there were noisy and intoxicated customers leaving and standing outside.

A witness statement from the following are attached to this application:

Mark Oakley - Anti Social Behaviour & Environment Officer
Jamie McCarthy - Anti Social Behaviour & Environment Officer
Rakib Khaliq - Anti Social Behaviour & Environment Officer
Craig Lloyd - Anti Social Behaviour & Environment Officer (Two statements January 2018 - May 2018)
- resident
resident
Navin Dang - Anti Social Behaviour and Environmental Investigator

Incident diary sheets from are attached to this application.

Two noise abatement notices served on Darren Farrell.

Representing the Anti Social Behaviour Team we would seek regulated entertainment be removed as a licensable activity from the licence. We would like the operating hours to be reduced to 23:00 Monday to Thursday and 00:00 Friday and Saturday.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **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 6)

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Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Witness Statement

(Criminal Procedure Rules, R 27.1;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of: Mark Oakley

Age of Witness (Age of witness (if over [18] enter over [18]): Over 18

Occupation of Witness: Anti Social Behaviour & Environment Officer

This statement consisting of 4 page(s) signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated ...24th May 2018.....

Signature.....

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I am employed by The London Borough of Hillingdon (LBH) as an Anti Social Behaviour & Environment Officer. In this role I am required to investigate reports of anti social behaviour, harassment, community and neighbourhood nuisance, noise and environmental issues. I have been employed by LBH since 2007. I have access to computer and documentary records, held by the local authority, which were compiled, at every stage by staff members, acting under duty, in the ordinary course of that every day business.

This statements has been made in connection to complaints and actions in regard to Captain Morgans Freehouse 210 Field End Road, Eastcote, Middlesex, HA5 1RD is owned by Darren Farrell of 210A Field End Road, HA5 1RD.

Captain Morgan's Freehouse was first brought to the attention of our Anti Social Behaviour Team for playing loud amplified music on the 16th February 2016. After this report was made and in further dialog with him the main complainant stated that there was an improvement in the noise levels which he attributes to the temporary closing of the nearby GEO bar which came under the same ownership as Captain Morgan's.

The history of complaints follows as

On the 26th November 2017 (Sunday into Monday) at 00:48 Craig Lloyd (ASB Officer) received a call from of loud amplified music. The officer noted that this was at a time not within the premises licensed hours for live or recorded music. Sunday being a terminal time of 23.00 At 01:05 re called and confirmed the music had been turned down. I exhibit Craig Lloyd's witness statement exhibit MO1.

On 14th January 2018 at 00:07 (Saturday night into Sunday morning) Craig Lloyd (ASB Officer) received a call from at 00:30, loud amplified music audible in the complainant's bedroom at Statutory Noise Nuisance level. The music was penetrating and intrusive, making sleep impossible. Officer Lloyd visited Captain Morgan's Freehouse at 00:45, he spoke with the

manager of Captain Morgan's and advised (we believe this person to be Darren Farrell) of the complaint, Officer Lloyd requested that the volume and bass were reduced. Another call was received from the complainant at 02:10, the volume had been turned back up, Officer Lloyd was unable to attend again as he was dealing with other calls. I further refer to Craig Lloyd's witness statement as exhibit MO1.

On the 4th February 2018 (Sunday into Monday) _____ called the council at 23:26 to complain about the loud music and thudding coming from Captain Morgan's Freehouse. Rakib Khaiq (ASB Officer) attended at 00:09 and confirmed there was loud music coming from the premise. The doors were locked and 4 to 5 persons could be seen inside, drinking, dancing. The blinds were closed. Officers banged on the door, there was no answer. The lights and music were immediately turned off. I produce Rakib Khaiq witness statement exhibit MO2.

On the 20th February 2018 a noise abatement notice together with a warning letter, was served by post on Darren Farrell. I produce this notice as exhibit MO3.

On the 22nd March 2018 (Thursday) at 23:05 _____ called to report loud amplified music after the permitted licensing hours of Sunday - Thursday 18:00 - 23:00. I called the resident back at 23:10, the resident confirmed the music was still playing loudly. Myself, and my colleague Desmond Phillips attended the resident's home at 23:40. The music could be clearly heard, to the extent that all the lyrics of the track were clearly identifiable. The music was penetrating and intrusive, making sleep impossible, constituting a statutory noise nuisance.

At 00:04 we left the resident's flat and knocked on the front door of the Captain Morgan's Freehouse Premises, the front door was locked and it was not possible to see inside the premises. No one came to the door, I shouted at the door stating 'we are the council open the door, please'. No one came to the door but the music was turned off. Myself and Desmond returned to our vehicle and completed a noise abatement notice.

At 00:25, myself and Desmond Phillips returned to the Captain Morgans Freehouse and served the Noise Abatement Notice by slipping the notice under the front door of the premises. I produce the notice as exhibit MO4.

On the 23rd March 2018 at approximately 15:07 my colleague Craig Lloyd received a telephone call from Kevin Bates who stated he was the joint owner of Captain Morgans Freehouse. Mr Bates advised Craig that he received the Noise Abatement Notice this morning which was posted underneath the front door of the premises with my name thereon. Mr Bates advised officer Lloyd that they have now spoken with and dismissed the member of staff who was responsible for playing loud amplified music outside the permitted licensing hours at Captain Morgans Freehouse, and that there should not be any further issues with noise nuisance. Craig Lloyd advised Mr Bates that just because they have a licence to play music until 23:00 Sunday to Thursday and until 01:30 on Friday and Saturday, this does not give them the right to cause a statutory noise nuisance and that the music must be set at a reasonable level. If further complaints are received they will have to be investigated and action will be taken if there is evidence to do so.

On the 24th March 2018 (Saturday) at 23:50, _____ called to report loud amplified music. I contacted _____ who confirmed the music is very loud. At 23:58 myself and Desmond Phillips arrived at the residents property, we witnessed very loud music which was penetrating and intrusive, making sleep impossible, constituting a statutory noise nuisance. Together with Desmond Phillips I visited Captain Morgan's Freehouse and asked for the licensee or manager. Mr Kevin Bates came outside to talk to us, I advised Mr Bates the noise is too loud and

constituted a statutory noise nuisance, Mr Bates confirmed his conversation with Craig Lloyd yesterday, and I advised Mr Bates I was aware of their conversation.

