

**PREMISES CLOSURE NOTICE**  
REFERENCE NUMBER \_\_\_\_\_



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

<b>Business/Premises Name:</b>	<b>Picton Arms</b>
<b>Business/Premises Address:</b>	<b>14 Commercial Road Newport South Wales NP20 2PA</b>
<b>Name of Person Responsible:</b>	<b>Ciprian Florin Novac</b>
<b>Address of Person Responsible:</b>	14 Commercial Road Newport South Wales NP20 2PA
<b>Type of Premise/Business/Service:</b>	<b>Public House</b>

I, Alastair Dearling, 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:

12. Reasonable measures to minimise risk of exposure to coronavirus (1) Paragraph (2) applies to a person responsible for—

(a) open premises,

or (b) work carried out at any other premises where a person is working.

2) For the purposes of minimising the risk of exposure to coronavirus at the premises, or the spread of coronavirus by those who have been at the premises The person must— (a) take all reasonable measures to ensure— (i) that a distance of 2 metres is maintained between any persons on the premises (except between two members of the same household, or a carer and the person assisted by the carer); (ii) where persons are required to wait to enter the premises, that a distance of 2 metres is maintained between them (except between two members of the same

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household, or a carer and the person assisted by the carer), (b) take any other reasonable measures for that purpose, for example measures which limit close face to face interaction and maintain hygiene such as— (i) changing the layout of premises including the location of furniture and workstations; (ii) controlling use of entrances, passageways, stairs and lifts; (iii) controlling use of shared facilities such as toilets and kitchens; (iv) otherwise controlling the use of, or access to, any other part of the premises; (v) installing barriers or screens; (vi) providing or requiring use of personal protective equipment, and (c) provide information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus.

(2A) Measures that may be taken under paragraph (2) also include (a) ceasing to carry out certain activities; (b) closing a part of the premises. (c) collecting contact information from each person at the premises or, in relation to persons from the same household, from one of them, and retaining it for 21 days for the purpose of providing it to any of the following, upon their request—

- (i) the Welsh Ministers,
- (ii) (ii) a public health officer,
- (iii) (iii) a person designated by the local authority in whose area the premises are located to process information for the purposes of contacting persons who may have been exposed to coronavirus.

(2B) Where paragraph (2) applies to a person responsible for open premises authorised for the sale or supply of alcohol for consumption on the premises, the sale or supply of food or drink for consumption on the premises must be carried out in accordance with the reasonable measure specified in paragraph

(2C) (subject to paragraphs (2D) and (2E)). (2C)The reasonable measure is that customers must be seated in the premises anywhere other than at a bar— (a) when ordering food or drink, (b) when being served with food or drink, and (c) when consuming food or drink. .

(2F)For the purposes of paragraph (2B)—

- (a) food or drink sold by a hotel or other accommodation as part of room service is not to be treated as being sold for consumption on the premises; (b) food or drink sold for consumption in an area adjacent to the premises where seating is made available for customers is to be treated as being sold for consumption on the premises

A visit was made to the premises on the 26<sup>th</sup> September 2020 by Newport City Council and Gwent Police where no measures were in place to minimise the risk of exposure to coronavirus in accordance with Regulation 12(2) Also at the time of the visit staff were not wearing face coverings when working and customers within the premises though only 2 also walked around the premises without face covering. On further inspection on the 1/10/20 you had no covid 19 risk assessment.

**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.**

The effect of this notice is to close the entire premises

You Must now use the time the premises is closed to put measures in place to ensure:

- A comprehensive Risk Assessment and Operational Plan to be submitted to [environment.licensing@newport.gov.uk](mailto:environment.licensing@newport.gov.uk)

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- that a distance of 2 metres is maintained between any persons on the premises (except between two members of the same household).
- take any other reasonable measures for that purpose, for example measures which limit close face to face interaction and maintain hygiene such as—
  - changing the layout of premises including the location of furniture and workstations;
- - controlling use of entrances, passageways,
  - controlling use of shared facilities such as toilets and kitchens;
  - otherwise controlling the use of, or access to, any other part of the premises; • installing barriers or screens; • providing or requiring use of personal protective equipment, and
  - provide information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus.
  - collecting contact information from each person at the premises or, in relation to persons from the same household, from one of them, and retaining it for 21 days for the purpose of providing it to any of the following, upon their request—
    - i) the Welsh Ministers,
    - (ii) a public health officer,
    - (iii) a person designated by the local authority in whose area the premises are located to process information for the purposes of contacting persons who may have been exposed to coronavirus.
  - customers must be seated in the premises anywhere other than at a bar— when ordering food or drink, when being served with food or drink, and when consuming food or drink.
- That you and staff take reasonable measures to ensure customers maintain social distancing when on the premises
  - Appropriate, clear and sufficient signage-2 m and face coverings required prior to entry.
  - Positioning of staff workstations to maintain/mitigate 2m.
  - When customers are being seated inside the premises the premises must ensure that the customers live in the same household in line with regulations.
  - That you and staff ensure face coverings are used by staff and members of the public when in public areas of the premises, unless exempt such as sat down to eat and drink.
  - Implementation of all actions identified in your COVID Risk Assessment, including incorporating the above. Which all staff have seen and signed to acknowledge.
  - Other measures that achieve equal effect but are not necessarily specified in the guidance may be implemented.

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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

This Premises Closure Notice comes into force immediately from ..... 1/10/20 till ..... (no more than 336 hours/14 days)

It is an offence not to comply with this Premises Improvement Notice by the date stated.

<b>Enforcement Officer Name:</b>	Alastair Dearling		
<b>Signed:</b>		<b>Time &amp; Date:</b>	29/09/20
<b>Enforcement Officer Contact Details:</b>	01633656656 <a href="mailto:Alastair.dearling@newport.gov.uk">Alastair.dearling@newport.gov.uk</a>  Newport City Council, Civic Centre, Newport. NP20 4UR		

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## Appeals

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

A person to whom a premises closure 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 8<sup>th</sup> 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.

## WARNING

### **FAILURE TO COMPLY WITH THIS NOTICE CAN RESULT IN A PREMISES CLOSURE NOTICE BEING ISSUED**

Further advice may be sought from a solicitor or from the Magistrates Court at:

Gwent Magistrates' Court  
The Law Courts  
Faulkner Road  
Newport  
NP20 4PR

Tel: 01633 261300

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