

Section: Resilience & Enforcement Team
Contact: David Stride
Telephone: 01753 875255
Mobile: [REDACTED]

Date: 17th August 2018

Our Ref: DST/221464
Notice Ref: DST/16041

Mr Ajay Jnagal
Bar H
254, High Street, Langley
SL3 8HA

Dear Mr A Jnagal,

Environmental Protection Act 1990, Section 80

Re: Noise Nuisance from "Bar H, 254, High Street, Langley Slough, SL3 8HA"

I refer to my letter dated the 24th July 2018 with regards to noise complaints received from local residents coming from your business. They were concerned about the loud amplified music and noise generated from your clients congregating in the smoking area and outside of your premises.

Prior to this letter, I visited Bar H on the 4th June 2018 and spoke to a female employee. I provided her with my business card and requested that the manager or DPS contact me to discuss this allegation. I did not receive a reply.

On the 20th July 2018, I visited Bar H with my colleague Dorota Lega and discussed with you, the noise complaints and improvements that could be undertaken to resolve this matter. (sound proofing the side door to the smoking area, closing this door at 10pm to restrict people entering the smoking area and installing a noise limiter) This you agreed to adhere to and complete.

On the 3rd August 2018, I visited Bar H with Melanie Sagar a Senior Licencing officer for Slough Borough Council where we met with you to discuss the noise issues that were continuing and to complete a Premises Licence inspection.

You assured me that the door to the smoking area is closed at 10pm every day and that by 2.30am the only people in the building is you.

I have received further complaints from several residents confirming that the noise is still an issue and people are using the smoking area and roof at Bar H who are talking, shouting, swearing and smoking between 22:00hrs and 06:30hrs.

Therefore I am satisfied that the likely recurrence of noise from loud amplified music, shouting and swearing from Bar H is likely to cause neighbouring properties a Statutory Noise Nuisance and I have served you with a **Noise Abatement Notice** under the provisions of Section 80 of the Environmental Protection Act 1990.

Any noise of this nature witnessed after the service of this legal notice is an offence for which noise making equipment can be seized and the person responsible will be prosecuted. If the Courts find that without reasonable excuse you have contravened or failed to comply with any requirement of this notice you will be guilty of an offence and on summary

conviction will be liable to a fine not exceeding £5000 with further fines for each day on which the offence continues.

We will continue to monitor the situation by visits to the area and the use of noise monitoring equipment. If we are satisfied that the nuisance is continuing then we will initiate legal proceedings against you. You should therefore make every effort to reduce the levels of noise from your property.

In order to comply with the notice, I strongly advise that you comply with the conditions within the notice and to ensure that you employ a contractor to service and reset the noise limiter in order to comply with your licensing conditions.

If you have any queries please feel free to contact me on the above telephone number.

Yours sincerely,

David Stride
Housing & Enforcement Officer
Resilience & Enforcement Team

The content of this letter does not form part of the notice enclosed and should not be used to determine or interpret the requirements of the notice.

Copies to:

Mr Anil Jnagal - [REDACTED]

Mrs Kaushalya Jnagal - [REDACTED]
[REDACTED]

Mr Surinder Jnagal - [REDACTED]

**Abatement Notice in respect of Noise Nuisance
ENVIRONMENTAL PROTECTION ACT 1990, Section 80**

To: **Mr Ajay Jnagal (Manager & DPS)**
of: **Bar H, 254, High Street, Langley, Berkshire, SL3 8HA**

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Slough Borough Council ("the Council"), being satisfied of the likely occurrence of noise amounting to a statutory nuisance under section 79(1)(g) of that Act at:

Bar H, 254, High Street, Langley, Berkshire, SL3 8HA, within the district of the said Council arising from:

Loud amplified music, raised voices, people talking and shouting within the boundaries of the property as indicated by the attached plan, coloured in Green.