Consequently, I advised Mr Bates I was surprised the noise level was so high. Mr Bates admitted the licensee Mr Darren Farrell had received a Noise Abatement Notice from another officer on the 20th February 2018. Mr Bates stated they also own the GEO Cocktail Bar further down the street and they used to have problems with residents complaining about the loud amplified music from there, but they resolved the issues by fitting a noise inhibitor into the property and that stopped the complaints.

Mr Bates reduced the volume of the music and we returned to the resident's property where the music could not be heard. We returned to Captain Morgan's Freehouse where we confirmed to Mr Bates that these levels were now acceptable. Mr Bates had taken a photograph of the volume levels on the amplifiers and said he would ensure they are set at these levels and no higher.

I advised Mr Bates that the incident of the 22nd March 2018 is a breach of the noise abatement notice served on the 20th February 2018 and together with the incident of the 24th March 2018 are breaches of the noise abatement notice, and the 24th March 2018 is a breach of the 2nd noise abatement notice served on the 23rd March 2018. I advised Mr Bates this was enough for me to refer the case for prosecution and they could receive fines up to £20,000. Mr Bates stated he wanted to work together with us and he would do all he could to ensure it doesn't happen again. I produce print outs from our computer case recording system (Onyx) as exhibit MO5.

On the 4th April 2018 I received a report from [redacted] that there was further loud music on the 4th April 2018 at 01:30 (Wednesday) the music could be heard through wearing ear phones or ear plugs. Unfortunately because our service is from Thursday to Sunday we were unable to witness this further breach of licensing conditions.

On the 14th April 2018 at 02:06 (Saturday morning) [redacted] contacted our service. My colleague Jamie McCarthy and Rakib Khaiq arrived at Captain Morgan's at 02:25 and witnessed the music playing. The pub was full of customers. The music stopped at 02:30, the door staff were approached at 02:31 and denied the music was playing, at that moment the music was turned up full blast, the door staff were told by the Anti Social Behaviour & Environment Officers to shut music off as it had passed 01:30. The doorman then proceeded to clear customers out of the premises. I introduce Jamie McCarthy's witness statement as exhibit MO6.

On the 21st April 2018 at 00:25 [redacted] called our service to report loud amplified music. At 01:10 David Holmes and Richard Williamson attended [redacted] home and witnessed a statutory noise nuisance. I introduce David Holmes witness statement as exhibit MO7.

On the 5th May 2018, at 01:15 (Saturday into Sunday) Myself and Desmond Phillips observed Captain Morgan's from our vehicle from the slip road directly outside Captain Morgan's Freehouse. We were listening for any music being played. No music could be heard coming from the establishment. However, there was a large group of approximately 7 people outside the premises being quite loud. We drove off to attend another visit close by. We returned at 01:25, and parked the vehicle on the opposite side of the street from Captain Morgan's. A group of approximately 12 mostly males and some females were outside the venue, a female was kicking and hitting the bouncer who had just removed her from the venue. The females' friend came outside and they engaged in a heated argument, which we could clearly hear from inside our vehicle. The area was very noisy from the group of people congregating outside the venue they were also blocking the pedestrian pavement making it impossible for people to pass without

stepping into the service road. The group continued to be noisy throughout or observation, we vacated the area at 01:45.

On the 5th May 2018 at 02:15 (Saturday morning) [redacted] called and stated loud amplified music was being played from Captain Morgan's Freehouse. During my conversation with [redacted] the music was turned off and back on intermittently. Our conversation ended at 02:30 and the music was still being turned on and off intermittently. Unfortunately. due to other commitments I was unable to witness the music in person. I introduce [redacted] incident diary sheets and witness statement as exhibits MO8.

On the 5th May 2018 at 21:54 I called Mr Bates mobile telephone, it went straight to voice mail, I left a message advising him of the complaints I had received and that this and other incidents were being recorded and that this was a breach of the noise abatement notice.

On the 7th May 2018 at 00:13 (Monday) I received a call from [redacted] stating the music was playing outside of the licensing hours of 23:00. The music became progressively louder until it was fully booming out. It reduced down slightly 00.52, but was still loud, the music stopped completely at 01:15. Unfortunately, due to high reported incidents, I was unable to witness this in person.

On the 11th May 2018 a call was received at 01:45 from [redacted] Richard Williamson called the complainant at 01:50 the music had been turned off. [redacted] called back at 02:35 stating that loud amplified music was being played again. A Site visit was carried out at 02:45 no noise was witnessed at the time of the visit. However, officers patrolled to the front of the pub and 20-30 people seen standing outside of venue. These people very heavily intoxicated shouting and causing an obstruction of the lay-by in front of the venue. Staff were doing nothing to encourage people to leave the area instead were just attempting to lock the front doors to prevent re-entry to the pub.

The above is true to the best of my knowledge. I am willing to attend a Licensing Committee hearing if necessary.

Signed..........Witnessed by..........

STATEMENT OF WITNESS

(Criminal Justice Act 1967, s.9, Magistrates Court Act 1980, ss.5A(3)(a) and 5B, MC Rules 1981, r.70)

Statement of: Jamie McCarthy

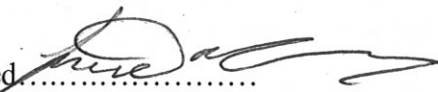
Age of Witness (if over 18 enter 'over 18'): OVER 18

Occupation of Witness: Anti Social Behaviour and Environmental Protection Officer

Address and Telephone Number: London Borough of Hillingdon, Civic Centre, Uxbridge, UB8-1UW

This statement, consisting of 2 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe true.

Dated the 20th day of APRIL 2018

Signed.....

On the 14th of April at 02:00 a call came through from the out of hour's team with a noise complaint from a

I phoned back at 02:01 and he informed that Captain Morgan's Pub located at; 210 Field End Road, HA5 1RD had failed to turn their music off at 01:30, which is the time they are licensed to play music till.

