

PREMISES IMPROVEMENT NOTICE
REFERENCE NUMBER _____



**THE HEALTH PROTECTION (CORONAVIRUS RESTRICTIONS) (No.5) (WALES)
REGULATIONS 2020. Schedule 8**

	Friendly Fox
Business/Premises Address:	33 Caerphilly Close Rhiwderin Newport South Wales NP10 8RF
Name of Person Responsible:	Nicola Sian Birch
Address of Person Responsible:	33 Caerphilly Close Rhiwderin Newport South Wales NP10 8RF
Type of Premise/Business/Service:	Public House

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

Regulation 17 of The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 for the following reasons:

On the evening of Friday the 21st May 2021 Officers visited the premises noted:

Approximately 30 people were witnessed walking around the premises without face masks and table hopping and going to the bar to order drinks. This was happening both with inside the premises, and the outdoor garden area.

The one way system was not being adhered to by any of the customers as there was no face mask/2m social distancing signs, the track and trace records were not accurate and accordance with regulations, the officers felt the premises had no control on customers to ensure covid compliance.

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.

- On Friday, Saturday and Bank Holiday Sunday between 7:00pm till close 1 SIA registered Door persons must be on the premises controlling both the inside and the outside areas of the premises. If the Capacity at the premises is over 100 persons a further SIA registered Door Staff is required at the premises between 7:00pm and close.
- Appropriate signage should be located at entrance and exit points of the premises
- Clear signage should be displayed on each table reminding customers they must remain seated and may be asked to leave the premises if they found to “table hop”.
- Staff are required to ensure Track and trace details are undertaken correctly and should not seat customers until all details have been taken and importantly are legible.
- The DPS if not on the premises must both brief and train the manager on duty on the following Guidance/Regulations:
 1. Each business must undertake, and have available on site, a specific Covid-19 full risk assessment, prepared in line with the Welsh Government and UK Hospitality industry guidance referred to above, which must be updated to align to the latest restrictions and requirements on opening either indoors and/or outdoors. Staff or their representatives must be consulted on the risk assessment. It is recommended that businesses should make their specific Covid-19 risk assessment publicly available for staff, customers and the community and should keep their risk assessments updated in line with the latest legal requirements and [guidance](#). In addition business owners will need to take full account of their requirement to keep staff safe at work and offer [individual risk assessments](#) for their members of staff dependent on the roles they play and whether they are at increased [risk](#) or clinically extremely [vulnerable](#).
 2. All businesses should maximise ventilation and enhance airflow throughout the premises, including front of house, staff areas and kitchen areas, by opening windows and propping open internal doors (but not fire doors) where possible. Further detail on [ventilation](#) can be found in the Tourism & Hospitality Businesses guidance in section 4.14.
 3. Businesses are required to undertake a deep clean before any re-opening after a prolonged period of closure and to take account of potential [legionella](#) issues (where mains [water](#) has been turned off since the close of the premises at lockdown, when it is reconnected it will need running through to flush away any microbiological or chemical residues built up while the water supply was disconnected). There should be thorough and regular [cleaning](#) of high contact touch points, toilets, tables etc throughout the course of the service in line with the risk assessed cleaning regime for the premises.

All businesses should implement rigorous cleaning and hygiene practices in between bookings and as required during service, to keep their premises safe. Particular attention to shared services i.e. toilets etc. – see section 20 below.

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4. Under Alert Level 2, the maximum number of people that can meet outdoors and indoors, including in regulated premises, is 6 people from 6 households. This means that up to 6 people (not including children aged under 11 or a person who is caring for someone participating in such a gathering) from 6 different households can meet outdoors, including in an outdoor area of hospitality premises and indoors in hospitality premises. However, this should be a maximum not a target. Where a single household (not an extended household) contains more than 6 people they can all meet together provided all those present reside at the same address. Members of extended households may only meet indoors in private homes. Up to 6 people from 6 households are still permitted to meet outdoors or in private gardens.
5. All regulated premises must take reasonable [steps](#) to minimise the risk of exposure to, and spread of, the virus, including taking all reasonable measures to ensure compliance with [Social Distancing](#) requirements and other reasonable mitigations within the venue e.g. implementing mitigations between tables where it is not possible to maintain 2mtr of space and maximising ventilation. **More information on reasonable steps on managing areas inside your premises can be found in section 4.9 of the Keep Wales Safe: guidance for tourism and hospitality [guidance](#).**

Where up to 6 people are seated together at a table outdoors, or up to 6 people indoors, every effort should still be made by the business and the customers to ensure that they maximise the distance from each other at the table. The aim is to keep staff and customers safe and it is fully acknowledged that there is a vital role for the customer to play in adhering to Social Distancing requirements when on the premises. Bookings should not knowingly be taken for more than 6 people from more than 6 different households outdoors (under Alert Levels 3 and 2) or 6 people indoors (under Alert Level 2), unless from a single household.

