

Representation Form from Interested Parties

(Please read notes on reverse before completing)

Your details (See notes 2 & 3);

Your Name	Mark Batson
Your residential address	107a High Street, Ruislip, HA4 8JN
Your email address	
Your phone number	
The name of the body or organisation you represent	Resident

About the premises;

Name of the premises you are making a representation about	KhoKho
Address of the premises you are making a representation about	101-103 High St, Ruislip HA4 8JN

The Licensing Objectives (See note 4);

Licensing Objective	Reasons for your representation and any supporting evidence
<p><i>Please tick;</i></p> <p><input type="checkbox"/> Prevention of Crime/Disorder</p> <p><input checked="" type="checkbox"/> Prevention of Public Nuisance</p> <p><input type="checkbox"/> Protection of Children From Harm</p> <p><input type="checkbox"/> Public Safety</p>	<p>The noise levels that emanate from KhoKho's late night entertainment, particularly on a Friday and Saturday night, are well beyond any acceptable level for local residents in the vicinity. The noise volumes disturb the sleep of our 5 month old baby, as well as our own, and many of our neighbours whom are affected even worse than we are.</p> <p>Making matters worse, is the fact that KhoKho apparently also have a license that allows them to serve alcohol and run entertainment until 2am, which therefore is the earliest that we or our baby are able to get to sleep almost every weekend.</p> <p>KhoKho have acknowledged in email communications that better glazing and sound proofing are needed, but despite promising to remedy this situation, have not taken any steps to do so. I do not believe however that any level of sound proofing or glazing will stop the issue and this is not something residents would consider as an acceptable resolution.</p>

The outcome you are seeking from the Licensing Authority (See note 6);

<p>We would ask that KhoKho have all late license privileges removed and operate the same as all other licensed business on the high street, with both entertainment and serving of alcohol stopping at 11pm (certainly before midnight)</p>
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Signed:

..... Date: 3/12/2021.....

Representation Form from Interested Parties

(Please read notes on reverse before completing)

Your details (See notes 2 & 3);

Your Name	Jenna Naulls
Your residential address	105B High St HA4 8JN Ruislip, Hillingdon
Your email address	
Your phone number	
The name of the body or organisation you represent	Persons who reside near to the premises

About the premises;

Name of the premises you are making a representation about	Kho Kho (bar and lounge)
Address of the premises you are making a representation about	101-103 High St HA4 8JN Ruislip, Hillingdon

The Licensing Objectives (See note 4);

Licensing Objective	Reasons for your representation and any supporting evidence
<p><i>Please tick;</i></p> <p><input type="checkbox"/> Prevention of Crime/Disorder</p> <p><input checked="" type="checkbox"/> Prevention of Public Nuisance</p> <p><input type="checkbox"/> Protection of Children From Harm</p> <p><input type="checkbox"/> Public Safety</p>	<p>Since moving into my flat on February 8th, 2020, Kho Kho has consistently played music at volume levels far greater than the licensing should allow on a high street. The music can be heard audibly (word for word) in our living room and bedrooms, and the base often shakes our whole apartment.</p> <p>This has affected my flatmate and I in a number of ways. Firstly, it has greatly impacted our quality of sleep over the past year and a half (apart from lockdowns, when Kho Kho was closed). The base and volume levels from the music every Friday and Saturday night (and sometimes Thursday and Sunday) has been so outrageous, that we have had to resort to sleep aids (earplugs and sleeping medication) in order to be able to sleep. As a teacher, my weekends are virtually my only time to refresh and get rest (especially during a pandemic) and it's been very disheartening to have to resort to methods where we need to force ourselves to sleep. The anti-social behaviour team has witnessed the absolutely unacceptable levels of sound on more than 10 occasions when myself or my flatmate (Heather McNeill) have called to complain.</p> <p>I have also had guests stay in my living room, including a 13-year-old girl who needed a place to stay while her mum was in labour, who had to find alternate accommodations because the noise levels were keeping her awake.</p> <p>A particularly alarming incident happened on November 6th, 2021. I was out for a friend's birthday in Central London when I received several concerned phone calls from neighbours and friends about fireworks that were being set off directly beside my car. I had parked it at the end of the alley – out of the way – as I am still working on my manual license and my car is off-road. It has half a tank of petrol in it, and was kept out of the way so that it wasn't in any of the official parking spaces. A friend of mine () ran down to ask them</p>

not to set fireworks off directly beside my car in a back alley surrounded by sheds and trees, and they were unwilling to stop. Here are photos I was sent:



What's most concerning, is that despite the fact that we have expressed our feeling and concerns to the managers of the establishment, they have done nothing to remedy the situation. They had us for a community lunch on the 12th of September where we had an open conversation about our concerns and they followed up with the following e-mail outlining what they would do:

Dear Sir/Madam,

Hope you are doing well.

