



HILLINGDON  
LONDON



# NOTICE OF VIRTUAL HEARING

## Licensing Sub- Committee

**Date:** TUESDAY, 9 FEBRUARY  
2021

**Time:** 2.30 PM

**Venue:** VIRTUAL - LIVE ON THE  
COUNCIL'S YOUTUBE  
CHANNEL: HILLINGDON  
LONDON

**Meeting  
Details:** This is a virtual meeting

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



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

### Councillors on the Sub-Committee:

Simon Arnold, (Chairman)

Janet Gardner

John Hensley

### IMPORTANT INFORMATION

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

**Friday 5 February 2021**

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

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

**Published:** Monday, 25 January 2021

**Contact:** Liz Penny

**Tel:** 01895 250636

**Email:** [epenny@hillingsdon.gov.uk](mailto:epenny@hillingsdon.gov.uk)

**Putting our residents first**



# Agenda

## CHAIRMAN'S ANNOUNCEMENTS

### Hearing Protocol

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

### Part I - Members, Public and Press

	<b>Title of Report / Address of application</b>	<b>Ward</b>	<b>Time</b>	<b>Page</b>
<b>5</b>	Application for New Premises Licence: Myst West Lounge, Novotel, Bath Road, Heathrow Villages	Heathrow Villages	14:30	3 - 42

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## Order of proceedings – application under the Licensing Act 2003

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

**Introduction by the Regulatory Services/Licensing Officer**



**The Applicant / Licence Holder**



**Responsible Authorities (if present)**



**Other Parties (residents etc...)**



### **DISCUSSION LED BY THE SUB-COMMITTEE**

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



**Closing remarks from each party**



**Sub-Committee deliberates**



**Chairman announces the decision**

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

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

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

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

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

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

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

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# Agenda Item 5

## Application for New Premises Licence: Myst West Lounge, Novotel, Bath Road, Heathrow Villages

<b>Committee</b>	Licensing Sub-Committee
<b>Officer Contact</b>	Steven Dormer - Licensing Officer - 01895 277409
<b>Papers with report</b>	<b>Appendix 1</b> - Application for a Premises Licence <b>Appendix 2</b> - Map of the area <b>Appendix 3</b> - Local Authority Representation <b>Appendix 4</b> - Fixed Penalty Notice
<b>Ward name</b>	Heathrow Villages

### 1.0 SUMMARY

To determine an application for a new premises licence in respect of Myst West, Bath Road, Heathrow Villages, UB3 5AP (see **Appendix 1**).

### 2.0 RECOMMENDATION

**That the Licensing Sub-Committee refuses to grant the application on the grounds that the operating schedule does not support the licensing objectives.**

### 3.0 APPLICATION

Application for a Premises Licence for Late Night Refreshment and Recorded Music.

#### 3.1 Type of Application

New premises licence under the Licensing Act 2003.

#### 3.2 Description of The Premises

Restaurant with a Shisha lounge located in an annexe building from the main Novotel. Late venue that offers the smoking of Shisha, alongside table meals. Guests can consume alcohol at Myst Lounge but not purchase it. Recorded Music plays at the premises to stimulate the patrons.

#### 3.3 Proposed Opening Hours

	Late Night Refreshment	Opening hours of the premises
<b>Monday</b>	23:00 - 01:00	13:00 - 01:00
<b>Tuesday</b>	23:00 - 01:00	13:00 - 01:00
<b>Wednesday</b>	23:00 - 01:00	13:00 - 01:00
<b>Thursday</b>	23:00 - 01:00	13:00 - 01:00

<b>Friday</b>	23:00 - 02:00	13:00 - 02:00
<b>Saturday</b>	23:00 - 02:00	13:00 – 02:00
<b>Sunday</b>	23:00 - 01:00	13:00 – 01:00

3.5 Other relevant premises licensed premises nearby - **Appendix 2**

<b>Premises</b>	<b>Activities Authorised</b>	<b>Times Authorised</b>
Radisson Bath Road Heathrow Villages UB7 0DU	The Sale by Retail of Alcohol  Provision of Regulated Entertainment being:  Live Music  Recorded Music  Performances of Dance  Anything of a similar description  Exhibition of Films  Provision of late-night refreshment	Monday to Sunday  00:00 – 00:00
London Heathrow Marriott Hotel Bath Road Heathrow Villages UB7 0DU	The Sale by Retail of Alcohol  Provision of Regulated Entertainment being:  Live Music  Recorded Music	Monday to Sunday  00:00 – 00:00



	Performances of Dance  Anything of a similar description  Exhibition of Films  Provision of late-night refreshment	
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4.1 Closing Date for Representations

12<sup>th</sup> January 2021

4.2 Public Notice Published in Local Newspaper

6<sup>th</sup> January 2021

**5.0 REPRESENTATIONS**

5.1 We have received one objection from Responsible Authorities:

Daniel Ferrer  Responsible Authority Licensing, Hillingdon Council	Prevention of a Public Nuisance; Prevention of Children from harm Public Safety; Prevention of Crime and Disorder	<b>Appendix 3</b>
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**6.0 BACKGROUND INFORMATION**

6.1 The premises previously were operating without an independent licence from the Novotel. Myst Lounge wish to purchase a separate licence from the existing licence of the Novotel.

**7.0 OFFICER'S OBSERVATIONS**

7.1 On the 3<sup>rd</sup> October 2020 officers visited the premises alongside Anti-Social Behaviour Officers. The premises were very busy with customers smoking Shisha and consuming food. The Shisha Lounge did not comply with smoke free legislation.

On the 11<sup>th</sup> November 2020 officers visited the premises during lockdown and discovered customers sitting in cars consuming Shisha. The Shisha was being supplied by staff at Myst Lounge. This was despite there being a UK lockdown. A fixed penalty notice was issued. The fixed penalty notice was paid on the 15<sup>h</sup> January 2021.

