



## 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.

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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