Firstly we would like to thank you all for sparing your precious time and attending the meeting on the date above and giving us your valuable feedback and discussed were very helpful for us to get a better understanding and it will help us immensely to improve and take actions accordingly.

- * Repositioning of the Speakers, Engineers Visit scheduled for Wednesday / tomorrow 06:00PM.
- * SIA BADGE Doorman
- * Staff will be updated not to use phones too loud while on their break at rear end of the restaurant.

In near future, we will get sound proofing and double glazing done. Confirm dates on installation to be given with in next two weeks.

Meanwhile please be patient with us and thank you again for helping us to resolve the matter promptly and in the most appropriate manner.

Kind regards,

Team Kho Kho

They did get a doorman, however this has not helped the sound or patrons screaming on the streets after the doors have closed. When we asked for a follow up:

Dear Sir/Madam,

Hope all is well with you

As per our last email, we would like to update you that, the sound engineer came to visit and explained us that the repositioning of the speakers won't work as we expect the evening to do the proper checks for the real scale of sound leakage in order to understand what kind of sound proofing we need to achieve a desired result with the optimum results

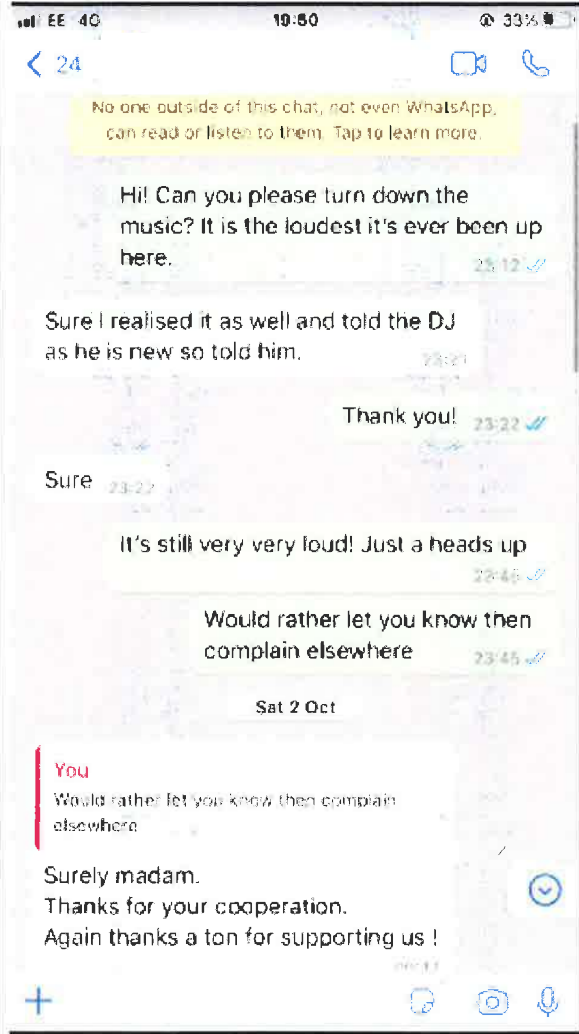
After the inspection from the sound engineer we will update you on the latest status for the ongoing sound leakage as discussed by yourself