A meeting was arranged between Licensing Officers of Hillingdon Council and staff from Myst and Novotel on the 20<sup>th</sup> November 2020. Myst Lounge appointed consultants to change the Shisha lounge to comply with smoke free legislation. They agreed not to open the Shisha lounge during lockdown and restrictions. Owners of Myst Lounge announced during the meeting they were separate companies operating on the same site.

## 7.2 REPRESENTATIONS

Only one representation has been received. Daniel Ferrer acting as Responsible Authority for licensing has submitted a valid representation. Daniel Ferrer believes that the four licensing objectives are not being met with the application.

### **Prevention of Crime and Disorder.**

Mr Ferrer has highlighted that the CCTV must record and store images for 31 days. A suitably trained operative of the CCTV should be on site whilst the premises is open.

An incident book should be kept on site. The incident book should be available for authorised officers to inspect.

Mr Ferrer states in the representation that staff need to have measures in place to regulate the consumption of alcohol on the premises.

### **Prevention of Public Nuisance**

A dispersal policy is something that Mr Ferrer is keen on the applicant addressing in the operating schedule.

Suitable measures need to be put in place to combat any potential nuisance arising from recorded music being played.

### **Public Safety**

Mr Ferrer would like to see the premises do work to ensure suitable fire escape measures are maintained and kept clear of obstruction.

### **Protection of Children from Harm**

Mr Ferrer would like to see conditions and measures put in place to protect children on site. Mr Ferrer would like to see a policy relating to children and if there are to be restrictions on entry to Myst Lounge.

## 8.0 Relevant sections of S.182 Guidance

### **The purpose of the Guidance**

**At paragraph 1.7,** "This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality."

### **Crime and disorder**

**At paragraph 2.1** Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

**At paragraph 2.2** In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

**At paragraph 2.3** Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally.

Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

### **Public nuisance**

**At paragraph 2.15** The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates.

It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

**At paragraph 2.16** Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

**At paragraph 2.17** Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time.

More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16).

Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

**At paragraph 2.18** As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when the powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

**At paragraph 2.19** Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11pm and 8am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance as customers enter and leave.

**At paragraph 2.20** Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

**At paragraph 2.21** Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right.

However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

### **Determining actions that are appropriate for the promotion of the licensing objectives**

**At paragraph 9.42**, "Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be."

**At paragraph 9.43**, "The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve."

**At paragraph 9.44** Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be

suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives.

However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10.

The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

### **Proportionality**

**At paragraph 10.10** it states that "The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned.

Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises.

Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions.

These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives".

## **9.0 Relevant sections of the Licensing Policy**

### **Prevention of a public nuisance**

**At paragraph 9.1** "Licensing Sub Committees will be mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance.

They should then include in the operating schedule how they will deal with those matters. The concerns mainly relate to noise nuisance from within the premises or from the use of any outside areas, light pollution, smoke and noxious smells. Due regard will be given to the

impact these may have and the Licensing Authority will expect operating schedules to satisfactorily address these issues."

**At paragraph 9.3** "Applicants should give particular consideration to measures to reduce the occurrence of public nuisance associated with accommodating smokers outside the premises, following the introduction of smoke free areas in enclosed or substantially enclosed places."

**At paragraph 9.7** "Applications referred to the Licensing Sub-Committee will be determined on the individual merit of each case. The Licensing Sub-Committee have the power to impose specific conditions when considered necessary in respect of the Prevention of Public Nuisance objective."

**At paragraph 7.6**, "Applications referred to the Licensing Sub-Committee where relevant objections have been received will be determined on the individual merit of each case. The Licensing Sub-Committee has the power to impose specific conditions when considered necessary in respect of the Crime and Disorder objective."

### **Representations**

**At paragraph 14.1**, "This policy will not seek to exclude any rights enshrined in the Act or any other legislation for applicants or those making representations against applications. Each application and representation will be treated on its merits taking into account the legislation, the Guidance issued under section 182 of the Licensing Act 2003 and this policy."

**At paragraph 14.2**, "Representations can be made to the Council, as Licensing Authority, by a 'Responsible Authority' or by 'Interested Parties' which include bodies or individuals who live in the vicinity of such a premises, and residents association, trade associations and other businesses operating in the vicinity. Representations can be made concerning:-

- Applications for new premises licences or club premises certificates
- Applications to vary premises licences or club premises certificates
- Personal licence applications on criminal grounds (only by the Police)"

**At paragraph 14.3**, "Responsible Authorities are the public authorities specifically designated under the Licensing Act 2003 to be consulted on all licence applications and are also entitled to make representations."

**At paragraph 14.10**, "All valid representations will form part of a committee report that will become a public document. It will be given to the applicant, their agent, responsible authorities, other persons making representations and any other party requesting a copy as well as the Licensing Sub-committee 10 working days prior to the hearing. Anonymous representations will not be accepted."

### **Licence Conditions**

**At paragraph 17.1**, "Conditions on premises licences and club certificates are determined by:

- a) The measures put forward on the Operating Schedule
- b) Mandatory conditions within the Act
- c) Measures decided at a hearing by the Licensing Sub Committee"

**At paragraph 17.2**, "Any conditions attached to licences following relevant representations will focus on matters within the control of the Premises Licence Holder or Club Management Committees. They will address matters which have a direct impact on those living, working or engaged in normal activities in the vicinity, as well as patrons of the licensed premises."

They will not be used as a means of attempting to attach responsibility to Premises Licence Holders or Club Management Committees for matters outside their reasonable control, such as anti-social behaviour once away from the premises or licensable activity".

**At paragraph 17.3,** "The Licensing Authority will not impose standard conditions upon every licence issued, however it may have regard to model conditions produced by the Government and/or the Institute of Licensing and it may choose to impose these in appropriate circumstances".

