

PREMISES IMPROVEMENT NOTICE

REFERENCE NUMBER KN/01



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

Business/Premises Name:	Seawall Tea Rooms
Business/Premises Address:	Seawall Bungalow, Clifton Common, Goldcliff, Newport, South Wales NP18 2PH
Name of Person Responsible:	Wayne Munford
Address of Person Responsible:	Seawall Bungalow, Clifton Common, Goldcliff, Newport, South Wales NP18 2PH
Type of Premise/Business/Service:	Cafe

I, Kathryn Nash, 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, on 22 September 2020 at 13:20:

Not enough 2 metre signage at the till area to make certain that social distancing measures have been taken to ensure regulation 12(2) can be complied with at the premises

Difficult for staff to monitor all parts of premises indoor and outdoor with lack of signage

Insufficient measures of floor markings in the queue area and therefore not meters away from seating area

No hand sanitiser available and not prominently situated

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.

Face mask was not being worn by staff indoors when officer arrived at premises

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:

Additional signage to be put up to advise patrons to comply with 2 metre social distancing

Staff to ensure areas are monitored whenever possible

Staff should wear the appropriate face coverings indoors

Clear and visible floor markings for the queue area and an assessment of where tables are to ensure no overcrowding and that patrons are able to keep 2 metres apart

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.

Implementation of all actions identified in your COVID Risk Assessment.

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.

Enforcement Officer Name:	Kathryn Nash		
Signed:		Time & Date:	
Enforcement Officer Contact Details:	Kathryn Nash Kathryn.nash@newport.gov.uk 01633 851681 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 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.

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:

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

Tel: 01633 261300

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