My colleague R. Khaliq and I made our way there from the Civic Centre in Uxbridge. We arrived outside Captain Morgan's Pub at 02:25 and the music from the premises could be heard from parked across the road. We then parked around the corner and walked to the entrance of Captain Morgan's. Upon arrival at 02:31 the music had switched off but the premises was still full of customers. I spoke to a member of their door staff. He claimed the music was not playing past half one and that whoever had

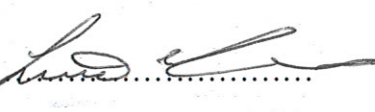

Signed.......... Signature witnessed by.....

Continuation of Statement of

complained was lying, as we were talking the music came back on full blast and he claimed that was due to us distracting him from doing his job. I then told him to shut the music down, and he claimed he was about to close up anyway. He then proceeded to clear the customers from the premises. My colleague and I stayed outside till approximately 02:45 and the customers were still inside the premises and being asked to leave by door staff.

Signature witnessed by

.....

Signed,  Signature witnessed by... 

Witness Statement

(Criminal Procedure Rules, R 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)


Statement of: R. Khaliq

Age of Witness (Age of witness (if over [18] enter over [18]): over 18

Occupation of Witness: ASB & Environment Protection Officer

This statement consisting of _____ page(s) signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: Friday 18th May 2018.

Signature.....

Page...1... of...1.....

I am Rakib Khaliq employed by the London Borough of Hillingdon Council as an Anti-social Behaviour and Environmental Protection Officer. On the Saturday 14th April 2018 at 02:06 we received a complaint with regards to loud music emanating from a property known as Captain Morgan Public House, 210 Field End Road, Ruislip, HA5 1RD. On arrival we had parked the vehicle round the rear of Captain Morgan Public house. We then attended the complainants address. We were invited into the property which is situated above the public house. The time was around 02:20. I was stood in the hall wall and the music was so loud that the base was causing the floors and walls to vibrate. After monitoring the music for a few minutes from inside his property, I believed this to be a statutory noise nuisance so we attended the pub at which point the time was 02:31, the bouncer had noticed us and instantly walked into the pub and told his DJ to cut the music off. We had stated the music was very loud and have received another complaint. The bouncer then began to start ejecting people from the venue.

Signature..........Signature witnessed by.....

Contact address ASB & Environment Protection, The London Borough of Hillingdon, 2E/08 Civic Centre, High Street, Uxbridge. UB8 1UW.

Contact telephone No..... Business telephone No.....

*Male / ~~Female~~ Date and place of birth: England

STATEMENT OF WITNESS
(CRIMINAL PROCEDURE RULES, PART 27)

(Criminal Procedure Rules, r 27.1(1);
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of: Craig Lloyd

Age of Witness (if over 18 write 'over 18') Over 18

Occupation of witness: Anti Social Behaviour Officer

The statement consisting of 1 page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

Dated the 22th January 2018

Signed:

I am an Anti Social Behaviour Investigations Officer employed by the London Borough of Hillingdon and have served in that capacity for 7 years.

On 14th January 2018 at 00:07 hours I was on duty with my colleague Rebecca Wilson when we received a report regarding noise nuisance arising from Captain Morgan's Public House, 210 Field End Road, Ruislip, HA5 1RD. We made our way to the complainant's property and arrived at 00:30 hours. We entered the complainant's bedroom where I immediately aware of loud amplified music, the music was intrusive and penetrating and would have in my opinion made sleeping or relaxing in the property difficult if not impossible. It was a Statutory Noise Nuisance. At 00:45 hours we made our way to Captain Morgan's Public House, I spoke with the security staff on the door and requested to speak with the Manager of the premises. Whilst waiting for the Manager I noticed that the premises were full of customers who were drinking and dancing inside. After approximately thirty seconds an IC1 male came to the entrance of the premises and stated that he was the Manager, we identified ourselves and I advised the male of the complaint. I then requested that the volume and bass were reduced as we had just witnessed a Statutory Noise Nuisance. The male replied "I will get it turned down straight away". I thanked the male and we then continued with our duties.

At 02:10 hours on 14th January 2018 we received another report from the same complainant reporting that the music had been turned back up. We were unable to attend and witness at this time as we were dealing with another report of noise nuisance in the borough.

The evidence contained in this statement is from my own personal knowledge and from perusal of papers in the possession of the London Borough of Hillingdon.

The above is true to the best of my knowledge; I am willing to attend court if necessary.

Signature:



- 1 -

Witnessed



Witness Statement

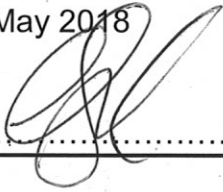
(Criminal Procedure Rules, R 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of: Craig Lloyd

Age of Witness (Age of witness (if over [18] enter over [18]): over 18

Occupation of Witness: Anti Social Behaviour & Environment Officer

This statement consisting of 1 page(s) signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.


Dated ...24th May 2018


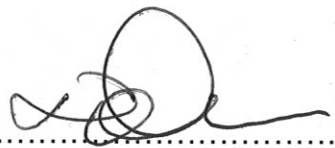
Signature.....

Page...1 of 1

I am employed by the London Borough of Hillingdon as an Anti Social Behaviour Officer and have served in this capacity for 7 years. On the 23rd March 2018 at approximately 15:07 I received a telephone call from Mr Kevin Bates who stated he was the joint owner of Captain Morgan's Freehouse. Mr Bates advised me that he received the Noise Abatement Notice this morning which was posted underneath the front door of the premises with Mr Mark Oakley's name on it. Mr Bates advised me that they have now spoken with and dismissed the member of staff who was responsible for playing loud amplified music outside the permitted licensing hours at Captain Morgans Freehouse, and that there should not be any further issues with noise nuisance.

I advised Mr Bates that just because they have a licence to play music until 23:00 Sunday to Thursday and 01:30 on Friday and Saturday, this does not give them the right to cause a statutory noise nuisance, and that the music must be set at a reasonable level. If further complaints are received they will have to be investigated and action will be taken if there is evidence to do so. Mr Bates stated that he understood this.

Signed.....


Witnessed by.....


Witness Statement

(Criminal Procedure Rules, R 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of:

Age of Witness (Age of witness (if over [18] enter over [18]): over 18

Occupation of Witness:

This statement consisting of 2 page(s) signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated24/05/2018.....

