

PREMISES IMPROVEMENT NOTICE
REFERENCE NUMBER _____



**THE HEALTH PROTECTION (CORONAVIRUS RESTRICTIONS) (No.2) (WALES)
REGULATIONS 2020
Regulation 17A & Schedule 5**

Business/Premises Name:	Breeze
Business/Premises Address:	11-15 Cambrian Road Newport South Wales NP20 4AD
Name of Person Responsible:	Mr Colin Simpson
Address of Person Responsible:	Breeze 11-15 Cambrian Road Newport South Wales NP20 4AD
Type of Premise/Business/Service:	Licenced Premises

I, Alastair Dearing, as a relevant person and enforcement officer designated by Newport City Council, consider that you, as the person responsible, are contravening a requirement imposed by these Regulations and it is necessary and proportionate to give you this Premises Improvement Notice for the purpose of preventing you from continuing to contravene the requirement(s) of the Regulations.

I am of the opinion that you, as the person responsible, for the premises detailed above, which is listed in Regulation 12 and Schedule 4 are failing to comply with the following relevant provision(s):

Regulation 12(2) of The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020 for the following reasons:

Failure to comply with the obligations imposed on you by Regulation 12(2) 'Reasonable measures to minimise risk of exposure to coronavirus'.

Specifically, Friday 4th & Saturday 5th September 2020 patrons where not Social distancing at the bars specifically the upstairs VIP bar.

This Premises Improvement Notice is being given to you for the purpose of protecting against the risks to public health arising from coronavirus and the serious and imminent threat to public health posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 in Wales.

Which fails to ensure that other reasonable measures have taken place for the same purpose, contrary to Regulation 12(2)(b).

Failure to comply with The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020, without reasonable excuse, is an offence under Regulation 20(1) and punishable on summary conviction by a fine.

In order to secure compliance Newport City Council hereby directs you to take the following actions:

- The bar(s) should only operate as table service at the premises or alternatively a Social Distance Queuing system should be implemented at the bar(s) and managed by appropriate staff. Capacity limits of customers and number of staff should be risk assessed so as to prevent congregation at the bar(s) areas as part of a risk assessment
- Implementation of all actions identified in your COVID Risk Assessment, including incorporating the above.
- Other measures that achieve equal effect but are not necessarily specified in the guidance may be implemented.

Further guidance is available at <https://gov.wales/coronavirus-legislation-and-guidance-law> and <https://gov.wales/taking-all-reasonable-measures-minimise-risk-exposure-coronavirus-workplaces-and-premises-open>

Time Limit for Measures to be taken

The measures identified within this Premises Improvement Notice must be taken within 48 hours, commencing with the time that the notice is issued

Enforcement Officer Name:	Alastair Dearing		
Signed:		Time & Date:	11/9/20
Enforcement Officer Contact Details:	Licensing@newport.gov.uk 01633 656656		

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Appeals

The appeals process is set out in Schedule 5 Paragraph 5.

A person to whom a premises improvement notice is issued may appeal to a Magistrates' court against the notice.

An appeal must be made:

- a) By way of complaint for an order, and in accordance with the Magistrates' Courts Act 1980(37), and
- b) Within 7 days after the day the notice is issued

A magistrates' court may allow an appeal to be made after the expiry of the period mentioned in b) above if satisfied that there is a good reason for the failure to apply before the expiry of that period (and for any delay in applying for permission to appeal out of time).

Notes

The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020 are made under The Public Health (Control of Diseases) Act 1984 (*as amended*).

"Coronavirus" means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

A "person responsible for carrying on a business" includes the owner, proprietor and manager of that business.

These Regulations expire on the 8th January 2021. All requirements and restrictions will be subject to review by the Welsh Ministers every 21 days.

A Premises Improvement Notice may be issued to a person responsible for premises referred to in Regulation 12(1), if the officer considers that the person is not complying with the obligations imposed on the person by Regulation 12(2) and the measures specified are necessary and proportionate in order to ensure that the person complied with those obligations.

This Premises Improvement Notice is being issued under Regulation 17A and Schedule 5 of The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020

Schedule 5 of the Regulations places a requirement on the Local Authority to publicise all Premises Improvement Notices.

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THESE MEASURES WILL REMAIN IN FORCE UNTIL THE RESTRICTION HAS BEEN LIFTED BY THE WELSH MINISTERS