

**PREMISES CLOSURE NOTICE**  
REFERENCE NUMBER\_ 10/01425/LAPVPT\_\_



**THE HEALTH PROTECTION (CORONAVIRUS RESTRICTIONS) (No.4) (WALES)  
REGULATIONS 2020  
Regulation 26 & Schedule 3**

<b>Business/Premises Name:</b>	The Neon, Clarence Place Newport, NP19 7AB
<b>Business/Premises Address:</b>	The Neon, Clarence Place Newport, NP19 7AB
<b>Name of Person Responsible:</b>	Andrew James Byers
<b>Address of Person Responsible:</b>	The Neon, Clarence Place Newport, NP19 7AB
<b>Type of Premise/Business/Service:</b>	Licensed 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 Closure 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 21 and Schedule 2 are failing to comply with the following relevant provision(s):

**Regulation 21(2) of The Health Protection (Coronavirus Restrictions) (No.4) (Wales) Regulations 2020** for the following reasons:

Failure to comply with the obligations imposed on you by Regulation 21(2) 'Reasonable measures to minimise risk of exposure to coronavirus'.

Specifically, on evening of Thursday 17th December 2020 Gwent Police witnessed At 17:00 hours around 15 customers gaining entry into The NEON. Officers also witnessed between at 18:15-18:30 hours approximately 15 Members of the public leaving the premise though approximately 40-45 people were present in the premises. It was witnessed by Police Officers that at 19.13hrs members of the public started to disperse from the premises but it was not until 19.25hrs that customers had left the premises.

**This Premises Closure 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.**

Customers were not 2m apart and no management was in place to stop customers from moving from table to table as such freely mixing and gathering in groups over 4 persons.

Track trace records where not accurate and failed to meet the required regulations.

The premises Continued to remain open after 18:00hrs contrary to Covid Regulations.

Gwent Police witnessed 40-45 persons attend the premises, where the Covid Regulations clearly stipulate a maximum of 15 person should be attend at a wake.

Gwent Police Officers where confirmed that alcohol was being supplied within the premises and people leaving where heavy intoxicated.

Which fails to ensure that other reasonable measures have taken place for the same purpose, contrary to Regulation 21(2)(b). **Failure to comply with The Health Protection (Coronavirus Restrictions) (No.4) (Wales) Regulations 2020, without reasonable excuse, is an offence under Regulation 35 and punishable on summary conviction by a fine.**

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

- .Controlled all entry points, with pre-booking where possible and keeping the number of walk-ups to a minimum.
- Table service, with all food and drink ordered, served and consumed at the table.
- Payment should be taken at the table wherever possible.
- Physical distancing measures must be applied and groups of customers are required to be seated at a table 2 meters apart. Staff should re measure all tables to ensure they are 2 meters apart
- Only Groups of up to 4 people (not including any children aged under 11 or a career of someone in the group) can be seated together, though single households are permitted to gather in groups of larger than four, but evidence that they are from the same household must be verified by the premises. The type of document/evidence seen by staff should be documented in track trace book.
- Face coverings must be worn by staff and customers (unless exempt), other than when seated to eat or drink.
- Contact details (name, phone number, date and time of arrival and departure) must be collected and retained for 21 days to support the NHS Wales Test, Trace, Protect service. **All** customers are required to provide verification of their name when filling in contact details.
- All customers must be led to their tables and reminded that they are not permitted to change tables at any time. Clear signage on tables should remind customers of this fact and any customers that fail to comply will be asked to leave the premises.

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- Sufficient staff to manage inside and outside areas to ensure appropriate social distancing between separate household groups.
- To remind customers of last orders of food and drink 30 minutes before they are required to legally leave the premises.
- Implementation of all actions identified in your COVID Risk Assessment.
- That the DPS or Licence Premises Holder is present on the premises at all times.
- That premises asks people to leave at 17:00hrs to ensure dispersal of people takes place before
- A minimum of 6 SIA door staff should be present on the premises at all times to ensure leave the premises before 18:00hrs.
- That all alcohol is removed from the premises or is locked away securely with the Licence holder or DPS that has accesses to the key
- The Police and Licensing Authority must be notified of a pre booking 5 days before any event takes place at the premises.

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

**This Premises Closure Notice comes into force immediately from 18.12.20 until 31.12.20**

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

<b>Enforcement Officer Name:</b>	Alastair Dearling		
<b>Signed:</b>	Alaatair Dearling	<b>Time Date:</b>	& 31/12/20
<b>Enforcement Officer Contact Details:</b>	<a href="mailto:Environment.licensing@newport.gov.uk">Environment.licensing@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 3 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.4) (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 19<sup>th</sup> of February 2021. All requirements and restrictions will be subject to review by the Welsh Ministers every 21 days.

A Premises Closure Notice may be issued to a person responsible for premises referred to in Regulation 21(1), if the officer considers that the person is not complying with the obligations imposed on the person by Regulation 21(2) and the measures specified are necessary and proportionate in order to ensure that the person complied with those obligations.

This Premises Closure Notice is being issued under Regulation 26 and Schedule 3 of The Health Protection (Coronavirus Restrictions) (No.4) (Wales) Regulations 2020

Schedule 3 of the Regulations places a requirement on the Local Authority to publicise all Premises Closure 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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