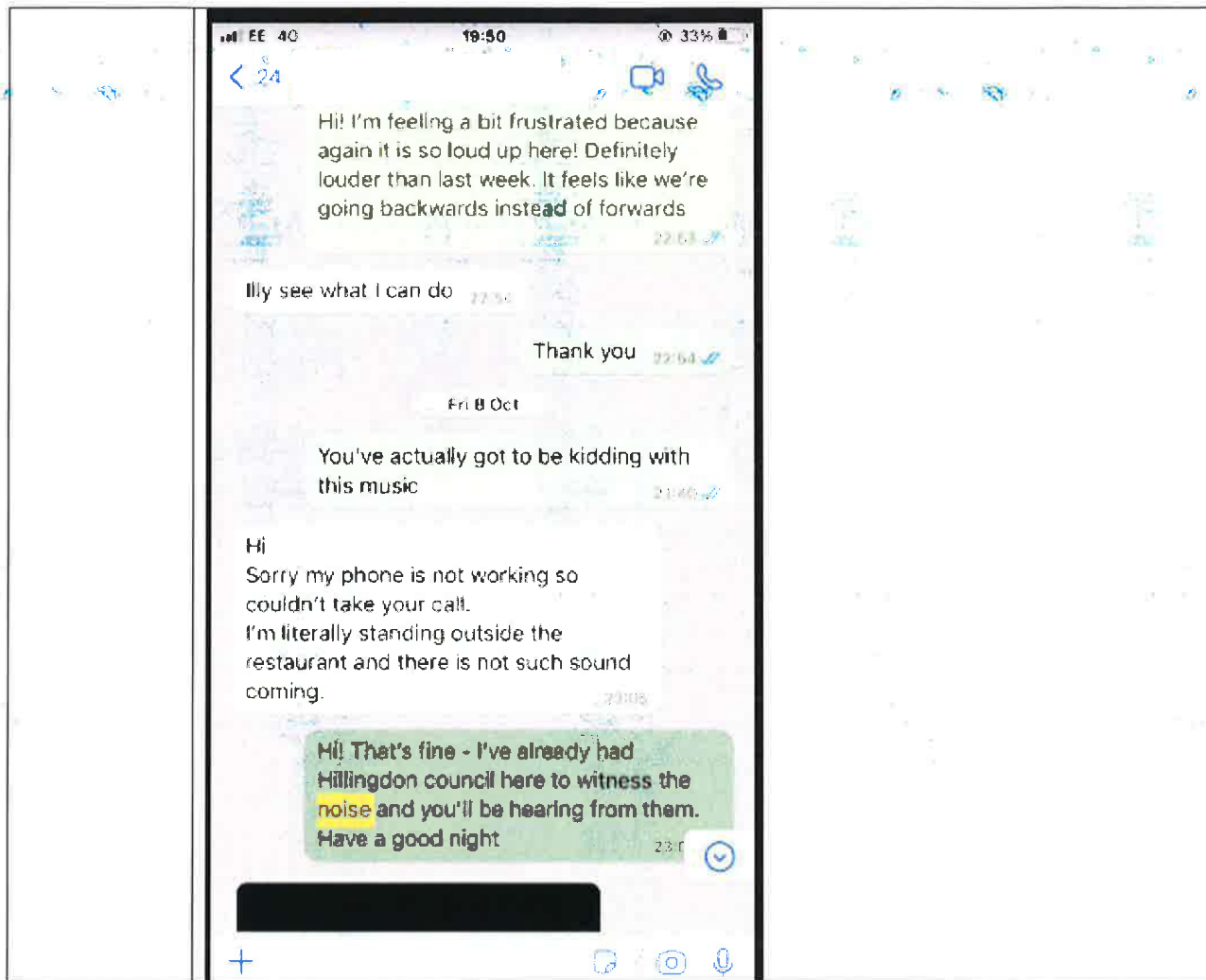
Kind regards,

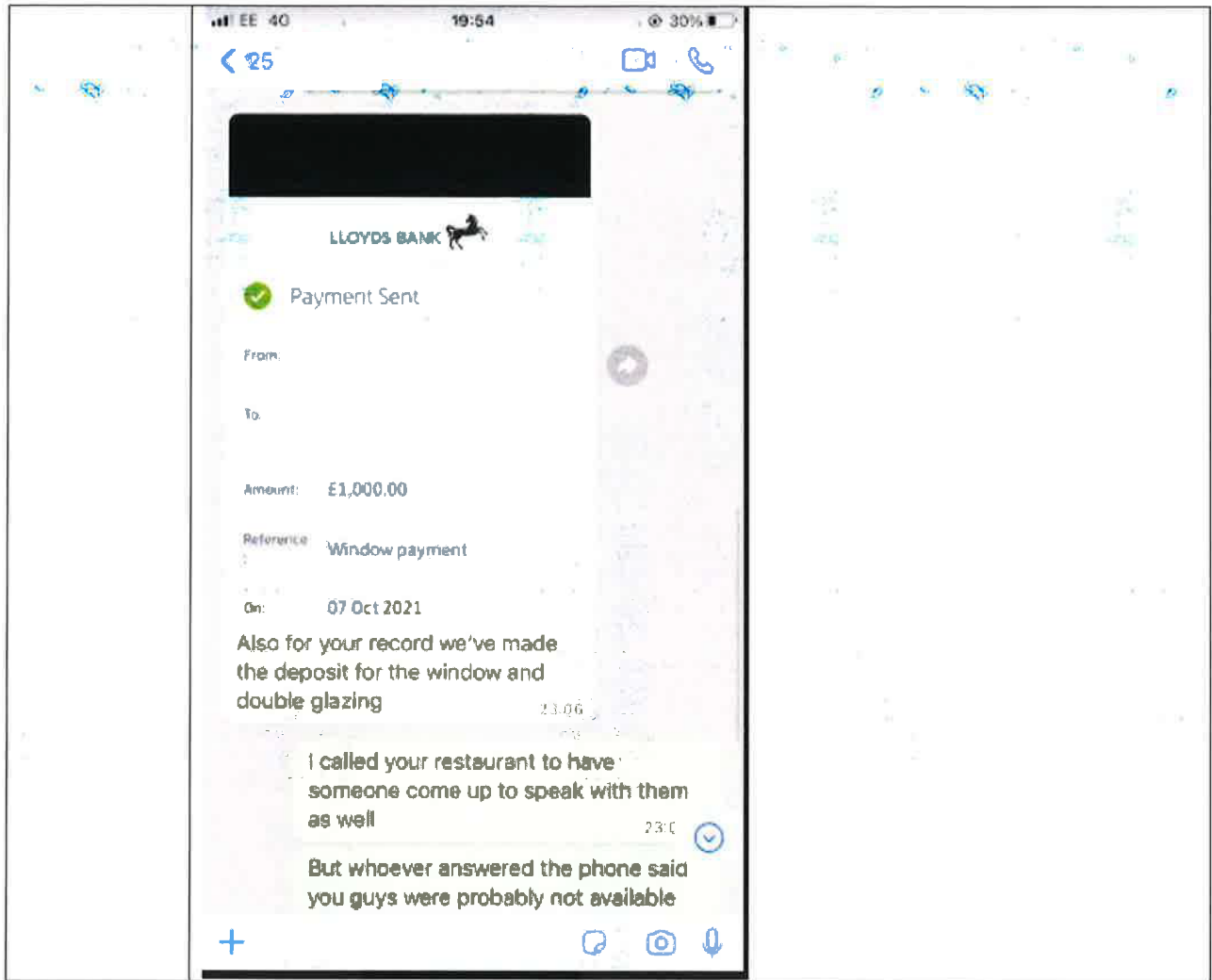
Team Kho Kho

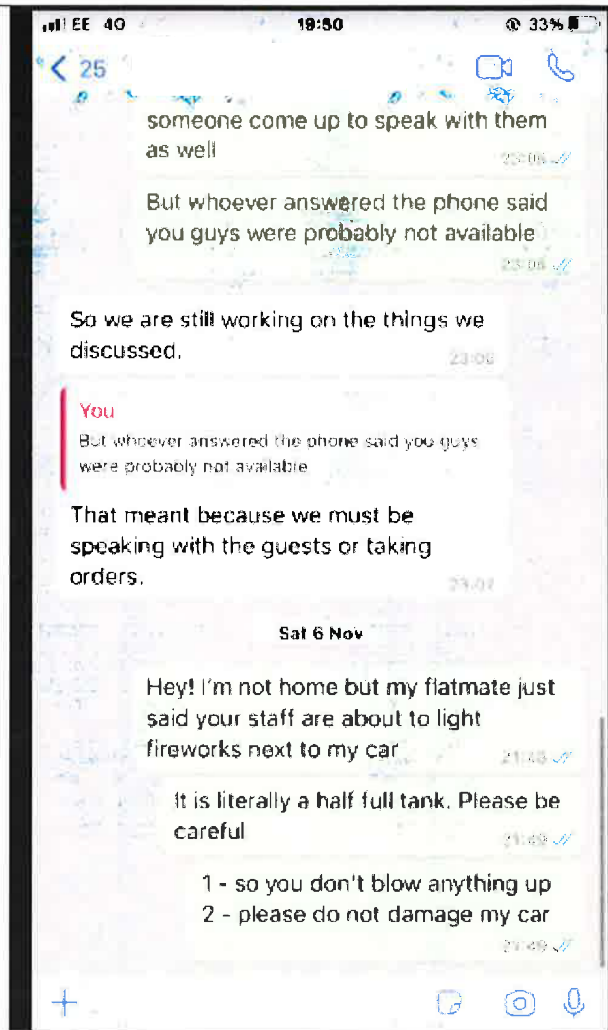
Despite requests for an update, the speakers were never moved and the sound has persisted.

At this meeting, they told us we could text them if there were any issues. Here is a text chain between myself and one of the managers. As you can see, it's mostly filled with empty promises to try to turn the sound down and one invoice for a deposit for window glazing. They followed up with none of this, and even denied the opportunity to talk to the anti-social behaviour team when they came.









Overall, it is evident that the managers and owners of Kho Kho have no desire to remedy the situation or follow up with the community members affected by their actions. Please see the multiple reports by the antisocial behaviour team, as they have witnessed the astronomical sound levels on many occasions.

