



Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

I **Adam Stitson, Anti Social Behaviour and Environment Team Leader on behalf of the Licensing Authority**
(Insert name of applicant)
apply for a review of a premises licence(delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Kho Kho Restaurant
 101 – 103 High Street
 Ruislip
 HA4 8JN

Post town Hillingdon	Post code (if known) HA4 8JN
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Name of premises licence holder or club holding club premises certificate (if known)
 Aditya Nandal

Number of premises licence or club premises certificate (if known)

LBHIL 009244

Part 2 - Applicant details

I am

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

(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

Adam Stitson, Anti Social Behaviour and Environment Team Leader
 Local Authority Representative
 Civic Centre
 High Street
 Uxbridge
 UB8 1UW

Telephone number (if any)

01895 556227

E-mail address (optional)

astitson@hillingdon.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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

This application is for a Review of the Premises Licence under Section 51 of the Licensing Act 2003 referred to in Part 1 (Kho Kho Restaurant, 101 – 103 High Street, Ruislip, HA4 8JN.

Premises Licence number: LBHIL 009244 and relates to the licensing objectives of **The Prevention of Public Nuisance.**

The premises are located on Ruislip High Street, a busy commercial and residential road, with flats above the restaurant. There has been a history of noise nuisance from the premises (detailed below), as well as a lack of compliance with instructions given to the management.

Licensable activities authorised by the licence - A) Sale by retail of alcohol (on the premises) B) Provision of late night refreshment (indoors only) C) Provision of live and recorded music (indoors only) D) Provision of anything of a similar description to live music, recorded music or performance of dance (indoors only).

1. The Council has received numerous complaints to the ASB Team from June 2019 to November 2021 regarding noise nuisance emanating from the premises known as Kho Kho Restaurant, situated at 1-1 – 103 High Street, Ruislip, HA48JN. On 17 June 2019, a report was received regarding a loud extractor fan emanating from the premises, which was causing a nuisance to nearby residents. It was reported that this could clearly be heard from inside local residential properties.

2. On 3rd July 2019, a further report was received regarding noise from the extractor fan, again at a high volume that was proving to be a considerable nuisance to residents. Reports continued to be received and on 9th October 2019, a Noise Abatement Notice was served on the premises, requiring the management to prevent the extractor fan from causing a nuisance. I attach a copy of this Notice as, "Exhibit AS1."
3. The restaurant was closed for some time due to the Covid pandemic, but when the premises reopened in 2021, reports came in about the nuisance from the extractor fan almost immediately. Consequently, a further Noise Abatement Notice was served on 19th May 2021, to ensure this legally binding document was up to date. I attach a copy of this Notice as, "Exhibit AS2."
4. The Council has also received reports of loud amplified music emanating from the premises, commencing on 25th March 2021, when it was reported that loud music and the sound of a gathering of people could be heard coming from Kho Kho. This was taking place late at night and was happening at least once a week.
5. On 9th October 2021, officers witnessed loud amplified music emanating from the premises and subsequently served a Noise Abatement Notice on the restaurant. I attach a copy of this Notice as, "Exhibit AS3."
6. On 16th October 2021, officers on duty received a call regarding loud amplified music from Kho Kho restaurant. They attended the reporter's property and noted that the loud amplified music could be heard instantly. The officers made their way to the living room and noted that the music was at such a high level it would have made sleeping or enjoyment of their home extremely difficult. It was without question a statutory noise nuisance and was clearly emanating from Kho Kho restaurant. The officers stayed at the reporter's property for approximately ten minutes to monitor the noise. They then attended a neighbouring property, with the same results. The officers then attended the premises itself and informed the manager, Mr Walia, of the nuisance being caused and of the fact that this was a witnessed breach of the Noise Abatement Notice. Mr Walia requested a further week to address the issue and was informed that he had already had sufficient warning over this matter and that the volume and bass should be lowered immediately. Mr Walia's response was to suggest that the residents in the flats above his premises should soundproof their properties to a higher standard. He was clearly told by officers that it was the responsibility of the premises to take these measures and his personal responsibility as the manager to ensure that any music did not cause a nuisance to neighbours. I attach a copy of an officer witness statement regarding this incident as. "Exhibit AS4."