### **Licensing Hours**

**At Paragraph 21.1** it states that "Prior to the introduction of the Licensing Act 2003, it was believed that fixed and artificially early closing times (established under the Licensing Act 1964) were one of the key causes of rapid binge drinking prior to closing times and one of the causes of disorder and disturbance when large number of customers were required to leave the premises simultaneously".

**At Paragraph 21.2** it states that "The aim through promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times".

**At Paragraph 21.3** it states that "Arbitrary restrictions that would undermine the principle of flexibility will therefore be avoided. The four licensing objectives will be paramount at all times and the Council will always consider the individual merits of each case".

**At Paragraph 21.4** it states that "In accordance with guidance there is no fixed restriction on terminal hours for any particular areas of the borough. Such a restriction could cause the migration of patrons from one area to another and create the circumstances that the legislation is attempting to avoid. Each application will be dealt with on its merits. It is for the applicants to detail in their Operating Schedule exactly what times they intend to open and close the premises and what measures they will take to ensure that they do not cause nuisance or disturbance to their neighbours in the vicinity. The later the terminal hour applied for, the greater will be the need to address the issues of disturbance and nuisance".

**At Paragraph 21.5** it states that "Shops, stores and supermarkets licensed to sell alcohol will normally be allowed to do so for the full duration of their trading hours. Restrictions may be applied, for example where representations are made indicating the particular premises or patrons of the premises are linked to disorder and or disturbance".

## **10.0 LEGAL CONSIDERATIONS**

When considering Licence applications, the Sub-Committee shall carry out its functions with a view to taking steps it considers appropriate for promoting the licensing objectives. The licensing objectives are:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

The Sub-Committee must ensure that all licensing decisions:

- Have a direct relationship to the promotion of one or more of the four licensing objectives;

- Have regard to the Council's statement of licensing policy;
- Have regard to the Secretary of State guidance;
- Must not be subject to a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded.

Relevant representations are those that relate to the effect of the granting of the application on the promotion of the licensing objectives made by an interested party or responsible authority that have not been withdrawn and are not, in the opinion of the relevant licensing authority, frivolous or vexatious s.18(7) Licensing Act 2003.

The Sub-Committee can only consider matters within the application that have been raised through representations from interested parties and responsible authorities within the consultation period. Interested parties must live in the vicinity of the premises. This will be decided on a case to case basis.

Following a hearing, the Sub-Committee must consider all relevant representations, and having taken into account the promotion of the licensing objectives, under s.18(3)(b) and (4) Licensing Act 2003, a decision can be taken:-

- i. To grant the licence, subject to the mandatory conditions and conditions consistent with the operating schedule;
- ii. To impose additional relevant conditions to such an extent as is considered necessary for the promotion of the licensing objectives;
- iii. To exclude any of the licensable activities to which the application relates;
- iv. To amend the times for all or some of the licensable activities;
- v. To refuse to specify a person in the licence as the Premises Supervisor
- vi. To reject the application

Conditions will not be necessary if they duplicate a current statutory requirement. The Licensing Authority may therefore only impose such conditions that are necessary to promote the licensing objectives arising out of the consideration of the representations.

If the Sub-Committee determines that it is necessary to modify the conditions, or to refuse the application for a Premises Licence application, it must give reasons for its decision.

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- i. eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- ii. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- iii. foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, race, religion or belief, sex sexual orientation, marriage and civil partnership and pregnancy and maternity.

Interested Parties, Responsible Authorities and the applicant have the right to appeal the decision of the Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against.





**Hillingdon**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[applicationsprocessingteam@hillingsdon.gov.uk](mailto:applicationsprocessingteam@hillingsdon.gov.uk)  
 Telephone: 01895 558170

\* required information

## Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	Myst West Lounge Premises Licence App	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes       No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

* First name	Mohammad	
* Family name	Goga	
* E-mail	[REDACTED]	
Main telephone number	[REDACTED]	Include country code.
Other telephone number		

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is your business registered in the UK with Companies House?       Yes       No

Note: completing the Applicant Business section is optional in this form.

Registration number	12505275	
Business name	AIA Hospitality Group Limited - Trading as Myst West Lounge	If your business is registered, use its registered name.
VAT number	GB      353947273	Put "none" if you are not registered for VAT.
Legal status	Private Limited Company	

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 21**

**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Private Limited Company

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /

\* Nationality

Documents that demonstrate entitlement to work in the UK

**Section 5 of 21**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Myst West Lounge is a cafe and shisha place serving hot food, hot drink and a shisha smoking area to our customers. We are situated within the Novotel Hotel 234 Bath Road UB3 5AP. Myst West has rented this place which is located within the same building - to the side of the Novotel Hotel's Main entrance and car park. We will not be serving/selling alcohol on the premises, however, the hotel's guests are welcome to bring their drinks purchased at the Novotel Hotel's bar and consume it at our cafe along with the hot food or shisha purchased from us. There is a common entrance from within the Hotel's

*Continued from previous page...*

lounge leading to Myst West lounge that the hotels guests can use when purchasing their drinks at the hotel bar and coming into the Myst West Lounge. Both premises (Novotel Hotels Bar and the Myst West Lounge) are located within the same building.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Section 6 of 21**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

- Yes  No

**Section 7 of 21**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

- Yes  No

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes  No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes  No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

- Yes  No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

- Yes  No

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start 13:00

End 01:00

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start 13:00

End 01:00

Start

End

WEDNESDAY

Start 13:00

End 01:00

Start

End

THURSDAY

Start 13:00

End 01:00

Start

End

FRIDAY

Start 13:00

End 02:00

Start

End

SATURDAY

Start 13:00

End 02:00

Start

End

SUNDAY

Start 13:00

End 01:00

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The recorded music use within our premises will be a background unamplified music playing in the lounge area where food and shisha will be served.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

N. A.

Continued from previous page...