HEREBY REQUIRE YOU, as the occupier of the premises from which the noise is or would be emitted, **forthwith** from the service of this notice to abate the same and also **HEREBY PROHIBIT** the recurrence of the same and for that purpose require you to:

- 1. Ensure that noise from the playing of amplified music, including a DJ does not cause a nuisance to neighbouring residents.**
- 2. Ensure that noise from customers, visitors and occupiers to the property (Bar H) shouting and talking loudly does not cause a nuisance to neighbouring residents after 23:00hrs.**
- 3. Ensure that the side door leading to the smoking area is closed at 22:00hrs and not opened to any person, except in an emergency.**
- 4. Ensure that the roof area at the rear of your property is not used by any person after 22:00hrs**

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 under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale**, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

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

DATED 17th August 2018

(Signed)(Authorised Officer)
David Stride, Housing & Enforcement Officer

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 unreasonable 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) 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,that the best practicable means were used to prevent, or to counteract the effect 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 the 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 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 this regulation applies he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may -
 - (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal;and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
 - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person,
- (7) In exercising its powers under paragraph (6) above, the court -
 - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

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)(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 if 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.

(Address to which all communications should be sent)

Slough Borough Council, Resilience & Enforcement Team, St Martin's Place, 51 Bath Road, Slough, SL1 3UF

Section: Resilience & Enforcement Team
Contact: David Stride
Telephone: 01753 875255
Mobile: [REDACTED]

Date: 17th August 2018

Our Ref: DST/221464
Notice Ref: DST/16041

Mr Anil Jnagal
[REDACTED]

Dear Mr A Jnagal,

Environmental Protection Act 1990, Section 80

Re: Noise Nuisance from "Bar H, 254, High Street, Langley Slough, SL3 8HA

I refer to my letter dated the 24th July 2018 with regards to noise complaints received from local residents coming from your business. They were concerned about the loud amplified music and noise generated from your clients congregating in the smoking area and outside of your premises.

Prior to this letter, I visited Bar H on the 4th June 2018 and spoke to a female employee. I provided her with my business card and requested that the manager or DPS contact me to discuss this allegation. I did not receive a reply.

On the 20th July 2018, I visited Bar H with my colleague Dorota Lega and discussed with Mr Ajay Jnagal, the noise complaints and improvements that could be undertaken to resolve this matter. (sound proofing the side door to the smoking area, closing this door at 10pm to restrict people entering the smoking area and installing a noise limiter) This he agreed to adhere to and complete.

On the 3rd August 2018, I visited Bar H with Melanie Sagar a Senior Licencing officer for Slough Borough Council where we met with Mr Ajay Jnagal to discuss the noise issues that were continuing and to complete a Premises Licence inspection.

Mr Ajay Jnagal assured me that the door to the smoking area is closed at 10pm every day and that by 2.30am the only people in the building is Ajay.

I have received further complaints from several residents confirming that the noise is still an issue and people are using the smoking area and roof at Bar H who are talking, shouting, swearing and smoking between 22:00hrs and 06:30hrs.

Therefore I am satisfied that the likely recurrence of noise from loud amplified music, shouting and swearing from Bar H is likely to cause neighbouring properties a Statutory Noise Nuisance and I have served you with a **Noise Abatement Notice** under the provisions of Section 80 of the Environmental Protection Act 1990.

Any noise of this nature witnessed after the service of this legal notice is an offence for which noise making equipment can be seized and the person responsible will be prosecuted. If the Courts find that without reasonable excuse you have contravened or failed to comply with any requirement of this notice you will be guilty of an offence and on summary

conviction will be liable to a fine not exceeding £5000 with further fines for each day on which the offence continues.

We will continue to monitor the situation by visits to the area and the use of noise monitoring equipment. If we are satisfied that the nuisance is continuing then we will initiate legal proceedings against you. You should therefore make every effort to reduce the levels of noise from your property.

In order to comply with the notice, I strongly advise that you comply with the conditions within the notice and to ensure that you employ a contractor to service and reset the noise limiter in order to comply with your licensing conditions.

If you have any queries please feel free to contact me on the above telephone number.

Yours sincerely,

David Stride
Housing & Enforcement Officer
Resilience & Enforcement Team

The content of this letter does not form part of the notice enclosed and should not be used to determine or interpret the requirements of the notice.