Signature.....

I live

This pub frequently and regularly plays loud music late at night and into the early hours, on weekends and on week days. It is most prevalent on weekends, however on the night of Thursday 2nd November 2017 to Friday 3rd November 2017 from 11.15pm to 4.00 am the music was turned up extremely loudly. During the afternoon of Friday, I bumped into the manager of the pub and asked what the game was. He informed me that he was no longer working there and that a new manager had taken over. I decided that enough was enough, so I rang L B Hillingdon licensing to complain. I was asked to email the complaint, which I promptly did. The result was that the night time noise ceased completely that weekend and indeed for some ten days. This was unprecedented in my experience, but did not last, as the noise levels quickly crept up again. I let it slide for a few days, but decided to follow licensing advice and contact the noise complaints team when it got really bad.

As a rule, I do not ring to log a problem until it is late at night and what I consider to be anti social. I accept that living next to a pub there is going to be noise, but after 11 or 12 at night I think it is a problem, especially when it goes on 'till 2, 3, 4 in the morning. On a number of occasions, I have phoned the out of hour's service and received a log number, but it has been too late for the noise abatement team to witness. They suggested that I phone earlier when the noise first started. This I did, in order for them to get an idea of the noise levels. More recently, I have had more success in getting the team around to witness the problem, partly by phoning earlier and also, I suppose, because the problem is firmly on their radar. I understand that the team also report back to Licensing on the issue of the pub breaching their licensing hours. I have kept a record of the dates/ times I have contacted the out of

hours team, licensing and the anti social behaviour team. A pattern has tended to form, with the council contacting the license holder about the problem, with noise levels subsiding briefly, and then returning to previous weeks' levels. I understand that the council has received assurances that the people responsible have been barred, dismissed and that a sound inhibitor had been installed. None of these appear to have, in fact, been done. At the date of writing this, last Saturday night/ Sunday morning, 21st April 2018 and 22nd April 2018 the noise abatement team witnessed the noise level 'till 1.30am and I think they would agree that no sound inhibitor was in operation. The pub has a weekend license to 1.30am, which I have formally objected to (no response from licensing) and till 11.00 pm on weekdays, but even within these hours the pub does not have the right to blast out high level noise. In addition to the actual music is the problem of loud drunken customers shouting and swearing outside my bedroom window (presumably outside to smoke) during pub opening times (within licensing hours or not) and long after the pub has officially closed.

As the council has given so many efforts and warnings to request the licence holder to reduce the sound levels on so many occasions, and on each occasion this agreement has been breached and excessive music has been played. I would like the committee to consider removing the facility of the premises to have a licence to play live or amplified music after 23.00.

I would also seek to ask the committee that some conditions are placed upon the licence to control the level of sound that the premises can have before 23:00. This is in regard to how loud the sound appears in my flat as opposed to how loud it is played in the premises. That they either have a sound control device or employ some modern and effective sound insulation within the building.

I would further seek to ask the committee that the opening hours of the premises be reduced to 23:00 Monday to Thursday and 00:00 Friday and Saturday, due to the excessive noise outside the premises caused by the large groups of people that gather outside the premises, shouting, arguing and fighting into the early hours of the morning.

Signed...

..... Witnessed by..

...

Witness Statement

(Criminal Procedure Rules, R 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of

Age of Witness (Age of witness (if over [18] enter over [18]): over 18

Occupation of Witness:

This statement consisting of 1 page(s) signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 24th May 2018

Signature..... ..

Page 1 of 1

I live

This pub regularly plays very loud music late at night, mainly at weekends but sometimes on work days too. As well as the music, there is a lot of noise from customers standing outside the pub, shouting, screaming, swearing and fighting. This goes on until 03:00 hrs over the weekend and often until after midnight on weekdays.

This is a residential block over shops, so they should not have a late night license to be restricted to 23:00 hrs every night. There are families with young children living in these flats and they should not have to put up with this noise. Some of us have to work weekends this involves getting up at 06:00 hrs.

Signed... ..

Witnessed by.

STATEMENT OF WITNESS
(CRIMINAL PROCEDURE RULES, PART 27)

(Criminal Procedure Rules, r 27.1(1);
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of: Navin Dang

Age of Witness (if over 18 write 'over 18') Over 18

Occupation of witness: ASB and Environment Investigator

The statement consisting of 2 page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

Dated the 17th May 2018

Signed: 

This statement relates to an incident when by I was called to witness a noise nuisance being emitted from Captain Morgan Public House, 210 Field End Road, Ruislip, Middlesex

I am the above named person and employed by The London Borough of Hillingdon as an Anti Social Behaviour and Environment Investigator. I am required to investigate reports of anti social behaviour, including noise nuisance, to establish whether or not they are justified by reasonable standards.

On Saturday 17th March 2018 I was crewed with Richard Williamson conducting our out of hours shift between the hours of 21:00 hours until 03:00 hours. During this shift at roughly 00:53 hours on Sunday 18th March a resident who lives near to Captain Morgan Public House called complaining about the level of noise coming from the premise. The residents name is

who lives at Richard Williamson and I
drove to the area and attended property. We positioned ourselves in
the bedroom downstairs and could hear loud music. The
music was loud enough to be classed as an annoyance and loud enough to
keep someone awake. We left the property immediately and could still hear the
music whilst standing on the side street. We got back into our vehicle and drove
outside Captain Morgan Public House and could see this was the only property
open near to property. There were a number of people outside
smoking and talking, however no security could be seen. There was one
occasion the front door of the premise opened and loud music could be heard
coming from within. My hearing was not hindered as the weather conditions
were poor (Snowing), which meant there were no other vehicles passing. I
would say I was roughly 10 metres away and I have no hearing problems. We
did not approach the premise due to officer safety reasons.

Signature: 

- 1 -

Witnessed: N/A


I can confirm the loud music heard from _____ property was coming from Captain Morgan Public House and consider the level of noise to be a nuisance.

On Sunday 18th March 2018 at roughly 02:30 hours, a further call was received from _____ who stated the music was still ongoing. On this occasion no site visit was conducted due to the terrible weather conditions.