7. On 23rd October 2021, officers on duty received another report of noise nuisance from Kho Kho restaurant. Inside the reporter's property, they could clearly hear the music from the premises at a statutory noise nuisance level. The officers visited the premises and informed the manager that a statutory noise nuisance had been witnessed by them. They were also informed that the incident witnessed that night constituted a breach of the Noise Abatement Notice and the matter would now be referred to the Council's Legal Team for consideration for prosecution. I attach a copy of an officer witness statement as, "Exhibit AS5."
8. On Saturday 6th November 2021, officers on duty for out of hours received a report regarding noise nuisance occurring from Kho Kho Restaurant Kitchen & Bar, Officers attended the complainant's property but were unable to hear the music from the premises, no statutory noise nuisance was witnessed, and no action was taken at the time. Prior to the officers leaving the reporters property, the reporter informed the officers that Kho Kho's Restaurant have advertised they will be hosting a fireworks display, in the alleyway at the rear of the restaurant. The officers then noticed a large gathering of guests from the restaurant outside in the rear alley, approximately 30 – 50 guests. The officers then made their way downstairs and as the fireworks started, they noted the fireworks were professional display fireworks. An officer approached to speak with the owner of the restaurant and requested to see evidence of insurance and risk assessments for the display, none of the above was shown/not in place. No safety precautions were taken, the area was very narrow, and the area was surrounded by bins full of waste, discarded cardboard boxes and gas canisters. The fireworks were let off where residents lived above the shops who were very alarmed and distressed by the lack of health and safety. The residents were not informed of this event. I attach copy of an officer witness statement as "Exhibit AS6"
9. Sunday 7th November 2021 received an email from the reporter Heather McNeill regarding the events that occurred the night before. The reporter mentioned that a large ladder was found on the roof with an attempt to set the fireworks off. This was stopped by a resident who also resides on the flats above the shops. Heather then mentioned the fireworks were set off in a different location (as mentioned above). The sparks from the fireworks flown into neighbouring properties, bushes and trees. No one was injured during these events however this has caused the residents a lot of stress and anxiety. Upon the fireworks completion, there were drummers in the restaurant causing a further noise nuisance.

10. The Anti Social Behaviour and Environment Team is therefore requesting that the provision of both live and recorded music for the premises be completely withdrawn.

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

If yes please state the date of that application

Day	Month	Year

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

Yes - Representation made against the Minor Variation submitted in July 2019

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 A Stitson

Date 9 11 21

Capacity ASB Team Leader

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town	Post Code
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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.

ENVIRONMENTAL PROTECTION ACT 1990
section 80

Abatement Notice in respect of Statutory Nuisance

To Dhavalikumar Bhupendrabhai Patel
 of

Ref: Noise Team ASBET

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the*
 Noise Emission from the Extractor Ventilation Systems ("the Council") being
 satisfied of the [REDACTED] [likely occurrence] [REDACTED] of a statutory nuisance under section 79(1)(G) of
 that Act at the premises known as
Lounge 101, 101-103 High Street, Ruislip HA4 8JN
 [within the district of the Council] arising from†
 London Borough of Hillingdon

[HEREBY REQUIRE YOU, as the [REDACTED] [(owner) [REDACTED]] of the
 premises] within Fortwith from the service of this notice, [to abate the same] [and also]
 [HEREBY [PROHIBIT] [RESTRICT] the [occurrence] [REDACTED] of the same] [and for that purpose require you
 to:‡
 To stop and implement provisions assisting with the ceasing of noise nuisance
 being caused by the use of the extractor ventilation systems.

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 9/10/19

Signed

§

the officer appointed for this purpose

Please address any communications to:

Civic Centre, High Street, Uxbridge, UB8

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.