Copies to:

Mr Ajay Jnagal – [REDACTED]

Mrs Kaushalya Jnagal - [REDACTED]

Mr Surinder Jnagal - [REDACTED]

**Abatement Notice in respect of Noise Nuisance
ENVIRONMENTAL PROTECTION ACT 1990, Section 80**

To: **Mr Anil Jnagal (Person with significant control)**
of: **Bar H, 254, High Street, Langley, Berkshire, SL3 8HA**

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Slough Borough Council ("the Council"), being satisfied of the likely occurrence of noise amounting to a statutory nuisance under section 79(1)(g) of that Act at:

Bar H, 254, High Street, Langley, Berkshire, SL3 8HA, within the district of the said Council arising from:

Loud amplified music, raised voices, people talking and shouting within the boundaries of the property as indicated by the attached plan, coloured in Green.

HEREBY REQUIRE YOU, as the person with significant control of the premises from which the noise is or would be emitted, **forthwith** from the service of this notice to abate the same and also **HEREBY PROHIBIT** the recurrence of the same and for that purpose require you to:

- 1. Ensure that noise from the playing of amplified music, including a DJ does not cause a nuisance to neighbouring residents.**
- 2. Ensure that noise from customers, visitors and occupiers to the property (Bar H) shouting and talking loudly does not cause a nuisance to neighbouring residents after 23:00hrs.**
- 3. Ensure that the side door leading to the smoking area is closed at 22:00hrs and not opened to any person, except in an emergency.**
- 4. Ensure that the roof area at the rear of your property is not used by any person after 22:00hrs**

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 under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale**, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

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

DATED 17th August 2018

(Signed)(Authorised Officer)
David Stride, Housing & Enforcement Officer

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

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 unreasonable 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) 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,that the best practicable means were used to prevent, or to counteract the effect 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 the 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 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 this regulation applies he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may -
 - (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal;and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
 - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person,
- (7) In exercising its powers under paragraph (6) above, the court -
 - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

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)(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 if 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
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- (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.

(Address to which all communications should be sent)

Slough Borough Council, Resilience & Enforcement Team, St Martin's Place, 51 Bath Road, Slough, SL1 3UF

Section: Resilience & Enforcement Team
Contact: David Stride
Telephone: 01753 875255
Mobile: [REDACTED]

Date: 17th August 2018

Our Ref: DST/221464
Notice Ref: DST/16041

Mrs Kaushalya Jnagal
[REDACTED]

Dear Mrs K Jnagal,

Environmental Protection Act 1990, Section 80
Re: Noise Nuisance from "Bar H, 254, High Street, Langley Slough, SL3 8HA"

I refer to my letter dated the 24th July 2018 with regards to noise complaints received from local residents coming from your business. They were concerned about the loud amplified music and noise generated from your clients congregating in the smoking area and outside of your premises.

Prior to this letter, I visited Bar H on the 4th June 2018 and spoke to a female employee. I provided her with my business card and requested that the manager or DPS contact me to discuss this allegation. I did not receive a reply.

On the 20th July 2018, I visited Bar H with my colleague Dorota Lega and discussed with Mr Ajay Jnagal, the noise complaints and improvements that could be undertaken to resolve this matter. (sound proofing the side door to the smoking area, closing this door at 10pm to restrict people entering the smoking area and installing a noise limiter) This he agreed to adhere to and complete.

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conviction will be liable to a fine not exceeding £5000 with further fines for each day on which the offence continues.

We will continue to monitor the situation by visits to the area and the use of noise monitoring equipment. If we are satisfied that the nuisance is continuing then we will initiate legal proceedings against you. You should therefore make every effort to reduce the levels of noise from your property.

In order to comply with the notice, I strongly advise that you comply with the conditions within the notice and to ensure that you employ a contractor to service and reset the noise limiter in order to comply with your licensing conditions.

If you have any queries please feel free to contact me on the above telephone number.

Yours sincerely,

David Stride
Housing & Enforcement Officer
Resilience & Enforcement Team

The content of this letter does not form part of the notice enclosed and should not be used to determine or interpret the requirements of the notice.