This statement has been made a considerable time after the incident, however I remember the incident clearly as I have only been to this property once and have had no other dealings.

 , 18/5/18




18/5/18

Signature:



Witnessed:

N/A

Witness Statement

(Criminal Procedure Rules, R 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of: David Jeremy Holmes

Age of Witness (Age of witness (if over [18] enter over [18]): over 18

Occupation of Witness ASB and Environment Protection Officer

This statement consisting of One page(s) signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated 11th May 2018

Signature 

Page One of One

I am employed by the London Borough of Hillingdon and have been so employed since November 2017. At 00:09 hours on Sunday 4th February 2018, as a result of information received and in company with a colleague, Rakib Khaliq I attended a location known as Captain Morgan Public House at 210 Field End Road, Ruislip, Middlesex. On arrival, music could be clearly heard coming from the establishment where vibration could be felt on the window glass . Rakib, knocked loudly on the door a number of times. The curtains at the front of the building were drawn. From a slight gap in the curtain I could see to the right hand wall, inside the bar. On this wall were a number of mirrors which allowed me to view part of the bar to the left. From my observations I could see a number of IC1 males in the bar and the hand and arm of a person behind the bar reaching for glasses stored at head level. The hand appeared to be that of an IC1 female. All persons were in darker coloured clothing. Rakib, continued to try and attract their attention by calling out 'Hello' and knocking on the glass of the door with a key. No one inside the premises responded to Rakib however after a short period the music and lights were turned off leaving the premises in relative darkness. This indicated to me that Rakib had been heard and the occupants chose to ignore him. We left the premises shortly after. No-one was seen to leave the premises.

At 01:10 on Saturday 21th April 2018, I again attended Captain Morgan Public House. in company with a colleague, Richard Williamson, where we spoke to an informant at The informant, a person I now know to be stated that he had called the Out of Hours service due to the level of noise and his inability to sleep as a direct result. Although stated that the noise had reduced I could clearly hear music and lyrics being played from within the Public House. I considered this to be a statutory noise nuisance. Richard and I then returned to the front of the venue where the music was turned off and the doors closed at 01:30, same day.

This statement is made at 12.30hours, 11th May 2018 from notes made shortly after by attending officers.

Signed 

Witnessed by.....



HILLINGDON

LONDON

Mr Darren Farrell
Captain Morgans Public House
210 Field End Road, Eastcote
HA5 1RD

Ref: RK/6461717/ASBIT

Tuesday 20th February

Dear Mr D Farrell

In response to a complaint about loud amplified music emanating from your property on **4th February 2018**, the duty noise officer visited the area and witnessed **loud amplified music** emanating from your property causing a statutory noise nuisance.

The Council is obliged to serve a noise abatement notice when satisfied that a statutory nuisance exists, or is likely to occur or recur. I have therefore enclosed a notice under Section 80 of the Environmental Protection Act 1990, which you should adhere to within the specified time period.

If you are unsure on the steps required to comply with the notice, please do not hesitate to contact me for further advice. If you are unsure as to what level of noise may constitute a statutory nuisance you should consider stopping any activities, or restricting the use of any equipment that may cause a noise nuisance until you can obtain further advice. I would be happy to visit your property to provide advice.

Failure to comply with this notice may result in the matter being passed to the Council's Solicitor for the instigation of legal proceedings to be considered. If a notice is breached, the Council will consider using powers available to seize any noise making equipment capable of breaching the notice. You would be charged for any work that it is carried out by the Council to remedy a breach of the notice.

The Council aims to resolve complaints without the need for formal action. However, if the notice is breached, the Council will consider taking further steps to control the situation.

Monitoring may be carried out in response to any further complaints. The investigation may involve making programmed or reactive visits to the area and the use of recording equipment.

If you would like to discuss this matter further or if you have any written comments, please do not hesitate to contact me.

Kind Regards

R. Khaliq
ASB & Environment Officer

cc: MR PETROS CHRISTOFIS
48-50 STATION ROAD
HARROW, HA2 7SE

Appendix 1

Abatement Notice in respect of Statutory Nuisance

To Mr Darren Farrell
of

COPY

Ref: CL/6314957/ASBIT

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the*
Council of London Borough of Hillingdon ("the Council") being
satisfied of the [XXXXXXXX] [likely [XXXXXXXX] [recurrence]] of a statutory nuisance under section 79(1)(g) of
that Act at the premises known as
Captain Morgans, Public House, 210 Field End Road, Ruislip, HA5 1RD
[within the district of the Council] arising from†
The amplification of music and speech.

[HEREBY REQUIRE YOU, as the [person responsible for the said nuisance] [[owner] [occupier] of the
premises] within Forthwith from the service of this notice, [to abate the same] [and also]

[HEREBY [PROHIBIT] [RESTRICT] the [XXXXXXXX] [recurrence] of the same] [and for that purpose require you
to:‡
Stop or cause to stop the playing of amplified music and speech at such a volume
as to be a statutory noise nuisance and inaudible at the nearest boundary.

[THIS is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995
applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal
has been abandoned or decided by the Court, as, in the opinion of the Council,
[[the nuisance to which this notice relates is [injurious to health] [likely to be of a limited duration such that
suspension would render the notice of no practical effect]]
[REDACTED SECTION]

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be
guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction
will be liable to a fine not exceeding level 5 on the Standard Scale** together with a further fine of an amount
equal to one-tenth of the greater of £5,000 or level 4 on the standard scale for each day on which the offence
continues after conviction. A person who commits an offence on industrial, trade or business premises will be
liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of
the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council
may execute the works and recover from you the necessary expenditure incurred.

Dated 17th January 2018

Signed [Signature]
ASB & Environment Manager §
the officer appointed for this purpose

Please address any communications to:
ASB & Environment Team#
Civic Centre, Uxbridge,
UB8 1UW

N.B. The person served with this notice may appeal against the notice to a magistrates' court within 21 days beginning with the
date of service of the notice. See notes on the reverse of this form.

Delete any words in square brackets which do not apply

* Insert name of local authority. † Describe the cause of the nuisance. ** Currently £5000, subject to alteration by Order.
‡ State specific works to be done or action to be taken. § Insert title of proper officer.