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

- (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)(b) 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 this 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

3. (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

Abatement Notice in respect of Noise Nuisance

To Mr Nikhil Walia
 Kho Kho Restaurant
 101 – 103 High Street
 Ruislip
 HA4 8JN



Ref: CL/7676456/ASBET

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of London Borough of Hillingdon being satisfied of the [existence] [likely occurrence] [recurrence] of noise amounting to a statutory nuisance under section [79(1)(g)] of that Act at the premise known as: **Kho Kho Restaurant, 101 – 103 High Street, Ruislip, HA4 8JN**

Within the district of the Council arising from the: **Noise Emissions from the Extractor Ventilation System**

HEREBY REQUIRE YOU, as the person(s) responsible for the said nuisance [the [owner] [occupier] of the premises] from which the noise is or would be emitted within 7 working days from the service of this notice to abate the same and also

HEREBY PROHIBIT recurrence of the same and for that purpose requires you to: **To stop and implement provisions assisting with ceasing of noise nuisance being caused by the extractor ventilation system.**

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 unlimited fine 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 also be liable on summary conviction to a unlimited fine.

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 the requirements of this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Dated: 19th May 2021

Signed

Senior ASB Investigations Team Leader

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.

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-
- that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - 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);
 - 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;
 - 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;
 - where the nuisance to which the notice relates –
 - 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
 - is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - 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**
 - is a nuisance falling within section 79(1)(b) OF THE 1990 Act and –
 - the artificial light is emitted from industrial, trade or business premises, or
 - 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;
 - 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 –
 - any notice served under section 60 or 66 or the Control of Pollution Act 1974 ('the 1974 Act') (control of noise on construction sites and from certain premises),
 - 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
 - any determination made under section 67 or the 1974 Act (noise control of new buildings);
 - 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 on streets or roads);
 - that the abatement notice should have been served on some person instead of the appellant, being –
 - the person responsible for the nuisance, or
 - the person responsible for the vehicle, machinery or equipment, or
 - in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - 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.
 - that the abatement notice might lawfully have been served on some person instead of the appellant, being –
 - in the case where the appellant is the owner of the premises, the occupier of the premises; or
 - in the case where the appellant is the occupier of the premises, the owner of the premises.
 - that the abatement notice might lawfully have been served on some person instead of the appellant, being –
 - a person also responsible for the nuisance, or
 - a person who is also owner of the premises, or
 - a person who is also an occupier of the premises, or
 - a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have equable for it to have been so served.
 - 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.
 - 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.
 - On the hearing of the appeal the court may –
 - quash the abatement notice to which the appeal relates, or
 - vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - 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.
 - Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit –
 - 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
 - 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.
 - In exercising its powers under paragraph (6) above, the court –
 - 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
 - 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 –
- an appeal is brought against an abatement notice under section 80 or section 80A of the 1990 Act, and –
 - either –
 - 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
 - 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
 - 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 –
- the nuisance to which the abatement notice relates –
 - is injurious to health, or
 - is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
 - 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 –
- 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
 - shall include a statement as to which of the grounds set out in paragraph (2) apply.

ENVIRONMENTAL PROTECTION ACT 1990 Section 79**Abatement Notice in respect of Statutory Nuisance**

To: The Company Secretary
 Kho Kho Restaurant
 101-103 High Street, Ruislip
 Middlesex
 HA4 8JN

Ref: RK/8057588/ASBET

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of The London Borough of Hillingdon (hereinafter referred to as "the Council") being satisfied of the [existence] [likely] [occurrence] [recurrence] of Loud amplified bass music (at Kho Kho Restaurant, 101-103 High Street, Ruislip, HA4 8JN) amounting to a "statutory nuisance" under section 79(1)(g) of that Act within the district of the Council.

The London Borough of Hillingdon **HEREBY REQUIRES YOU** as [one of] the person(s) responsible for the said nuisance, as the [owner] occupier of the premises from which the nuisance arises [or will arise] forthwith from the service of this notice to abate the same and carry out the following actions:

Stop or cause to stop the excessive volume and bass noise from speakers

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 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 contrary to Part III, section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding £ 5,000 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: 9th October 2021

Signed

[Time copy served: 20:30]

ASB & Environment Officer
 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.
 be done or action to be taken. § Insert title of proper Officer

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

‡ Site specific works to

§ This paragraph applies only where this is a copy of a notice which has been

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)(b) of the 1990 Act and –
 - (a) the artificial light is emitted from industrial, trade or business premises, or
 - (b) 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 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 or 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 87 or 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)(e) 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 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 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 –
 - (i) 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

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: Jamie McCarthy

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

Occupation of witness: Anti Social Behaviour Officer

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 16th October 2021

Signed:

I am an Anti Social Behaviour Investigations Officer employed by the London Borough of Hillingdon and have served in that capacity for 4 years.