Copies to:

Mr Ajay Jnagal -

Mr Anil Jnagal -

Mr Surinder Jnagal -

**Abatement Notice in respect of Noise Nuisance
ENVIRONMENTAL PROTECTION ACT 1990, Section 80**

To: **Mrs Kaushalya Jnagal (Person with significant control)**
of: **Bar H, 254, High Street, Langley, Berkshire, SL3 8HA**

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Slough Borough Council ("the Council"), being satisfied of the likely occurrence of noise amounting to a statutory nuisance under section 79(1)(g) of that Act at:

Bar H, 254, High Street, Langley, Berkshire, SL3 8HA, within the district of the said Council arising from:

Loud amplified music, raised voices, people talking and shouting within the boundaries of the property as indicated by the attached plan, coloured in Green.

HEREBY REQUIRE YOU, as the person with significant control of the premises from which the noise is or would be emitted, **forthwith** from the service of this notice to abate the same and also **HEREBY PROHIBIT** the recurrence of the same and for that purpose require you to:

- 1. Ensure that noise from the playing of amplified music, including a DJ does not cause a nuisance to neighbouring residents.**
- 2. Ensure that noise from customers, visitors and occupiers to the property (Bar H) shouting and talking loudly does not cause a nuisance to neighbouring residents after 23:00hrs.**
- 3. Ensure that the side door leading to the smoking area is closed at 22:00hrs and not opened to any person, except in an emergency.**
- 4. Ensure that the roof area at the rear of your property is not used by any person after 22:00hrs**

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 under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale**, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

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

DATED 17th August 2018

(Signed)(Authorised Officer)
David Stride, Housing & Enforcement Officer

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

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 unreasonable 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) 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,that the best practicable means were used to prevent, or to counteract the effect 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 the 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 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 this regulation applies he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may -
 - (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal;and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
 - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person,
- (7) In exercising its powers under paragraph (6) above, the court -
 - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

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)(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 if 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.

(Address to which all communications should be sent)

Slough Borough Council, Resilience & Enforcement Team, St Martin's Place, 51 Bath Road, Slough, SL1 3UF

Section: Resilience & Enforcement Team
Contact: David Stride
Telephone: 01753 875255
Mobile: [REDACTED]

Date: 17th August 2018

Our Ref: DST/221464
Notice Ref: DST/16041

Mrs Kaushalya Jnagal
[REDACTED]

Dear Mrs K Jnagal,

Environmental Protection Act 1990, Section 80

Re: Noise Nuisance from "Bar H, 254, High Street, Langley Slough, SL3 8HA

I refer to my letter dated the 24th July 2018 with regards to noise complaints received from local residents coming from your business. They were concerned about the loud amplified music and noise generated from your clients congregating in the smoking area and outside of your premises.

Prior to this letter, I visited Bar H on the 4th June 2018 and spoke to a female employee. I provided her with my business card and requested that the manager or DPS contact me to discuss this allegation. I did not receive a reply.

On the 20th July 2018, I visited Bar H with my colleague Dorota Lega and discussed with Mr Ajay Jnagal, the noise complaints and improvements that could be undertaken to resolve this matter. (sound proofing the side door to the smoking area, closing this door at 10pm to restrict people entering the smoking area and installing a noise limiter) This he agreed to adhere to and complete.

On the 3rd August 2018, I visited Bar H with Melanle Sagar a Senior Licencing officer for Slough Borough Council where we met with Mr Ajay Jnagal to discuss the noise issues that were continuing and to complete a Premises Licence inspection.

Mr Ajay Jnagal assured me that the door to the smoking area is closed at 10pm every day and that by 2.30am the only people in the building is Ajay.

I have received further complaints from several residents confirming that the noise is still an issue and people are using the smoking area and roof at Bar H who are talking, shouting, swearing and smoking between 22:00hrs and 06:30hrs.

Therefore I am satisfied that the likely recurrence of noise from loud amplified music, shouting and swearing from Bar H is likely to cause neighbouring properties a Statutory Noise Nuisance and I have served you with a **Noise Abatement Notice** under the provisions of Section 80 of the Environmental Protection Act 1990.