Abatement Notice in respect of Statutory Nuisance

To Mr Darren Farrell
of Captain Morgans Public House
210 Field End Road, Eastcote HA5 1RD

Ref: RK/6461717/ASBIT

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the*
London Borough of Hillingdon ("the Council") being
satisfied of the ~~XXXXXX~~ [likely ~~XXXXXX~~ [recurrence]] of a statutory nuisance under section 79(1)(G) of
that Act at the premises known as
Captain Morgans Public House, 210 Field End Road, Eastcote HA5 1RD
[within the district of the Council] arising from†
The playing of loud amplified music and voices.

[HEREBY REQUIRE YOU, as the ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ [XXXXX] [occupier] of the
premises] within forthwith from the service of this notice, ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

[HEREBY [PROHIBIT] RESTRICT the ~~XXXXXXXXXX~~ [recurrence] of the same] ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
~~XXX~~

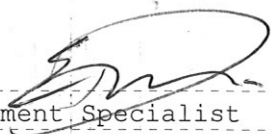
]

THIS is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995
applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal
has been abandoned or decided by the Court, as, in the opinion of the Council,
[[the nuisance to which this notice relates is [injurious to health] [likely to be of a limited duration such that
suspension would render the notice of no practical effect]]
[[the expenditure which would be incurred by any person in carrying out works in compliance with this notice
before any appeal has been decided would not be disproportionate to the public benefit to be expected in
that period from such compliance].

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be
guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction
will be liable to a fine not exceeding level 5 on the Standard Scale** together with a further fine of an amount
equal to one-tenth of the greater of £5,000 or level 4 on the standard scale for each day on which the offence
continues after conviction. A person who commits an offence on industrial, trade or business premises will be
liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of
the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council
may execute the works and recover from you the necessary expenditure incurred.

Dated 20/02/2018

Signed Edward Davis 
ASB & Environment Specialist §
the officer appointed for this purpose

Please address any communications to:
London Borough of Hillingdon
ASB & Environment Team, 2E/08 Civic Centre, High Street, Uxbridge, UB8 1UW
P: 01895 556000

**N.B. The person served with this notice may appeal against the notice to a magistrates' court within 21 days beginning with the
date of service of the notice. See notes on the reverse of this form.**

Delete any words in square brackets which do not apply
* Insert name of local authority. † Describe the cause of the nuisance. ** Currently £5000, subject to alteration by Order.
‡ State specific works to be done or action to be taken. § Insert title of proper officer.

PPEALS UNDER SECTION 80 (3) of the ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

Appendix 1

- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeal against an abatement notice served upon him by a local authority).
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonably in character or extent, or are unnecessary;
 - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f), (fa) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b), of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, or
 - (iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and -
 - (aa) the artificial light is emitted from industrial, trade or business premises, or
 - (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),
that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises; or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,
and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,
and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may:-
- (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court -
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

- (1) Where:-
- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
 - (b) either:-
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where -
- (a) the nuisance to which the abatement notice relates -
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice -
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply



HILLINGDON
LONDON

Abatement Notice in respect of Noise Nuisance

To: THE OCCUPIERS
of CAPTAIN MORGAN'S FREEHOUSE
210 FIELD END ROAD
PINNER, HAS-IRD

Ref: MO / /ASBIT

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the*
Council of London Borough of Hillingdon ("the Council") being satisfied of the [existence] [likely
[occurrence] [recurrence]] of noise amounting to a statutory nuisance under section [79(1)(g)] [79(1)(ga)]
of that Act at 210 FIELD END ROAD, PINNER, HAS-IRD

[within the district of the Council] arising from † **the amplification of music and speech**

[HEREBY REQUIRE YOU], as [[one of] the person(s) responsible for the said nuisance] [the [owner]
[occupier] of the premises] from which the noise is or would be emitted] [the person in whose name the
vehicle is for the time being registered] [the driver of the vehicle], within Forthwith from the service of this
notice to abate the same] [they also] **[HEREBY [PROHIBIT]]** the [occurrence] [recurrence] of the same]
[and for that purpose require you to: ‡

**Stop or cause to stop the playing of amplified music and speech at such a volume so as to be a
statutory noise nuisance and inaudible at the nearest boundary to any neighbouring premises.**

[THIS is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations
1995 applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until
the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, [the nuisance
to which this notice relates is [likely to be of a limited duration such that suspension would render the
notice of no practical effect]].

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you
will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on
summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale** together with a
further fine of an amount equal to one-tenth of that level for each day on which the offence continues
after conviction. A person who commits an offence on industrial, trade or business premises will be liable
on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or
restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this
notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Dated 23/03/18

Signed M. Oakley

¶ [Time copy served 00:25]

ASBIT OFFICER M. OAKLEY §

the officer appointed for this purpose

Please address any communications to:

London Borough of Hillingdon
ASB Investigations Team, Civic Centre, High Street, Uxbridge, UB8 1UW

**N.B. The person served with this notice may appeal against the notice to a magistrates' court within 21 days beginning
with the date of service of the notice. See notes on the reverse of this form.**

Delete any words in square brackets which do not apply

* Insert name of local authority.

† Describe the cause of the nuisance.

** Currently £5000, subject to alteration by Order.

‡ State specific works to be done or action to be taken.

§ Insert title of proper officer.

¶ This paragraph applies only where this
is a copy of a notice which has been affixed to a vehicle, machinery or equipment by virtue of a determination by the local authority under
section 80A(2)(b) of the Act and this copy has been served within ONE HOUR of such notice been so affixed.

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-

APPEALS UNDER SECTION 80 (3) of the ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonably in character or extent, or are unnecessary;
 - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates –
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f), (fa) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b), of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, or
 - (iv) is a nuisance falling within section 79(1)(fb) OF THE 1990 Act and –
 - (aa) the artificial light is emitted from industrial, trade or business premises, or
 - (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),
 that the best practicable means were used to prevent, or to counteract the effects of the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of –
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises),
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being –
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being –
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises; or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises.
 - (j) that the abatement notice might lawfully have been served on some person instead of the appellant, being –
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may:-
- (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit –
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court –
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and to the nature of the works required, and
 - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

3. (1) Where:-
- (a) an appeal is brought against an abatement notice under section 80 or section 80A of the 1990 Act, and –
 - (b) either:-
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where –
- (a) the nuisance to which the abatement notice relates –
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice –
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply

NUISANCE RECORD FORM

Ref: ___/_____/ASBIT

In order to assist officers of this team in investigating your complaint you are asked to keep a record of the nuisance/s that is troubling you over a period of **at least two weeks** and return it to the Anti Social Behaviour Investigations Team at the address below or by email.