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

N. A.

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

- Yes  No

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

FRIDAY

Start  End   
Start  End

SATURDAY

Start  End   
Start  End

SUNDAY

Start  End   
Start  End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors       Outdoors       Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

N. A.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

N. A.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

On Christmas Eve and New Years Night we would like our late night refreshments to be served until 03:00 hours

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes       No



Continued from previous page...

### PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

### Section 16 of 21

#### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N. A.

### Section 17 of 21

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

##### MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start 13:00

End 02:00

Start

End

SUNDAY

Start 13:00

End 01:00

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

N. A.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

On Christmas Eve and New Years Night we would like to remain open for public until 03:00 hours

**Section 18 of 21**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

- Premises is fully equipped with CCTV monitoring and recording for the safety of the Public
- Regular Health & Safety checks will be carried out and recorded
- Regular Fire Safety Checks will be carried out and recorded
- Operation of business will strictly adhere to the operating times mentioned
- Operating Team will be required to complete the following training courses certification for which will be held on file on the premises -
  - Health & Safety Training
  - Fire Safety Training
  - First Aid Training
  - Food Safety & Hygiene

b) The prevention of crime and disorder

Our premises is installed with CCTV which is monitored and recorded.  
Any disorder on premises will be immediately reported to the police and relevant authorities where applicable.  
Operational Team will be enrolled for and trained on relevant formal trainings available and certification of the same will be held on file at all times.

*Continued from previous page...*

**c) Public safety**

Our premises is installed with CCTV which is monitored and recorded.  
Any disorder on premises will be immediately reported to the police and relevant authorities where applicable.  
Operational Team will be enrolled for and trained on relevant formal trainings available and certification of the same will be held on file at all times.

**d) The prevention of public nuisance**

Our premises is installed with CCTV which is monitored and recorded.  
Any disorder on premises will be immediately reported to the police and relevant authorities where applicable.  
Operational Team will be enrolled for and trained on relevant formal trainings available and certification of the same will be held on file at all times.

**e) The protection of children from harm**

Our premises is installed with CCTV which is monitored and recorded.  
Any suspicious behavior towards a child will be reported immediately to the police.  
Any disorder on premises will be immediately reported to the police and relevant authorities where applicable.  
Operational Team will be enrolled for and trained on relevant formal trainings available and certification of the same will be held on file at all times.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

*Continued from previous page...*

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

**Continued from previous page...**

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

#### **Section 20 of 21**

#### **NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- **Plays:** no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 21 of 21

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Premises' licence fees are determined by the non-domestic rateable value of the premises. To find out a premises' non-domestic rateable value, go to the Valuation Office Agency website at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm). For full details, refer to the 'Fees for Applications' webpage: <http://www.hillingdon.gov.uk/media.jsp?mediaid=22879&filetype=pdf>

\* Fee amount (£)

315.00

### ATTACHMENTS

### AUTHORITY POSTAL ADDRESS

#### Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

### DECLARATION

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name



*Continued from previous page...*

\* Capacity

Date (dd/mm/yyyy)

Add another signatory

Once you're finished you need to do the following:

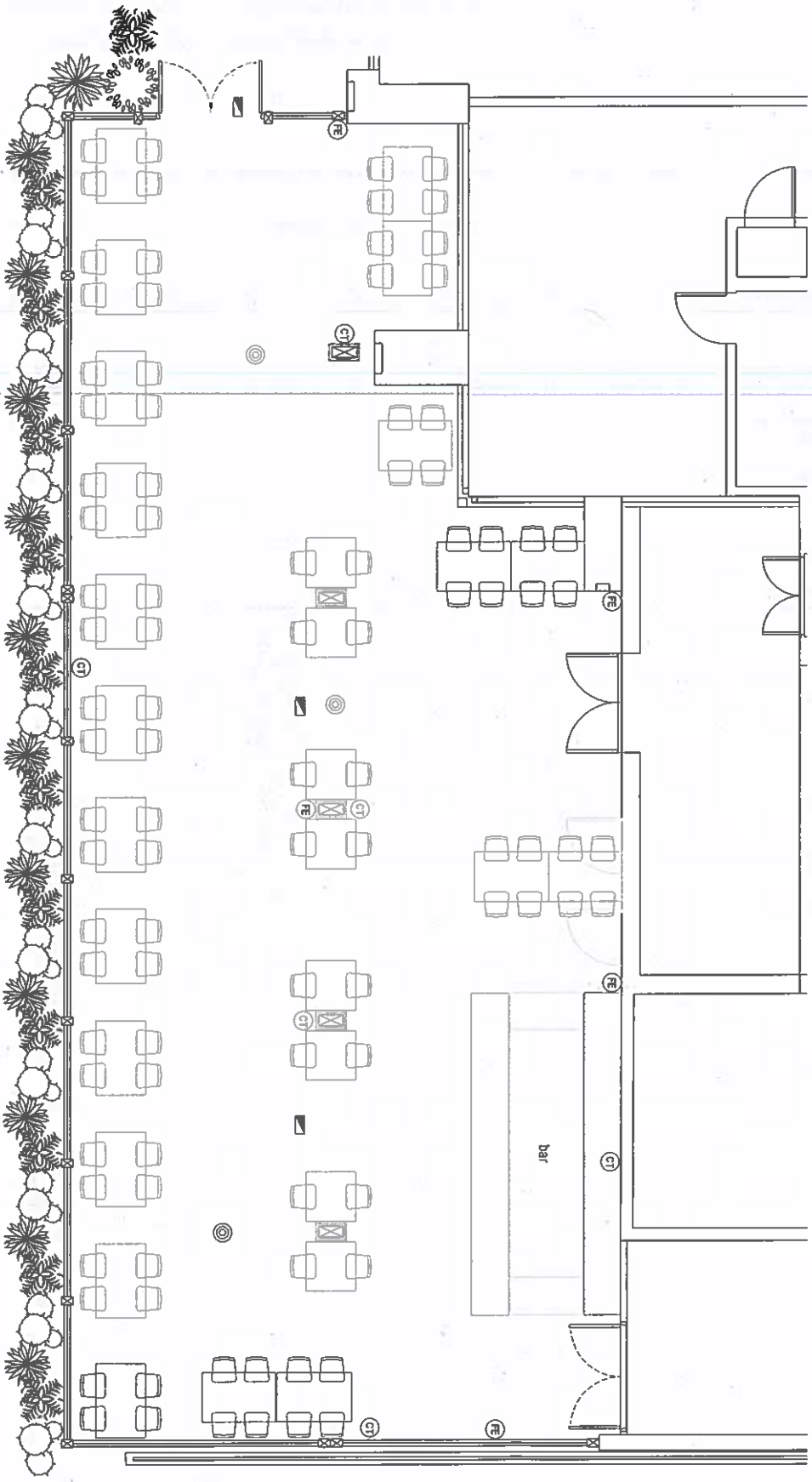
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/hillingdon/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**





