



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: 9th 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 6th 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

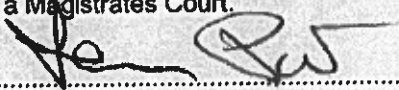
This Notice remains in force even if you have raised a challenge

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).