Please keep a note below on each occasion the nuisance occurs and use additional sheets if necessary. It is essential to note the date when the nuisance occurs, the time it starts and finishes, severity of the incident and any other comments, **(it is important that you read the footnote)**.

Once completed you may like to report your issue via our website www.hillingdon.gov.uk 24 hour a day, where you are able to upload this form and be able to monitor and track your report.

Your Details

Eastcote
Name:.

Alleged Source of the problem

Captain Morgan's Free House, Field End Road,

Tel No.....

Date	Time 1 Start/ Finish	Description of Nuisance	How it Affects You 2
02/11/ 17	11.15 - 04.00	Loud music (see email to licensing 03/11)	Stops me sleeping, disrupts my sleep patterns. Affects my work and free time. I worry that it is affecting my mental and physical help. Leaves me in a rage, which often prevents me from sleeping long after the noise itself has stopped. I,m tired at weork and spend a lot of my free time trying to catch up on sleep. The noise cuts through ear plugs and makes walls and furniture vibrate.
25/11/ 17	11.00 - 03.00	Loud music (log 6314957)	
08/12/ 17	11.00 - 03.00	Loud music (log 00195)	
17/12/ 17	11.00 - 03.30	Loud music/ Karaoke (no log)	Got really loud from 03.00
23/12/ 17	11.00 - 03.30	Loud music (log00743)	And a happy Christmas to you too!
24/12/ 17	11.00 - 03.30	Loud music (log 00743)	
25/12/ 17	11.00 - 03.00	Loud music (log 00743)	
12/01/ 18	12.00 - 04.30	Loud music (no log)	Built up to a crescendo from 4.00

20/01/ 18	11.00 – 03.30	Loud music (log 01545)	
21/01/ 18	Loud music 11.00 – 12.00	Loud music (log 01592)	
26/01/ 18	11.00 – 02.00	Loud music (see email to licensing 29/01)	
27/01/ 18	11.00 – 02.00	“ “ “	
28/01/ 18	11.00 – 01.00	“ “ “	
10/02/ 18	11.00 – 2.30	Loud music (log 02001)	
12/02/ 18	11.00 – 2.00	Loud music (log 02290)	
22/02/ 18	11.00 – 12.00	Loud music (log 02339)	
24/02/ 18	11.00 – 2.30	Loud music (log 02339)	
03/03/ 18	11.00 – 1.30	Loud music (log 02596)	
17/03/ 18	11.00 – 02.30	Loud music (log 02952)	
20/03/ 18	11.00 – 11.30	Loud music (reported to council 14.00 21/03)	
22/03/ 18	10.00 – 12.00	Loud music (log 03045)	
01/04/ 18	11.00 – 02.00	Loud music (log 03045)	
03/04/ 18	11.00 – 01.30	Loud music (reported to council 12.30 04/04)	

13/04/ 18	11.00 – 02.30	Loud music (log 03045)	
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I certify that the above is a true record of events.

Date....19/04/18.....

London Borough of Hillingdon
 Anti-social Behaviour Investigations Team
 Civic Centre, High Street
 Uxbridge, Middlesex, UB8 1UW
 T: 01895 556000 E: asbinvestigations@hillingsdon.gov.uk

- 1 How often does it disturb you and for how long each time? (It is not sufficient to merely state everyday or, every week)
- 2 To what extent does the nuisance disturb you?

NUISANCE RECORD FORM

Ref: ___/_____/ASBIT

In order to assist officers of this team in investigating your complaint you are asked to keep a record of the nuisance/s that is troubling you over a period of **at least two weeks** and return it to the Anti Social Behaviour Investigations Team at the address below or by email.

Please keep a note below on each occasion the nuisance occurs and use additional sheets if necessary. It is essential to note the date when the nuisance occurs, the time it starts and finishes, severity of the incident and any other comments, **(it is important that you read the footnote)**.

Once completed you may like to report your issue via our website www.hillingdon.gov.uk 24 hour a day, where you are able to upload this form and be able to monitor and track your report.

Your Details**Alleged Source of the problem**

..... Name..Captain Morgan's
 ..Pub.....

Address....Field End Road

HA5.....

Tel No.....

Date	Time 1 Start/ Finish	Description of Nuisance	How it Affects You 2
21- 22/04/ 18	12.00pm -1.30	Music got loud from 12.00, very loud from 12.30 – 12.52, but continued intrusively until 1.30am (log 03861)	Not able to sleep, or even consider going to bed
26- 27/04/ 18	1.30am	The music got turned up loud at 1.30 i.e. the time it's supposed to turn off. It got properly loud at 2.10 until 2.25. Loud shouting outside until 2.50 (log 03861)	
04- 05/05/ 18	12.00 - 2.00 am	Music audible until 2.00 am (log 04170)	
07/05/ 18	12.15am – 1.15am	Bank holiday Monday morning very loud music (log 04267)	This was Sunday/ Monday. They did not have a music licence extension.
12- 13/05/ 18	10.20 - 2.30	Music started to get too loud from 10.20pm, got much louder from 1.00am. (logged on previous number 04267)	

<p>19 – 20/05/ 18</p>		<p>at 1.05) Music stopped 1.35. Got cranked up again from 2.20 – 2.30</p> <p>Music got turned up loud at 11.40pm (logged at 11.45 log no. 04260). Stopped at 12.30 Resumed at lower volume at 12.55. Stopped at 2.00am due to major disturbance with police</p>	<p>I had heard on the news that pubs would have a licence extension 'till 1.00am due to the royal wedding. That would have been an early night here!</p>
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I certify that the above is a true record of events.

Signed..... Date.....23/05/2018.....