Proposed Floor Plan  
 0 0.5 1.0 1.5 2.0 2.5

- FIRE EXIT
- HEAT DETECTOR
- CCTV
- FIRE EXTINGUISHER



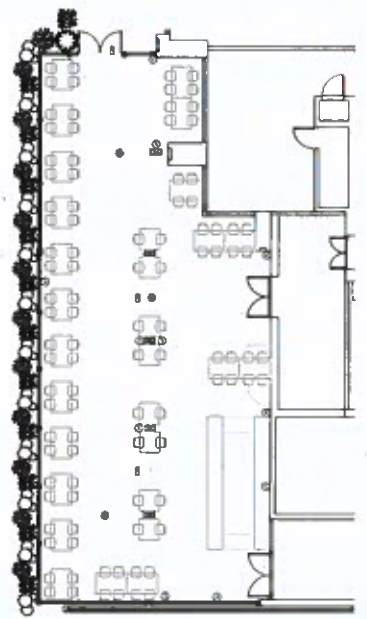
THIS DRAWING IS THE PROPERTY OF BUILDING INTELLIGENCE  
 AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BUILDING INTELLIGENCE.

Site Address:  
 234 Glen Rd, Henderson,  
 Waikato  
 UB0 5AP

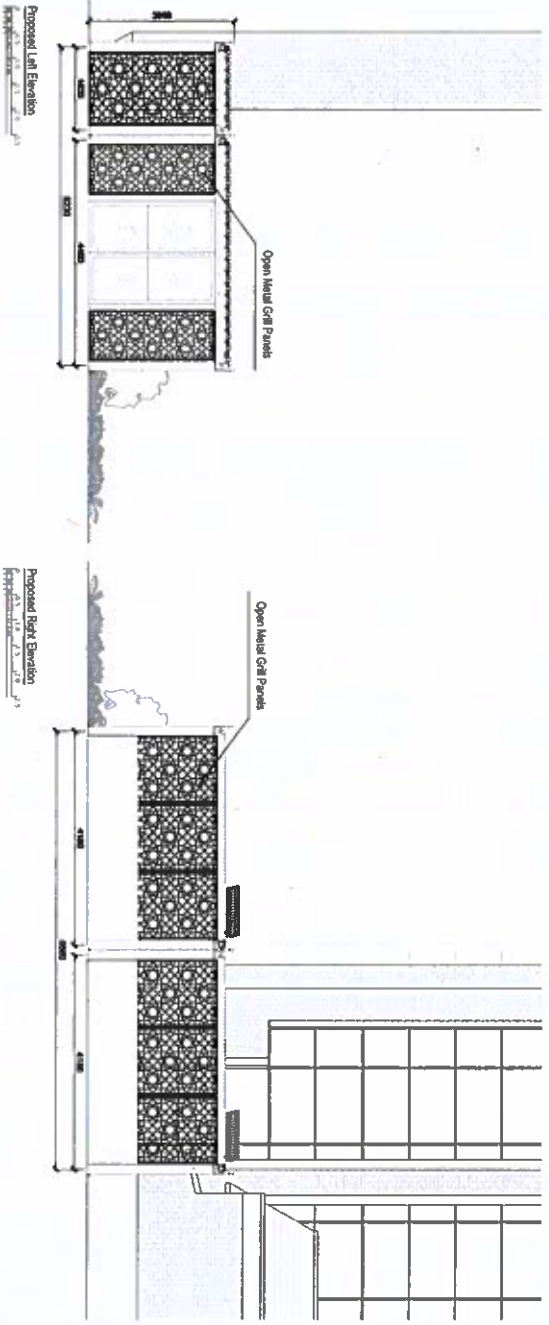
Title:  
 Proposed Floor Plan

Scale:	1:50