On 16th October 2021 at approximately 00:15 hours I was on duty with my colleague Craig Lloyd when I received a call from the out of hours team asking me to call a resident in regards to loud amplified music from Kho-Kho restaurant, 101-103 High Street Ruislip, HA4 8JN. Craig and I attended the complainants property which is located on the High Street, Ruislip, HA4. The purpose of this visit was to witness a possible breach of a Noise Abatement Notice that has been served the previous week on the owners of Kho-Kho restaurant, 101-103 High Street Ruislip, HA4 8JN.

Upon entering the complainant's property, the loud amplified music could be heard instantly. We then made our way to their living room; the music was at such a high level it would have made sleeping or enjoyment of their home extremely difficult, it was without question a statutory noise nuisance and was emanating from Kho-Kho restaurant. We stayed at the complainant's property for approximately 10 minutes to monitor the noise. We then attended a neighbouring property. Upon entering the property the loud amplified music was again immediately heard and was at a level I would deem a statutory noise nuisance. The music was audible throughout the property and would make sleeping or enjoyment of their home extremely difficult and was emanating from Kho-Kho restaurant. At approximately 00:57 hours we attended Kho-Kho restaurant. The manager of the premises a Mr. Walia was stood outside the entrance. My colleague Craig Lloyd introduced us and informed him of the nuisance being caused from the loud amplified music and the breach of the noise abatement notice previously served on the premises. Mr Walia requested a further week to address the issue, Mr Walia was told that he had sufficient warning over this matter, and that he should lower the volume and bass. Mr Walia then told us that the owners/tenants of the flats above his premises should soundproof their properties to a higher standard. Mr Walia was told by Craig Lloyd that it is the responsibility of Kho-Kho to take these measures, and that it was his responsibility as the manager of the premises to ensure that any music did not cause nuisance to residents.

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:

- 2 -

Witnessed:

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 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 16th October 2021

Signed:

I am an Anti Social Behaviour Investigations Officer employed by the London Borough of Hillingdon and have served in that capacity for 11 years.

On 16th October 2021 at 00:40 hours I was on duty with my colleague Jaime McCarthy when we attended a property on the High Street, Ruislip, HA4. The purpose of this visit was to witness a possible breach of a Noise Abatement Notice that has been served on the owners of Kho-Kho restaurant, 101-103 High Street Ruislip, HA4 8JN. We entered the reporter's property and made our way to the living room, as we entered the living room I was immediately aware of loud amplified music, the music was intrusive and penetrating and would have in my opinion made sleep or relaxation inside the property extremely difficult, it was without doubt a statutory noise nuisance and was emanating from Kho-Kho restaurant. We monitored the music inside the reporter's property for the next 10 minutes, at no time during our visit was the volume lowered, I could also feel the vibrations from the bass.

We then attended another property on the High Street, Ruislip, HA4, as we entered the property I was again immediately aware of loud amplified music, we made our way to the living room of the property, the music was clearly audible in the property and was again intrusive and penetrating, sleep or relaxation inside the property would have been extremely difficult, it was without doubt a statutory noise nuisance and was emanating from Kho-Kho restaurant.

At 00:57 hours we made our way to the front entrance of Kho-Kho restaurant, as we were parking the car, I recognised a male outside the front of the premises, the male was Mr Walia, Manager of the restaurant. We approached Mr Walia and identified ourselves, I then advised Mr Walia that we had witnessed a breach of the Noise Abatement Notice and that I would have no choice but to refer this matter to our legal team. Mr Walia requested that we give him another week to resolve the issue, I advised Mr Walia that he had been given sufficient warning over this matter, and that the easy way to resolve the issue would be to lower the volume and bass. Mr Walia then stated that the landlords of the flats above the restaurant should take measure to soundproof their property's. I advised Mr Walia that it was not the responsibility of the landlords to take these measures, and that it was his responsibility as the manager of the premises to ensure that any music did not cause nuisance to local residents.