The outcome you are seeking from the Licensing Authority (See note 6);

The outcome I am seeking from the licensing authority is to have the application denied, unless it ends at strictly at 11:00PM.

Signed:

Date: 8th December 2021

8/12/21

Notes:

- 1) All representations must be submitted before the conclusion of the 28 day consultation period. This will be advertised on the public notices and also on the Councils website.
- 2) Persons who may make representation include; persons who reside near to the premises to which the application relates and who are likely to be affected by licensable activities; residents associations who are representing residents who reside near to the application premises; Ward Councillors

representing their constituents; any person who lives or works in the area and has concerns about the application premises.

- 3) Please note that representations cannot be anonymous. Copies of all representations will be published in any Committee papers and will be sent to all persons involved with the hearing including the applicant. If you have concerns about the use of your information and would like to discuss this further, please contact one of our Licensing Officers for a discussion, on the contact details below.
- 4) In order to be considered 'relevant', the representation must relate to one or more of the 'Licensing Objectives'. These objectives are;
 - a) Prevention of Crime/Disorder - This relates to any criminal activity, disorder or anti-social behaviour related to the application premises.
 - b) Prevention of Public Nuisance - This relates to noise nuisance and vibration, litter, noxious smells, light pollution.
 - c) Protection of Children from harm - This relates to the protection of children whilst on the application premises.
 - d) Public Safety - This relates to the physical condition of the premises and the safety features provided for members of the public such as; fire safety, health & safety.
- 5) Upon submitting a representation, it is expected that you will attend the Licensing Sub-Committee hearing to deliver your representation verbally and answer any queries that the Committee may have. If you are unable to attend, your written representation will be considered.
- 6) You may wish to suggest an outcome to the Licensing Sub-Committee ie. grant the application with extra conditions; grant the application with fewer hours/activities; reject the application. Please note that the Licensing Sub-Committee will only make reasonable and proportionate decisions based upon the evidence they are presented with, and in line with the laws and regulations governing Licensing Hearings.
- 7) You may continue on separate sheets of paper if necessary and you may also attach any evidence which supports your representation.
- 8) Please submit all completed forms to:

**The Licensing Officer
Regulatory Services
London Borough of Hillingdon
Civic Centre
High Street
Uxbridge, UB8 1UW**

licensing@hillingsdon.gov.uk

Tel - 01895 277433

www.hillingdon.gov.uk/licensing

Representation Form from Interested Parties

(Please read notes on reverse before completing)

Your details (See notes 2 & 3);

Your Name	Heather McNeill
Your residential address	105B High Street Ruislip HA48JN
Your email address	
Your phone number	
The name of the body or organisation you represent	persons who reside near to the premises to which the application relates and who are likely to be affected by licensable activities

About the premises;

Name of the premises you are making a representation about	Kho Kho
Address of the premises you are making a representation about	101 - 103 High Street Ruislip HA4 8JN