Sheet Size:	A3
Author:	Customer

Drawn By: UP  
 Job Ref: FL201100  
 Date: Nov 2020  
 Drawing No: FL - 04

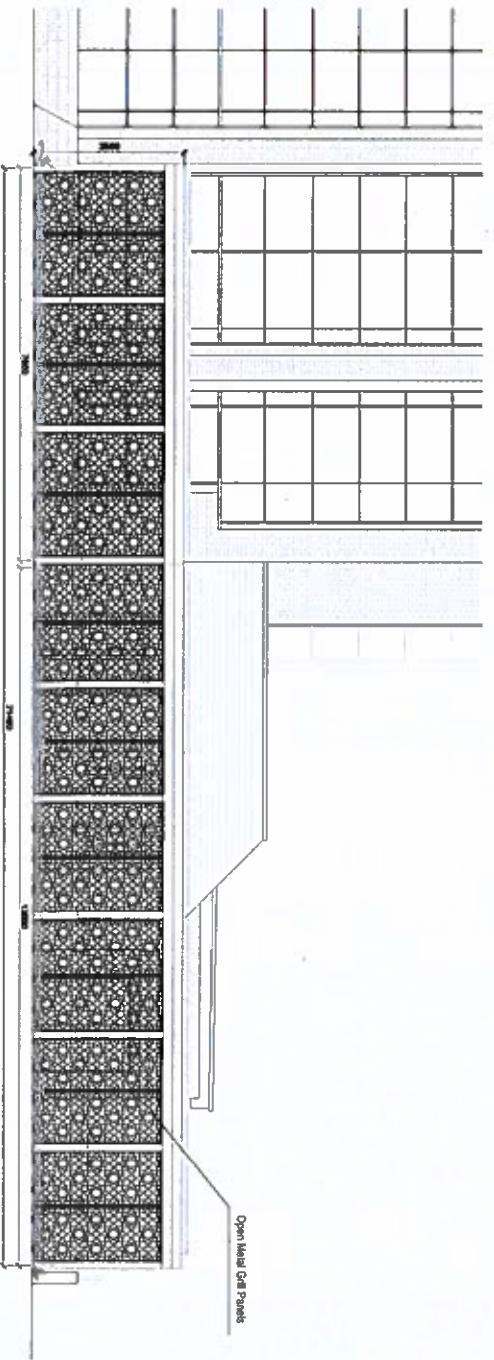


Proposed Floor Plan  
 Proposed Scale: 1/8" = 1'-0"



Proposed Left Elevation  
 Proposed Scale: 1/8" = 1'-0"

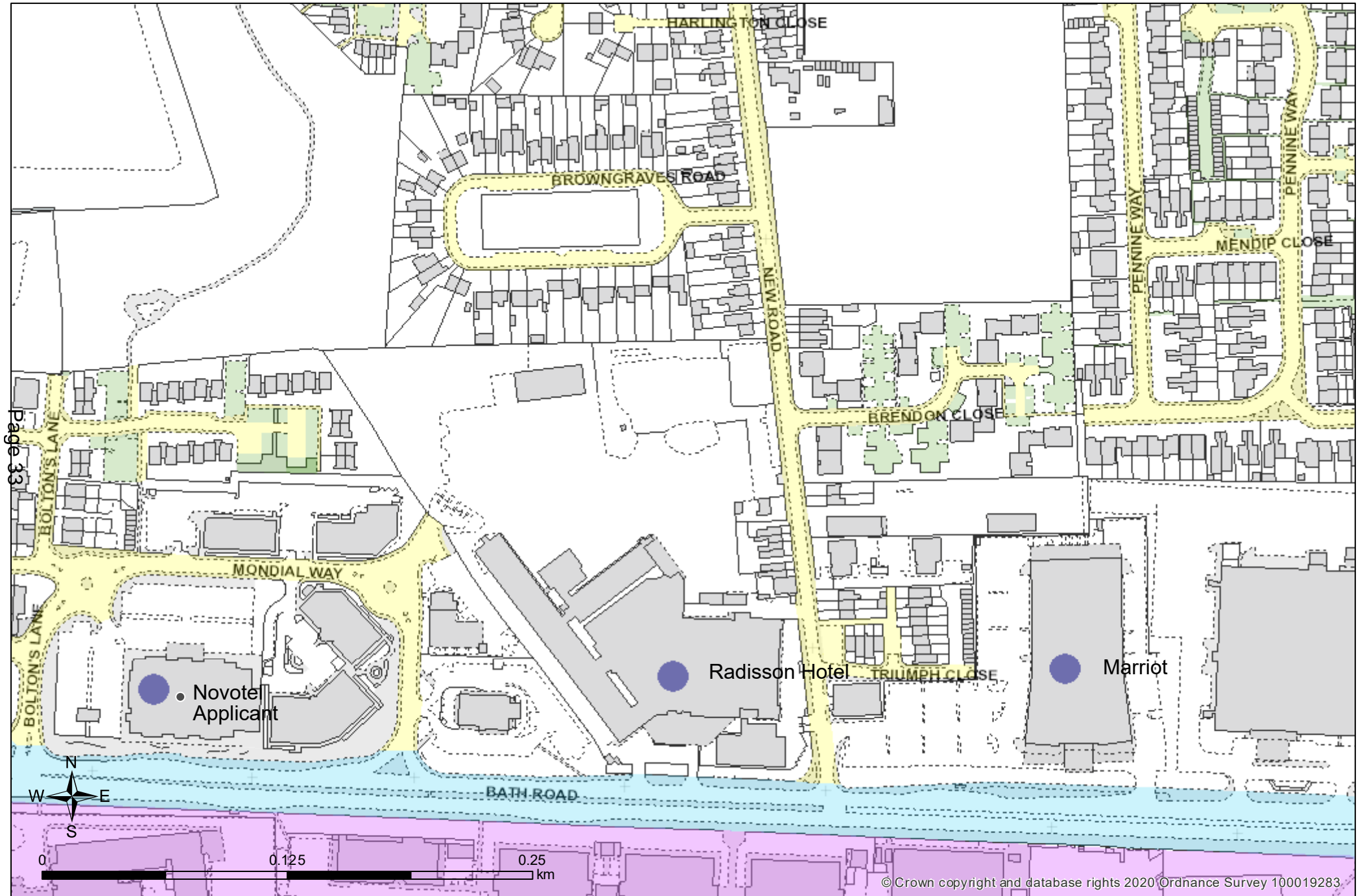
Proposed Right Elevation  
 Proposed Scale: 1/8" = 1'-0"



Proposed Front Elevation  
 Proposed Scale: 1/8" = 1'-0"