Signature:

- 1 -

Witnessed:

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:

- 2 -

Witnessed:

Witness Statement

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

Statement of Clare Bailey

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

Occupation of Witness.....ASB
officer.....

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.

Dated 23/10/2021.....

Signature

Page...1... of...2....

My name is Clare Bailey I work for the London Borough of Hillingdon where I have been since September 2021, working in the Anti-Social Behaviour & Environmental Protection Team. This is my statement ref Kho Kho Kitchen & Bar 101-103 High Street, Ruislip, Middlesex, HA4 8JN. On the 23/10/2021 at 22:05 My Colleague Aaron Foran was contacted by our out of hours team to report a noise nuisance from one resident living above Kho Kho.

ASB Officer Aaron Foran contacted the complainant who lives near KHO KHO who answered and agreed for us to attend her property to witness the noise nuisance. At 23:00 Approx myself and fellow ASB Officer Aaron Foran attended and made our way into property.

Inside the property we could hear the music from Kho Kho quite clearly. In my opinion I would deem this a statutory noise nuisance .

ASB Officer Aaron Foran and I left the property after informing The complainant we would speak with the manager of Kho Kho. At 23:11 Approx. we visited Kho Kho where the music was loud when the doors were open outside,

ASB Officer Aaron Foran spoke with security and asked for the manager to attend the front of the premises to speak with him regarding the noise nuisance. When the manager arrived ASB Officer Aaron Foran informed the manager of who we were, ASB Officer Aaron Foran informed him that we have witnessed a noise nuisance coming from his restaurant Kho Kho in a residential property which we deemed a nuisance.

ASB Officer Aaron Foran informed the manager that as they have received an abatement notice from the local authority this visit would be classed as a breach of that notice and

Appendix 1

that this statement would be done and passed over to the relevant case officer to deal with.

Before we left the manager informed ASB Officer Aaron Foran that the music would be turned down as instructed. END OF Report

Signed..
Continuation of Statement

Witnessed by..... Page...2...of...2...

s.Witness Statement

(Criminal Procedure Rules, R 27.2;

Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of Aaron Foran**Age of Witness (Age of witness (if over [18] enter over [18]): over 18****Occupation of Witness.....ASB
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.

Dated23/10/2021.....

Signature..

Page...1... of...2.....

My name is Aaron Foran I work for the London Borough of Hillingdon where I have been since September 2018, working in the Anti-Social Behaviour & Environmental Protection Team. This is my statement ref Kho Kho Kitchen & Bar 101-103 High Street, Ruislip, Middlesex, HA4 8JN. On the 23/10/2021 at 22:05 I was contacted by our out of hours team to report a noise nuisance from one resident living near Kho Kho.

I contacted the complainant who answered and agreed for us to attend their property to witness the noise nuisance.

At 23:00 Approx myself and fellow ASB Officer Clare Bailey attended and made our way into the complainants property.

Inside the property we could hear the music from Kho Kho quite clearly from within I would deem the music to be enough to count a statutory noise nuisance.

ASB Officer Clare Bailey and I left the property after informing the complainant we would speak with the manager of Kho Kho. At 23:11 Approx. we visited Kho Kho where the music was loud when the doors were open outside, I spoke with security and asked for the manager to attend the front of the premises to speak with him regarding the noise nuisance. When the manager arrived, I informed of who we were which he knew as he has spoken to me before, I informed him that I have witnessed a noise nuisance coming from his restaurant Kho Kho in a residential property which I deemed a nuisance.

I informed the manager that as they have received an abatement notice from the local authority this visit would be classed as a breach of that notice and that this statement would be done and passed over to the relevant case officer to deal with:

Before I left the manager informed me that the music would be turned down as instructed to myself. END OF Report

Signed..
Continuation of Statement

2025 RELEASE UNDER E.O. 14176

Witnessed by.