Any noise of this nature witnessed after the service of this legal notice is an offence for which noise making equipment can be seized and the person responsible will be prosecuted. If the Courts find that without reasonable excuse you have contravened or failed to comply with any requirement of this notice you will be guilty of an offence and on summary

conviction will be liable to a fine not exceeding £5000 with further fines for each day on which the offence continues.

We will continue to monitor the situation by visits to the area and the use of noise monitoring equipment. If we are satisfied that the nuisance is continuing then we will initiate legal proceedings against you. You should therefore make every effort to reduce the levels of noise from your property.

In order to comply with the notice, I strongly advise that you comply with the conditions within the notice and to ensure that you employ a contractor to service and reset the noise limiter in order to comply with your licensing conditions.

If you have any queries please feel free to contact me on the above telephone number.

Yours sincerely,

David Stride
Housing & Enforcement Officer
Resilience & Enforcement Team

The content of this letter does not form part of the notice enclosed and should not be used to determine or interpret the requirements of the notice.

Copies to:

Mr Ajay Jnagal – [REDACTED]

Mr Anil Jnagal - [REDACTED]

Mr Surinder Jnagal - [REDACTED]

**Abatement Notice in respect of Noise Nuisance
ENVIRONMENTAL PROTECTION ACT 1990, Section 80**

To: **Mrs Kaushalya Jnagal (Owner)**
of: **Bar H, 254, High Street, Langley, Berkshire, SL3 8HA**

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Slough Borough Council ("the Council"), being satisfied of the likely occurrence of noise amounting to a statutory nuisance under section 79(1)(g) of that Act at:

Bar H, 254, High Street, Langley, Berkshire, SL3 8HA, within the district of the said Council arising from:

Loud amplified music, raised voices, people talking and shouting within the boundaries of the property as indicated by the attached plan, coloured in Green.

HEREBY REQUIRE YOU, as the owner of the premises from which the noise is or would be emitted, **forthwith** from the service of this notice to abate the same and also **HEREBY PROHIBIT** the recurrence of the same and for that purpose require you to:

- 1. Ensure that noise from the playing of amplified music, including a DJ does not cause a nuisance to neighbouring residents.**
- 2. Ensure that noise from customers, visitors and occupiers to the property (Bar H) shouting and talking loudly does not cause a nuisance to neighbouring residents after 23:00hrs.**
- 3. Ensure that the side door leading to the smoking area is closed at 22:00hrs and not opened to any person, except in an emergency.**
- 4. Ensure that the roof area at the rear of your property is not used by any person after 22:00hrs**

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 under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale**, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

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

DATED 17th August 2018

(Signed)(Authorised Officer)
David Stride, Housing & Enforcement Officer

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

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 unreasonable 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) 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,
- that the best practicable means were used to prevent, or to counteract the effect 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 the 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 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 this regulation applies he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may -
- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
- (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person,
- (7) In exercising its powers under paragraph (6) above, the court -
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

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)(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 if 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.

(Address to which all communications should be sent)

Slough Borough Council, Resilience & Enforcement Team, St Martin's Place, 51 Bath Road, Slough, SL1 3UF

Section: Resilience & Enforcement Team
Contact: David Stride
Telephone: 01753 875255
Mobile: [REDACTED]

Date: 17th August 2018

Our Ref: DST/221464
Notice Ref: DST/16041

Mr Surinder Jnagal
[REDACTED]

Dear Mr S Jnagal,

Environmental Protection Act 1990, Section 80

Re: Noise Nuisance from "Bar H, 254, High Street, Langley Slough, SL3 8HA

I refer to my letter dated the 24th July 2018 (copy attached) with regards to noise complaints received from local residents coming from your business. They were concerned about the loud amplified music and noise generated from your clients congregating in the smoking area and outside of your premises.

Prior to this letter, I visited Bar H on the 4th June 2018 and spoke to a female employee. I provided her with my business card and requested that the manager or DPS contact me to discuss this allegation. I did not receive a reply.

