

PREMISES IMPROVEMENT NOTICE

REFERENCE NUMBER: 21/07048



THE HEALTH PROTECTION (CORONAVIRUS RESTRICTIONS) (No.5) (WALES) REGULATIONS 2020 Regulation 26 & Schedule 8

Business/Premises Name:	Transporter Cafe
Business/Premises Address:	Unit 2, Latches Wharf, Mill Parade, Newport NP20 2JR
Name of Person Responsible:	Joanne Smyth
Address of Person Responsible:	Unit 2, Latches Wharf, Mill Parade, Newport NP20 2JR
Type of Premise/Business/Service:	Cafe

I, Tanya Hopkins, 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 16 and Schedule 7 are failing to comply with the following relevant provision(s):

Regulation 16 of The Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020 for the following reasons:

Failure to comply with the obligations imposed on you by Regulation 16(1) 'Reasonable measures to minimise risk of exposure to coronavirus'.

Specifically, on 4th March 2021:

- Trading at those premises, without preventing the use of the premises for the consumption of food and drink on the premises

and, specifically on 4th and 5th March 2021:

- Insufficient signage on display outside the premises to ensure that 2 metre social distancing measures can be taken inside the store
- Insufficient signage on display inside the premises to ensure that 2 metre social distancing measures can be taken inside the store

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.

- Insufficient signage on display outside the premises to ensure that customers wear a face covering when entering the premises
- Insufficient signage on display inside the premises to ensure that customers wear a face covering when inside the premises
- Face coverings not being worn by members of staff on the premises, or in the case of an exemption, other reasonable measures are not in place such as the use of a visor
- A lack of a reasonable reminder to customers to wear a face covering when entering the shop premises and when inside the premises, unless that customer is exempt
- Insufficient floor markings on the premises to ensure that 2 metre social distancing measures can be taken inside the store
- No hand sanitiser available, prominently situated, for customer use
- No screen or barrier at the till area to ensure that social distancing can be maintained between staff and customers
- Seating area outside and inside the premises encouraging customers to create a gathering

Which fails to ensure that other reasonable measures have taken place for the same purpose, contrary to Regulation 16(1)(b).

Failure to comply with The Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020, without reasonable excuse, is an offence under Part 8 Regulation 42 and punishable on summary conviction by a fine.

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

- To close to members of the public and not carry on the business selling food and drink for consumption on the premises
- To only sell food and drink for consumption off the business premises
- Ensure sufficient signage is displayed outside the shop premises to inform customers to comply with the 2 metre social distancing requirement
- Ensure sufficient signage is displayed inside the shop premises to inform customers to comply with the 2 metre social distancing requirement
- Ensure clear and visible floor markings are displayed inside the shop to inform customers to comply with the 2 metre social distancing requirement
- Ensure sufficient signage is displayed outside the premises to inform customers it is a legal requirement to wear a face covering in certain indoor public places
- Ensure sufficient signage is displayed inside the premises to inform customers it is a legal requirement to wear a face covering inside the premises

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- Ensure that you have an intervention policy in relation to all persons on the shop floor to wear a face covering, unless exempt
- Ensure sufficient measures are in place to control the number of persons inside the premises
- Ensure that hand sanitiser is available for customers at the point of entrance
- Install an appropriate screen or barrier at the till area to ensure that social distancing can be maintained
- Remove the seating area inside and outside the premises

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>
<https://gov.wales/taking-all-reasonable-measures-minimise-risk-exposure-coronavirus-workplaces-and-premises-open>
<https://gov.wales/guidance-for-tourism-and-hospitality-businesses-coronavirus-html#section-56535>

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:	T Hopkins		
Signed:		Time & Date:	1400 05/03/21
Enforcement Officer Contact Details:	Trading.standards@newport.gov.uk 01633 656656 Newport City Council, Civic Centre, Newport. NP20 4UR		

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Appeals

The appeals process is set out in Schedule 8 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.5) (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 31st March 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 16(1), if the officer considers that the person is not complying with the obligations imposed on the person by Regulation 16(1) (b) 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 26 and Schedule 8 of The Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020

Schedule 8 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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