**50% OPENABLE AREA CALCULATION:**  
 Existing Total Floor Area: 145.57 m<sup>2</sup>  
 Minimum Requirement of 50%: 72.78 m<sup>2</sup>  
 Proposed New Openable Area: 78.96 m<sup>2</sup>

215 West 4th Street Vancouver, BC V6C 2K8 (604) 681-7348	
<b>Project Name:</b> 215 West 4th Street	<b>Client:</b> City of Vancouver
<b>Project Number:</b> 15-0000	<b>Project Manager:</b> [Name]
<b>Scale:</b> 1/8" = 1'-0"	<b>Date:</b> [Date]
<b>Author:</b> [Name]	<b>Checker:</b> [Name]
<b>Drawn By:</b> [Name]	<b>VP:</b> [Name]
<b>Architect:</b> [Name]	<b>City of Vancouver:</b> [Name]
<b>Project No.:</b> [Number]	<b>City of Vancouver:</b> [Number]



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## HILLINGDON LONDON

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

**E-MAIL ONLY**

Date: 12<sup>th</sup> January 2021

Dear Mr. Dormer,

**LICENSING ACT 2003  
MYST WEST LOUNGE, 234 BATH ROAD, HAYES UB3 5AP**

I am writing to you as the Officer duly authorised to make representations on behalf of the Licensing Authority. This representation relates to the application for a new premises licence for the above premises submitted by AIA Hospitality Group Limited.

The application proposes for the provision of late night refreshment and recorded music for a "café and shisha place" Sunday to Thursday from 13:00 to 01:00 hours and Friday to Saturday from 13:00 to 02:00 hours.

The Licensing Authority wishes to make a representation against this application based on the following licensing objectives:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

We currently have concerns with the proposals within this application because of the potential adverse effects it will have on these licensing objectives. There are matters that require further clarification and discussion with the applicants. I have detailed some of these issues, below:

**The prevention of crime and disorder**

Firstly, the operating schedule states that their premises "is installed with CCTV which is monitored and recorded". However, we would suggest that CCTV measures should go further. Such as the CCTV to be recorded for a minimum of 31 days and made available for immediate request for the Police and authorised officers when requested. Furthermore, we would expect a staff member to be present on the premises and conversant with the CCTV whilst the premises are trading.

Licensing Service  
Residents Services  
T.01895 277 753 F.01895 250011  
dferrer@hillington.gov.uk  
London Borough of Hillingdon,  
3S/08, Civic Centre, High Street, Uxbridge, UB8 1UW  
www.hillingdon.gov.uk

The operating schedule also states that “any disorder on premises will be immediately reported to the police and relevant authorities”. Again, we feel that it would be appropriate for an incident book to be kept at the premises, available for inspection which records incidents such as all reported crimes at the premises, complaints concerning crime and disorder, any faults of CCTV and visits by relevant authorities and emergency services.

The application proposes for late night refreshment and recorded music and the sale of alcohol has not been applied for. However, in section 5 the applicant states, “We will not be serving/ selling alcohol on the premises, however, the hotel’s guests are welcome to bring their drinks purchased at the Novotel’s Hotel bar and consume it at our café along with the hot food and or shisha purchased from us”. This raises some concerns for us as the applicant does not offer any measures to track the levels of alcohol guests or customers have consumed and how any potential intoxication is dealt with. For example, the application is silent on the use of SIA registered staff.

It is also worth noting that under the Prevention of Crime and Disorder licensing objective that the premises was involved with the a Covid related Fixed Penalty Notice that was served by the local authority on 9<sup>th</sup> November 2020. In short, on Friday 6<sup>th</sup> November 2020 at 20:40 hours Officers witnessed the premises operating and trading with about 100 people smoking outside the premises when it should have been closed and not providing a service under The Health Protection (Coronavirus, Restrictions) (England) (No.4) Regulations 2020. I have attached the Fixed Penalty Notice dated 9<sup>th</sup> November 2020 which provides further details in relation to the offence. Our records indicate that the Fixed Penalty Notice has not been paid. This obviously raises serious concerns about the confidence that the Licensing Authority has in the Management of the premises moving forward.

### **The prevention of public nuisance**

As stated earlier, the applicant has applied for recorded music until 01:00 hours Sunday to Thursday and 02:00 hours Friday and Saturday. In section 21 the applicant has stated that this will be “background unamplified music” and so this requires clarification. If ,indeed, recorded music as a licensable activity is being applied for, then we would be concerned about any potential disturbance to residents within the vicinity and guests staying at the Hotel. We would expect additional measures to limit this potential public nuisance.

The application is also silent about how customers will disperse from the premises. We would expect a written dispersal policy to be kept at the premises outlining how customers would leave and the role and responsibilities of staff in implementing this dispersal policy.

### **Public Safety**

I have already mentioned the Covid related breach on 6<sup>th</sup> November 2020 which resulted into a Fixed Penalty Notice being served. However, it is also worth mentioning this under Public Safety to emphasise the seriousness of the matter and the risks taken by Management on this occasion. Clearly, this incident where about 100 people were seen outside the premises smoking shisha, raises questions as to how these members of the public were being kept safe during Covid restrictions when the premises should have not been operating at all.

In addition, we would expect further measures to be put in place at the physical premises to promote this licensing objective. This would include for the means of escape provided at the premises to be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided. Furthermore, also for, emergency warning equipment, the electrical installation and mechanical equipment to be maintained in good condition and in full working order. The application, does not address these matters.



### **The protection of children from harm**

Finally, the applicant has stated in Section 18 of their operating schedule that, "Any suspicious behaviour towards a child will be reported immediately to the Police". However, we feel it appropriate for additional measures to be considered so this licensing objective can be fully promoted. A concern that we have is the proposal for the alcohol to be purchased at the Hotel Bar and consumed in Myst West. The application is silent as to whether they intend for children to be permitted into the premises at all and if so at what times. Furthermore, what controls or checks they will carry out to ensure that children are not exposed to an environment where alcohol is being consumed potentially late at night through to the early mornings.