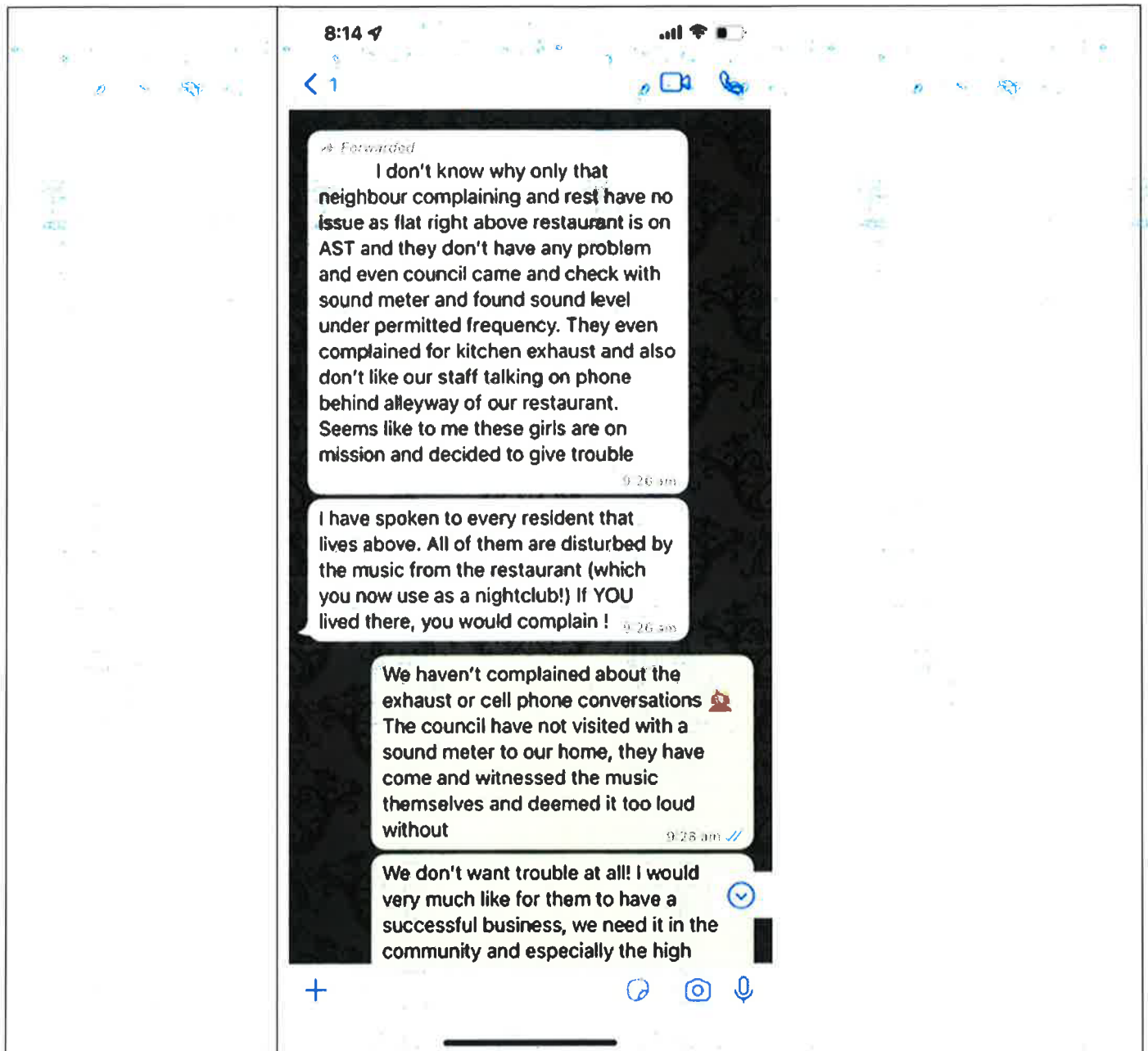
The Licensing Objectives (See note 4);

Licensing Objective	Reasons for your representation and any supporting evidence
<p><i>Please tick;</i></p> <p><input type="checkbox"/> Prevention of Crime/Disorder</p> <p><input checked="" type="checkbox"/> Prevention of Public Nuisance</p> <p><input type="checkbox"/> Protection of Children From Harm</p> <p><input type="checkbox"/> Public Safety</p>	<p>I moved into my mentioned property Saturday 8th February 2020 which is located two floors above and to the left of Kho Kho. Upon our move in date the noise coming from their establishment was a problem. The floors vibrate with the bass and the lyrics to music are audible over the sound of the television. We contacted the out of hour antisocial behaviour team on 24th February 2020 which began the first of many meetings and correspondences with the team. The music at this time was so loud, I was unable to sleep as the bass carried into my bedroom and shook the floors. Ear plugs did not help. As we had a guest staying in the living room at this time, she too was unable to sleep. The music would continue well past their licensed hours (eg Friday 28th February music until 2:30am, Saturday 29th February 1:39am, 7th March 2am) The COVID situation and national lock down in March 2020 put a stop to the noise.</p> <p>Upon the removal of restrictions, the music once again continued Friday and Saturday nights (as well as some weeknights). There have been several occasions when the DJ could be heard from our bedrooms, well away from the restaurant. This has caused an overwhelming amount of stress and anxiety for myself. I no longer look forward to the weekends as I know it means there will be loud noise, calls to the Anti-Social Behaviour Team, and a lack of sleep.</p> <p>There have been more instances than I can possibly list when the ASBO have attended my residence and agreed that the level of noise we had in the home was unacceptable. It has become a weekend routine to call and have officers come to make a witness of the disturbance.</p> <p>Due to these calls the restaurant held a community meeting with the residents above the establishment on 12th September 2021. They</p>

Not only has the noise been an ongoing problem, but there have been instances of public safety. While promoting a Diwali party, the restaurant advertised a fireworks display. Mid afternoon 6th November 2021 I witnessed two men attempting to put a ladder up on to the roof of our block of flats to prepare for the fireworks display. Our neighbour spoke to the men assembling the display and then was directed to speak to one of the managers Vinay, who argued he owned the flat and was allowed to light the fireworks from the roof of our homes. Upon being told 101 would be contacted the team moved the professional grade fireworks to the small parking area out the back of our residence. These were not properly lit, there was not enough ground space, vehicles within 5 feet of the lit fireworks, no fire safety equipment or first aid support. Patrons were ushered into the ally behind the flats to watch while management gathered on the walkway outside my flat.