Page...2...of...2

s.Witness Statement

(Criminal Procedure Rules, R 27.2;

Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of Aaron Foran

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

Occupation of Witness.....ASB
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.

Dated06/11/2021.....

Signature.....

Page...1... of...2....

My name is Aaron Foran I work for the London Borough of Hillingdon where I have been since September 2018, working in the Anti-Social Behaviour & Environmental Protection Team. This is my statement ref Kho Kho Kitchen & Bar 101-103 High Street, Ruislip, Middlesex, HA4 8JN. On the 06/11/2021 at 21:30 ASB officer R.Khalil was contacted by our out of hours team to report a noise nuisance from one resident living near Kho Kho Restaurant.

ASB R.Khalil contacted the complainant who answered and agreed for us to attend their property to witness the noise nuisance.

At 21:50 Approx myself and fellow ASB Officers R.Khalil & D.Foran attended and made our way into the complainant's property.

Inside the property we could not hear the music from Kho Kho so informed the complainant that there was no statutory noise nuisance to take action against.

Before we left the complaint informed us the restaurant have advertised, they will be doing fireworks in the alleyway at the rear of the restaurant which I could see the patrons gathering there as we left.

As we made our way down the stairs the fireworks started, and they seemed to be more than just garden fireworks and with approx. 30-50 people huddled together it did not seem safe.

ASB Officer R.Khalil and I approached the front of the restaurant while ASB Officer D.Foran stayed at the rear to gather footage on his body worn camera.

The manager was summoned by security to speak with myself and ASB Officer R.Khalil regarding the fireworks.

We asked the manager if he had the correct insurance and safety precautions in place which he said yes and that he has hired a company to do the fireworks. We attended the rear of the building and could see that the fireworks were being let off under 10 meters away from the patrons and Infront of a resident's car. There was no safety marshals or firefighting equipment plus the fireworks were being let off in a tight area where residents lived about the shops the organisers or the fireworks team had no insurance or risk assessments to show us for the event.

Signed...
Continuation of Statement

Witnessed by
[Signature]

Page...2...of....2...

Witness Statement

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

Statement of: Kho Kho Restaurant Kitchen & Bar 101-103 High Street, Ruislip, Middlesex, HA4 8JN.

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

Occupation of Witness: Antisocial behaviour investigator.....

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.

Dated ...06/11/2021.....

Signature...D.Foran.....

Page...1... of...2.....

My name is Dale Foran and I work in the Anti-Social Behaviour Team at the London Borough of Hillingdon where I have been in my current role since August 2018.

On the 6th November 2021 I was on duty with my colleagues Aaron Foran and Rakib Khaliq covering the out of hours and any calls that were made regarding nuisance calls regarding fireworks.

At 21:30hrs ASB officer Rakib Khaliq was contacted by the out of hours call centre to report a noise nuisance from one resident living near Kho Kho Restaurant Kitchen & Bar 101-103 High Street, Ruislip, Middlesex, HA4 8JN.

At Approximately 21:50hr ASB Officers Rakib Khaliq, Aaron Foran and I attended and made our way into the complainant's property.

Whilst we were inside the property, we were unable hear the music from Kho Kho Kitchen & Bar so informed the complainant that there was no statutory noise nuisance witnessed so unfortunately, we were unable to take any action at that time.

Before we left the complaint informed us the restaurant named above have advertised that they will be doing fireworks in the alleyway at the rear of the restaurant. As we were being told this we could see a large gathering of guests from the Kho Kho Kitchen & Bar gathered outside in the alleyway.

As we made our way down the stairs the fireworks started, and they seemed to be more than just garden fireworks and more display type fireworks and with approximately 30-50

people huddled together it did not seem safe as the guests were no more than 10 metre away from where the fireworks were being let off.

ASB Officer Rakib Khaliq and Aaron Foran approached the front of the restaurant to speak to the owners of Kho Kho Kitchen & Bar whilst I stayed in the ally way to monitor the situation and film some of the incident on my body worn camera WWC119160003 which I have requested for the footage to be downloaded as evidence this will be exhibited as DF/01.