I am happy to attend a hearing, if required, to verbally deliver my representation and also to answer any queries from the Licensing Sub-Committee.

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

Yours sincerely,



Daniel Ferrer  
Licensing Team Manager

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**HILLINGDON**  
LONDON

**The Health Protection (Coronavirus, Restrictions) (England) (No.4) Regulations  
2020 (SI. 2020: No. 1200)**

**FIXED PENALTY NOTICE**

**LBH/FPN/007**

**Part A**

**Date: 9<sup>th</sup> November 2020**

**To:** [REDACTED]

**At: MYST WEST, NOVOTEL HOTEL, 234 BATH ROAD, HAYES UB3 5AP**

**Of: [Business (if elsewhere)/ Company Registered Address] AS ABOVE**

**Trading as: MYST WEST**

This Fixed Penalty Notice is served under Regulation 21(1) of The Health Protection (Coronavirus, Restrictions) (England) (No4) Regulations 2020 (the Regulations).

The Regulations impose certain restrictions to protect against the risks to public health arising from coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence.

I, **JEAN PALMER OBE, DEPUTY CHIEF EXECUTIVE CORPORATE DIRECTOR RESIDENTS SERVICES**, designated as an authorised person for the purposes of the Regulations by the LONDON BOROUGH OF HILLINGDON, have reasonable grounds for believing that you have committed a criminal offence under the Regulations. I am issuing this Notice to offer the opportunity to discharge liability for the offence by payment of a fixed penalty.

The LONDON BOROUGH OF HILLINGDON may not take criminal proceedings against you in respect of the offence during the period of 28 days following the date of this Notice. Payment of the fixed penalty within that period means that you cannot be convicted in relation to a breach set out in Part C of this Notice.

**Part B. Amount of Penalty and period to pay**

The monetary penalty you must pay is: **£1,000**

~~Payment of the fixed penalty must be made within 28 days of the date of this notice and must be paid to The London Borough of Hillingdon~~

Payment can be made by calling 01895 250 190

**Payment of the fixed penalty must be made within 28 days of the date of this notice.**

**Part C. Grounds for imposing the Penalty**

**Regulation contravened:**

***In relation to a breach of regulation 18(1)***

*Failed, without reasonable excuse, to cease carrying on a business or providing a service not listed in Part 3 of the Schedule (except as permitted by Regulation 18(1)(a)) during the specified period; and*

*Failed, without reasonable excuse, to close any premises which are not required to carry on a business or provide a service not listed in Part 3 of the Schedule in a manner permitted by Regulation 18(1)(a), during the specified period; and*

*Failed, without reasonable excuse, to cease to admit any person to its premises who is not required to carry on the business or provide the service not listed in Part 3 of the Schedule in a manner permitted by Regulation 18(1)(a), during the specified period.*

**Particulars of the offence:**

On Friday 6<sup>th</sup> November 2020 at 22:40 hours Officers [REDACTED] visited the premises known as the 'MYST WEST', NOVOTEL HOTEL, 234 BATH ROAD, HAYES UB3 5AP where they witnessed the premises trading and about 100 people smoking shisha outside.

**Part D. Challenging this Fixed Penalty Notice**

If you consider that the Notice should not have been issued, you can make representations to **The London Borough of Hillingdon** in writing outlining your reasons for challenging the Notice, within **14 days** of the date on this Notice.

Your challenge will be processed in accordance with the *London Borough of Hillingdon's Complaint Procedure*.

**Contact: London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW**

**CovidHub@hillingdon.gov.uk**

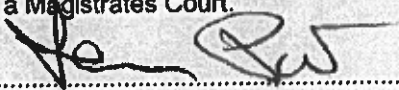
**This Notice remains in force even if you have raised a challenge**

**Should the local authority's review of your challenge determine that the Notice should not have been issued, you will be notified in writing.**

**Part E. Consequences of non-payment/ continued non-compliance**

If you fail to pay the fixed penalty within 28 days, you lose the opportunity to discharge liability to conviction, and criminal proceedings may be commenced against you in respect of the offence set out in Part C of this Notice.

Continued contravention of a requirement in the Regulations, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates Court.

Signed: [Authorised Person].....  ..... Date: 11/11/20  
Name in Capitals: JEAN PALMER.....

London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW 01895

**If you are not sure of your rights or the implications of this notice, you should seek independent legal advice**

# The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020

## FIXED PENALTY NOTICE

### NOTES on Part B. Amount of Penalty and period to pay

The Regulations specify the amount of the Fixed Penalty as follows:

- £1,000, if the fixed penalty notice is the first one issued to the person in respect of a business restriction offence;
- £2,000, if the fixed penalty notice is the second one issued to the person in respect of a business restriction offence;
- £4,000, if the fixed penalty notice is the third one issued to the person in respect of a business restriction offence;
- £10,000, if the fixed penalty notice is the fourth one, or any subsequent one, issued to the person in respect of a business restriction offence.

*Note: A "business restriction offence" means an offence under regulation 20(1)(a) of contravening a restriction imposed by regulation 15, 16 or 18, or an offence under regulation 20(1)(c) of failing to comply with a prohibition notice given under regulation 19(2).*

*For purposes of determining the level of fine in relation to a business restriction offence, the "relevant enactments" are the following:*

- (a) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;
- (b) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;
- (c) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;
- (d) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020( ), if the notice was issued to the person in respect of an offence of contravening regulation 4A or 4B of those Regulations;
- (e) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020( ), if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 14(7D) of those Regulations, committed on or after 14th October 2020;
- (f) the Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020(as amended );
- (g) the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020(as amended).