On the 20th July 2018, I visited Bar H with my colleague Dorota Lega and discussed with Mr Ajay Jnagal, the noise complaints and improvements that could be undertaken to resolve this matter. (sound proofing the side door to the smoking area, closing this door at 10pm to restrict people entering the smoking area and installing a noise limiter) This he agreed to adhere to and complete.

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Mr Ajay Jnagal assured me that the door to the smoking area is closed at 10pm every day and that by 2.30am the only people in the building is Ajay.

I have received further complaints from several residents confirming that the noise is still an issue and people are using the smoking area and roof at Bar H who are talking, shouting, swearing and smoking between 22:00hrs and 06:30hrs.

Therefore I am satisfied that the likely recurrence of noise from loud amplified music, shouting and swearing from Bar H is likely to cause neighbouring properties a Statutory Noise Nuisance and I have served you with a **Noise Abatement Notice** under the provisions of Section 80 of the Environmental Protection Act 1990.

Any noise of this nature witnessed after the service of this legal notice is an offence for which noise making equipment can be seized and the person responsible will be prosecuted. If the Courts find that without reasonable excuse you have contravened or failed to comply with any requirement of this notice you will be guilty of an offence and on summary

conviction will be liable to a fine not exceeding £5000 with further fines for each day on which the offence continues.

We will continue to monitor the situation by visits to the area and the use of noise monitoring equipment. If we are satisfied that the nuisance is continuing then we will initiate legal proceedings against you. You should therefore make every effort to reduce the levels of noise from your property.

In order to comply with the notice, I strongly advise that you comply with the conditions within the notice and to ensure that you employ a contractor to service and reset the noise limiter in order to comply with your licensing conditions.

If you have any queries please feel free to contact me on the above telephone number.

Yours sincerely,

David Stride
Housing & Enforcement Officer
Resilience & Enforcement Team

The content of this letter does not form part of the notice enclosed and should not be used to determine or interpret the requirements of the notice.

Copies to:

Mr Ajay Jnagal - [REDACTED]

Mr Anil Jnagal - [REDACTED]

[REDACTED]

**Abatement Notice in respect of Noise Nuisance
ENVIRONMENTAL PROTECTION ACT 1990, Section 80**

To: **Mr Surinder Jnagal (Owner)**
of: **Bar H, 254, High Street, Langley, Berkshire, SL3 8HA**

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Slough Borough Council ("the Council"), being satisfied of the likely occurrence of noise amounting to a statutory nuisance under section 79(1)(g) of that Act at:

Bar H, 254, High Street, Langley, Berkshire, SL3 8HA, within the district of the said Council arising from:

Loud amplified music, raised voices, people talking and shouting within the boundaries of the property as indicated by the attached plan, coloured in Green.

HEREBY REQUIRE YOU, as the owner of the premises from which the noise is or would be emitted, **forthwith** from the service of this notice to abate the same and also **HEREBY PROHIBIT** the recurrence of the same and for that purpose require you to:

- 1. Ensure that noise from the playing of amplified music, including a DJ does not cause a nuisance to neighbouring residents.**
- 2. Ensure that noise from customers, visitors and occupiers to the property (Bar H) shouting and talking loudly does not cause a nuisance to neighbouring residents after 23:00hrs.**
- 3. Ensure that the side door leading to the smoking area is closed at 22:00hrs and not opened to any person, except in an emergency.**
- 4. Ensure that the roof area at the rear of your property is not used by any person after 22:00hrs**

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

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

DATED 17th August 2018

(Signed)(Authorised Officer)
David Stride, Housing & Enforcement Officer

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

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 unreasonable 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) 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,that the best practicable means were used to prevent, or to counteract the effect 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 the 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 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 this regulation applies he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may -
 - (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal;and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
 - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person,
- (7) In exercising its powers under paragraph (6) above, the court -
 - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

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)(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 if 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.

(Address to which all communications should be sent)

Slough Borough Council, Resilience & Enforcement Team, St Martin's Place, 51 Bath Road, Slough, SL1 3UF