There was no safety marshals or firefighting equipment available whilst the fireworks were being let off in a narrow small ally way next to many combustible items including bins full of rubbish and discarded cardboard boxes and gas canisters for which photos have been taken and exhibited by Rakib Khaliq. The fireworks were let off where residents lived above the shops and the organisers of the fireworks team had no insurance or risk assessments to show Rakib Khaliq or Aaron Foran when it was requested several times.

Several residents came out whilst the fireworks were being let off and spoke to me as they were alarmed and distressed by the lack of health and safety displayed by the owners of the event and that they were not informed this fireworks display was going to happen and if they had been informed they would have objected to it.

Signed...D.Foran....

Witnessed by.....

.....
Page...2...of...2....

Contact address ...London Borough of Hillingdon, High street, Uxbridge, UB8
1UW.....

.....
Contact telephone No...01895558330.....

*STATEMENT TAKEN BY (print name)
...D.Foran.....

Time statement taken.....40 mins.....

Place taken.....Civic Centre,Uxbridge
.....

Witness Statement

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

Statement of: Rakib Khaliq

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

Occupation of Witness:.....ASB Officer.....

This statement consisting of 3 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.

Dated06/11/2021.....

Signature.....

Page...!... of ...3...

My name is Rakib Khaliq and I work for the London Borough of Hillingdon in the Anti Social behaviour and Environmental Protection Team I have been in this post since November 2017.

On Friday 6th November 2021 I was on duty working out of hours with my colleague Aaron Foran and Dale Foran.

At 21:30 we received a call regarding loud amplified music arising from Kho Kho bar and restaurant, 101-103 High Street, Ruislip, HA4 8JN.

We arrived at the complainant's property at 21:50 and went inside their home to witness the nuisance however the music was not audible within the property and no nuisance was witnessed. When leaving the property, the complainant stated that the owners of Kho Kho restaurant had advertised on their website that they would be holding a fireworks display for their customers.

When leaving the complainants home, we had noticed people congregating in the alley way getting ready to watch the fireworks. I would say there was approximately 40 to 50 people.

The fireworks then began and a local resident came charging over to us and started shouting saying "these bastards are letting off fireworks and all the shit is flying into my garden".

Officer D Foran began to start recording the incident while officer A Foran and myself went to the front of the premise and ask to speak with the manager.

Nikul who I believe is the manager for the restaurant came to speak with us, we had asked him if he had the correct insurance and safety measures in place before displaying a public event outside to which he said yes. Officer A Foran had asked Nikul to provide us with the relevant paperwork to which he said he could not provide at the time but he did have it.

Nikul stated they had hired a private company to come in and organise the display for them and they had the correct insurance and public liability to carry out this display.

A Foran and myself returned to the back of the alleyway to meet with D Foran and from my inspection, I would state that the public were no further than 10 meters from the display although it states on the box, a minimum of 15 meters from the fireworks. There was no marshal to control the crowd and or fire safety equipment should anything go wrong.

After the display was over, all the customers returned to the restaurant and officers A Foran and D Foran requested the organiser of the fireworks to produce insurance and risk assessment for the event which he could not provide at the time. The organiser of the fireworks was a

I then took pictures of the area in which the display took place. These have been exhibited as RSK/01 through to RSK/07.

Signed..... Witnessed by

Contact address ...London Borough of Hillingdon Civic Centre, High Street, Uxbridge, UB8 1UW

Contact telephone No...0189528330..... Business telephone
No.....

*Male / Female Date and place of birth.....

Maiden name.....

Page 2 of 3

Dates to be avoided. Delete dates of non-availability of witness

Month of:					Month of:					Month of:									
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27

29	30	31					29	30	31					29	30	31				
Month of:			Month of:							Month of:										
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				

Contact point, if different from above.....

Address.....

Telephone No.....

*STATEMENT TAKEN BY (print name).....R Khalilq.....

Time statement taken: 02:30 **Place taken:** Civic Centre, High Street, Uxbridge, UB8 1UW.

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