Councillors representing their constituents; any person who lives or works in the area and has concerns about the application premises.

- 3) Please note that representations cannot be anonymous. Copies of all representations will be published in any Committee papers and will be sent to all persons involved with the hearing including the applicant. If you have concerns about the use of your information and would like to discuss this further, please contact one of our Licensing Officers for a discussion, on the contact details below.
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I am writing to lend my support to this licence review invoked by the anti social behaviour team, in respect of the Kho Kho Restaurant in Ruislip.

Noise and disturbance through the playing of late night music, including live music on occasions, is causing unacceptable blight for local residents and breaches the Public Nuisance Licensing Objective.

By whatever means the committee deem appropriate, this must cease immediately, whether that is to rescind the licence or to apply appropriate conditions. I am not anti business, but I'm afraid the continued failure on the part of the management to address this issue on request having been spoken to several times by LBH officers, does not inspire confidence that the second option will prove effective.

Many thanks.

Philip Corthorne

Cllr Philip Corthorne
West Ruislip Ward Councillor
Chairman of Families, Health & Wellbeing Select Committee



HILLINGDON

LONDON

Mr Steven Dormer
The Licensing Service
London Borough of Hillingdon
Civic Centre
High Street
Uxbridge
UB8 1UW

Date: 22nd December 2021

Dear Mr Dormer,

LICENSING ACT 2003
Kho Kho, 101-103 High Street, Ruislip, HA4 8JN

I am writing to you as the Officer duly authorised to make representations on behalf of the Licensing Authority. This representation relates to the full Review of the above premises licence as submitted by Mr Adam Stitson, Team Leader of the Council's Anti-Social Behaviour and Environment team (ASBET).

The Licensing Authority as a Responsible Authority fully supports ASBET in this matter and therefore wishes to make a representation based on the following licensing objectives:

The prevention of public nuisance
and
Public Safety

The prevention of public nuisance

The Review Application clearly details the stepped-up enforcement approach which was undertaken by the ASBET team in order to secure compliance for noise nuisance towards stopping and restricting the noise emanating from the premises. Under the Licensing Act 2003, 'the prevention of public nuisance' is one of the four licensing objectives that have to be achieved by all licensed premises. Public nuisance matters include noise nuisance and addresses the kind of issues which can affect occupiers near a licensed premises.

In this instance, repeated failures in complying with the advice given and the continuing problems associated with the non-observance of the licensing objectives by the premises licence holder, triggered the Review and necessitated the submission of this representation from the Licensing Authority.

The complaints as mentioned in the Review Application demonstrate in no uncertain terms that there were persistent and flagrant breaches of the licensing objectives at the premises over a period of two years which also includes the time during the pandemic. The history of the noise nuisance is mainly surrounding the extractor fan and loud amplified music arising from inside the premises. There were three Noise Abatement Notices served to the premises between October 2019 and October 2021 (Exhibits AS1, AS2 and AS3 of the Review Application).

Exhibit AS1, served on 09 October 2019 and Exhibit AS2, served on 19 May 2021, were both relating to 'noise emissions from the extractor ventilation system'.

Exhibit AS3, served on 09 October 2021, was relating to 'stop or cause to stop the excessive volume and bass noise from speakers'.

Just a week after this, on 16 October 2021, officers on duty received a call regarding loud amplified music again emanating from Kho Kho. They soon visited the complainant's dwelling and also another neighbour's property to assess if the noise exceeded the permitted level. Exhibit AS4 in the Review Application, is a witness statement from the officer who visited both the properties and states that the noise observed that day would class as a statutory noise nuisance and additionally was a witnessed breach of the Noise Abatement Notice served only a week earlier. The officers spoke to Mr Nikhil Walia, who was managing the premises on the day and it appears that Mr Walia suggested that the flats upstairs should instead get their windows double glazed. He was advised by the officers that the responsibility to ensure that there is no occurrence of public nuisance is that of the operator of the licensed premises and not otherwise.