London Borough of Hillingdon
 Anti-social Behaviour Investigations Team
 Civic Centre, High Street
 Uxbridge, Middlesex, UB8 1UW
 T: 01895 556000 E: asbinvestigations@hillingdon.gov.uk

- 1 How often does it disturb you and for how long each time? (It is not sufficient to merely state everyday or, every week)
- 2 To what extent does the nuisance disturb you?

ASBIT - Noise

Date: 16 May 2018

Incident Number: 6508854

Reporter

Contact Telephone:

Location

Captain Morgans PH, 210 Field End Road

Ruislip

Pinner

Middlesex

HA5 1RD, Captain Morgans PH, 210 Field End Road, Ruislip, Pinner, HA5 1RD

Date created:

Priority: Within 10 days

Raised by: moakley

Assigned to:

Job Details:

Date of last incident?

Please select the type of noise? Music noise

Is this the first time you have reported the noise?

What is your preferred method of contact? Phone

What type of tenancy? Privately Rented

Target completion date: 12/03/2018

(ASBINOSE) ASBIT Noise

26/02/2018 19:41

Loud Music emanating from Captain Morgans Pub

26/02/2018 19:46

Call centre called at 00.20hrs

Called the comp at 00.29hrs and during our conversation at 00.36hrs the comp voiced that the noise stopped.

No further action to be taken

23/03/2018 01:38

Call received at 23:05, called [redacted] advised LAM still playing, license until 23:00 now 23:10, advised will visit. 23:40 Site visit heard LAM within the complainants property, his bedroom. The noise was loud enough from the app 'Shazam' to pick up the title and artist. Phil Collins 'In The Air Tonight'. 00:04. Left property knocked on Captain Morgan Premises, music was turned off. No one came to the door, windows are all blacked out. Shouting at the door to open, stating 'we are the council open the door'. Further shouted 'if they continue to play LAM they will be served with a noise abatement, if they continue to breach their license conditions, their license will be revoked'. Myself and Des returned at 00:25 and served a noise abatement notice under the front door of the premises.

25/03/2018 18:27

see 6314957

24/03/18 23:50 call received, called [redacted] who confirmed music is loud. 23:58 arrived at property, witnessed statutory noise nuisance could clearly hear the music being played 'Breakfast in America' by Supertramp. Visited Captain Morgans asked for the licensee or manager, Kevin Bates came out, we advised noise is too loud and is a statutory noise nuisance, Kevin confirmed conversation with Craig, I advised I am aware of this conversation, also reiterated the noise level is too high. Kevin said they also

own the GE Bar further down and they used to have problems there but fitted a noise inhibitor into the property and that stopped the complaints. Advised if he does this, that should resolve the problem. Kevin turned the level down and we returned to property where the music could not be heard. We returned to the Captain Morgan's pub where we confirmed to Kevin the levels were now acceptable, Kevin had taken a photo of the levels on the amplifiers and said he would ensure they are set at these levels and no higher.

Kevin claimed that a female employee was sacked and she was the one playing music loudly outside the permitted licensing permit. He admitted Darren Farrell had received the original NAN dated 20/02/18. I advised Kevin both the incident of the 22/03/18 and the incident of the 24/03/18 are breaches of that NAN, and the 24/03/18 a breach of the 2nd NAN served on the 22/03/18, I advised this was enough for me to prosecute and they could receive fines up to £20,000. Kevin stated he wanted to work together with us and he would do all he could to ensure it doesn't happen again.

25/03/2018 18:54

email to Stephanie Waterford re above breach of Premises licence.

04/04/2018 12:42

called to say there was loud music again at Captain Morgans until about 1.30am. Not as loud as before but loud enough. Caller said he could still hear through headphones and ear plugs.

I have emailed Mark Oakley.

15/04/2018 00:41

Call from at 02:06 on the 14/04/18- Loud music past 01:30- Arrived at 02:31 Music playing- Pub full of customers. Door staff told to shut music off as it had passed 01:30. He then began to clear customers out of the premises.

16/04/2018 15:07

see also 6314957.

17/04/2018 14:43

Called to confirm he has received my email. He is happy to be identified, and said he will complete the witness statement tomorrow.

23/04/2018 14:25

diary sheets and emails received from
email to Ian Meens advising ready to meet re draft Licensing review application.

25/04/2018 11:26

Comp made contact with the OOH Service on 21/04

TC from careline @ 0025

TC to comp @ 0025

Comp stated noise had stopped.

Invited comp to make contact should noise start up again.

TC from careline @ 0045

TC to comp @ 0045

Visit to comp @ 0110

SNN Heard

Waited outside the front of venue to check on any late trading.

All noise and business stopped at 0130

carried out follow up patrol at 2040

Premises was clear except what looked like 1 or 2 members of staff

05/05/2018 22:08

04/05/18 site visit observed no music playing from 01:15 to 01:45. However witnessed a group of 12 males/females outside the venue, a female was kicking and hitting the bouncer who had ejected her from the venue. The females' friend came outside and they engaged in a heated argument. The area was very noisy from the group of people hanging around outside the venue for this whole half an hour period.

04/05/18 02:15 called and advised LAM playing from Captain Morgans again, plus noisy customers gathering outside. Advised as per above. stated the music had just stopped, then he advised they were turning the volume up and down intermittently. Advised unfortunately we could not re-attend. However requested he send me details of when the noise stops via email.

05/05/18 Called Mr Kevin Bates (manager of pub) 07710 895752 left a voice mail to advise of above and that it is unacceptable, they are breaches of the noise abatement served, we are continuing to record these incidents and action will be taken against them, if it continues.

13/05/2018 18:43

TC from comp on Friday 11/05

TC from careline @ 0145

TC to comp @ 0150

Noise off no visit required

Comp called back @ 0245 stating that LAM had stated again

Site visit carried out @ 0235

No noise at time of visit

Patrolled round the front of the pub

20-30 people seen standing outside of venue

These people very heavily intoxicated shouting and causing an obstruction of the layby in front of the venue.

Staff were doing nothing to encourage people to leave the area instead were just attempting to lock the front doors to prevent re-entry.

Comp made contact again on 12/05
TC from careline @ 0115
TC to comp @ 0135

Noise off no visit required

(Draft)