

**PREMISES IMPROVEMENT NOTICE**  
REFERENCE NUMBER \_\_\_\_\_



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

<b>Business/Premises Name:</b>	<b>Friendly Fox</b>
<b>Business/Premises Address:</b>	33 Caerphilly Close Rhiwderin Newport South Wales NP10 8RF
<b>Name of Person Responsible:</b>	<b>Nicola Sian Birch</b>
<b>Address of Person Responsible:</b>	33 Caerphilly Close Rhiwderin Newport South Wales NP10 8RF
<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:

Specifically, on Saturday 10<sup>th</sup> October 2020 it was witnessed that groups of customers were not seated two meters apart and as such were not social distancing. The premises failed to challenge customers when seating them inside the premises if they lived within the same household.

**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.**

**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.**

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

- Customers/tables must be two meters apart and staff should monitor to ensure customers are kept two meters apart at all time when seated.
- Staff should monitor the entrance to the premises to ensure there is no overcrowding of the premises, to ensure a 2 metre social distance is maintained by patrons at all times.
- Staff should ensure customers have completed the track trace correctly before the customers are seated (including outside areas)
- Staff should challenge customers that wish to sit together if they live within the same household.
- Customers who stipulate that they live in the same University Halls should be challenged further to provide details of the Halls and room numbers. Failure to provide such information customers should be refused entry to the premises.
- The Pool table should not be used on Friday or Saturday after 19:00hrs.
- The outside area should be monitored to ensure social distance takes place in the smoking areas.
- A minimum of 1 SIA door staff should be present on site on a Friday and Saturday from 7:00pm
- All staff should have full training and understanding of Social distancing of customers and ensure that Customers are seated when consuming food 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.

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

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

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<b>Enforcement Officer Name:</b>	Alastair Dearing		
<b>Signed:</b>		<b>Time &amp; Date:</b>	14/10/20
<b>Enforcement Officer Contact Details:</b>	01633656656 <a href="mailto:Alastair.dearing@newport.gov.uk">Alastair.dearing@newport.gov.uk</a>  Newport City Council, Civic Centre, Newport. NP20 4UR		

## 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 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

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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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