A week from this, on 23 October 2021, officers on duty received another report of loud amplified noise arising from inside Kho Kho. On attending the complainant's dwelling at 23.00 hours they witnessed yet another statutory noise nuisance and a further breach to the Noise Abatement Notice served two weeks earlier. The officers visited the licensed premises after that and found that all the doors to the premises were open while loud music was playing inside the property. Condition 8 on the premises licence for Kho Kho explicitly states that 'All windows and doors will be kept closed (except for entry and exit) at all times when regulated entertainment takes place'. Therefore, there was not just a further breach of the Noise Abatement notice but also a breach of their premises licence condition. This was communicated by the officers to the manager of the premises. Exhibit AS5 is the witness statements of both the officers who attended the premises and the complainant's dwelling on the day.

It can therefore be concluded that advice rendered by the ASBET Officers was not followed up with any noticeable improvements at the premises to rectify the situation. These were rather met with an apathetic attitude by the Management at the premises (as detailed in Exhibits AS4 and AS5) and this sentiment accurately characterises the approach behind the running of this licensed premises. Careful and thorough consideration on the part of the licence holder and the Designated Premises Supervisor (DPS) towards the impact a venue can have on neighbours is of utmost importance and a good practice measure for any licensed premises.

Public Safety

The recent event from 06 November 2021 further undermines the licensing objective of Public Safety. No adequate safety precautions or consent from the Council's Licensing team were sought by the Management and the DPS at the premises before holding the fireworks display.

It is evident from the complaints and the subsequent visit carried out by ASBET Officers, as detailed in Exhibit AS6 of the Review Application, that neighbours were anxious about the event as it was being held in a narrow alleyway where there was already a congregation of 40-50 people barely 10 metres away from the display. Both Mr Nikhil Walia, the manager at the time, and _____, the organiser of the fireworks, failed to produce the insurance document and the fire risk assessment for the event to the officers. Meanwhile a local resident came running to the officers complaining that the debris from the fireworks is flying into their garden. Officer, Rakib Khaliq, took pictures of the area in which the display took place. These are available to be viewed in Exhibits RSK/01 through to RSK/07. It is important to note that any licensed premises have a duty of care to ensure the safety of their neighbours and visitors if they are having their own firework display. The Management and the DPS at the premises failed to alleviate the safety concerns of the residents and went ahead with the event regardless.

The premises was also found to be breaching the COVID-19 restrictions, which were then in place, on two separate occasions. The premises was issued with two Fixed Penalty Notices (FPNs) from visits made to the premises by Licensing Officers on 16 October 2020 and 24 February 2021, when the premises was found to be open and operating without any reasonable excuses.

These FPNs were issued under Regulation 9(1) of The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, and Regulation 11(1) of The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 respectively. The second breach occurred even after warnings and efforts made by the authorities to assist the premises to operate in a compliant manner. This is extremely concerning that the Management and the DPS at the premises compromised on the safety of the members of public by operating irresponsibly and in complete breach of the Coronavirus Regulations at the time.

The FPNs were later paid in full by the Premises Licence Holder.

Management

These series of breaches ranging from failures to comply with the licensing objectives under the Licensing Act 2003, to further breaches under The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, show a pattern of non-compliance on the part of the Management at the premises.

The current premises licence is in the name of Raaj Hospitality Ltd., of The Long Lodge, 265-269 Kingston Road, London, SW19 3NW. Mr Aditya Nandlal of _____ is one of the three Directors in the company. He is also the named DPS on the premises licence. Mr Nikhil Walia is a de-facto manager at the premises whose name

has featured on multiple occasions in the various exhibits submitted by ASBET in their Review Application.

Although led by Mr Nandlal, we believe that Mr Walia is well aware and is complicit in the way the premises has been run so far. The level of public nuisance that continues at this premises is unacceptable and the premises have been given more than enough opportunity to rectify the problems at hand. The management ability of both Mr Nandlal as the DPS and Mr Walia as the de-facto manager at the premises cast considerable concern that the licensing objectives will continue to be undermined and not be upheld in the future.

In our view, new management should be installed so the premises is run to a satisfactory standard and that Mr Aditya Nandlal is removed as the DPS and is not given any control of the running of the premises in the future.

We also fully support ASBET's recommendation to exclude Regulated Entertainment from the licence.

In conclusion, the failure on the part of the Management and the DPS to correct identified issues surrounding 'public nuisance' in a timely manner has resulted in a loss of confidence in them and with the present breakdown of trust, we believe that there is a risk of similar incidents occurring at the premises in the future unless appropriate measures are taken.

I am happy to attend a hearing to verbally deliver my representation and to answer any questions that the Licensing Sub-Committee may have.

If you have any queries regarding this matter, then please feel free to contact me.

Jhini Mukherjee
Licensing Officer
jmukherjee@hillingdon.gov.uk
T. 01895 277 230