6. In premises authorised to sell or supply alcohol (licensed premises) only, there must be controlled entry in respect of the sale or supply of food or drink for consumption indoors and outdoors. Controlled entry includes pre-booking wherever possible with details of all members of the group taken as part of the booking and verified on arrival (see also point 5). "Walk-ups" should be kept to a minimum and subject to access through a controlled entry point with provision and verification of names of all members of the group at that point. Any person working indoors to serve customers and customers themselves when entering must wear face [coverings](#) whilst in the indoor public space unless they have an exemption. A queueing system that allows for 2m distancing must be in place and there must be signage at the entry point to advise of the face covering and distancing requirements. Customers can walk through indoor spaces to access outdoor space at entry point.
7. In all hospitality premises, licensed and non-licensed, it is mandatory to [collect contact information](#) for all staff and adults (over 18) customers or visitors. This means collecting the person's name and telephone number, date of visit and arrival and departure time and retain them for 21 days. This can either be done on paper or electronically but should adhere to General Data Protection Regulations (GDPR). More [information on keeping records](#) of staff, customers and visitors is available. Where there is a concern re the data supplied e.g.

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false information being given, large groups claiming to be a single household, businesses should make reasonable efforts to request verification e.g. from a driving licence. The NHS COVID-19 app **does not substitute** the above requirement and is not mandated.

8. Customers must be seated at all times (anywhere other than at a bar) in licensed premises when ordering, being served with and consuming food or drink. Licensed premises are encouraged to use smartphone apps for customers to pay for food to minimise contact between staff and customers. The use of Apps or other communications devices is recommended, to reduce contact with customers, including options for menus, ordering, billing and contactless payment. In the absence of the necessary infrastructure to take payment at the table, a customer may pay at the counter, and social distancing should be maintained. In unlicensed premises customers can order and pay at the counter subject to maintaining social distancing, but should consume food and drink at their table.
9. All premises must ensure that where people are required to wait to enter the premises that a distance of 2 metres is maintained, except between members of the same household or a carer and the person assisted by the carer. Businesses should implement one-way systems, where the building allows, and subject to maintaining access for people living with disabilities in accordance with the Equality Act 2010. Outside queues should be managed to ensure they do not cause a risk to other individuals, other businesses or additional security risks, for example by introducing queuing systems.
 10. Staff should wear face [coverings](#) at all times unless they have an exemption from doing so. When moving about indoors, to walk through to the outdoor area or to go to the toilets, customers must always ensure they are wearing face coverings (unless they are under 11 or have a reasonable excuse not to wear a face covering, more information is set out in the [face coverings guidance](#) for the public and in the Health Protection (Coronavirus Restrictions) (No 5) (Wales) Regulations 2020 (as amended from time to time). To safeguard staff and customers, businesses may wish to encourage customers to wear face coverings at all times outdoors, except when seated at a table, however this is not mandatory. Staff should be encouraged to temporarily remove their face coverings, whilst maintaining social distance, if required to assist someone who relies on lip reading to communicate. Customers may remove their face coverings indoors when seated in a designated area for the immediate consumption of food and/or drink. They must replace their face coverings when they leave this designated area.
 11. All businesses should set and display the maximum capacity for inside and outside the premises and put in place measures for managing the maximum capacity set. This should form part of the specific Covid-19 risk assessment (See 1 above).
 12. All businesses must ensure customers are fully aware of their responsibilities for observing social distancing and all Covid-19 safety measures – using clear signage and other visual communications (e.g. posters or airline style flashcards). A [suite of consumer facing materials](#) is available to support businesses.
 13. All businesses should, where possible, deploy fixed teams of staff to reduce interactivity between team members including setting a maximum staff number, or space

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per staff member, in kitchens to allow for social distancing whilst taking into account the cramped nature of many kitchens. Businesses should also encourage new ways of working, adapting shift patterns and menus to significantly reduce the number of people working in kitchens at any one time.

14. Businesses should designate a named member or members of staff per shift (depending on number of covers) during all opening hours to monitor Covid-19 hygiene and enforcement of social distancing/safety protocols – acting as ‘Covid Monitors’.

15. Employers should appoint and engage with a staff representative, and trade union representative wherever possible, for all employee related Covid-19 issues.

16. When utilising outdoor spaces, the use of physical coverings, awnings, gazebos or marquees should be implemented in such a way so as to ensure that they are compliant with the requirements under the Regulations and aligned with current public health advice. The effects of sunlight, wind direction and intensity, social distance and effective handwashing should all be considered.

Specifically, if they are closed on all sides and roof/ceiling they are considered and treated as an internal environment, and should be treated as such (with the rule of 6 applying, under Alert Level 2). In contrast if they are open-sided (at least 3 sides or more than 51% open as per the [Smoke-Free Premises and Vehicles \(Wales\) Regulations 2020](#)) they are to be considered and treated as an external environment (with the rule of 6 applying). It is imperative that if marquees or similar are to be used they need to be part of the premises’ risk assessments included in [cleaning regimes](#), and monitored so as to ensure compliance with social distancing requirements

17. Loud noises, which will require people to raise their voices or shout and therefore increase aerosol spread, must be avoided. To that end businesses should ensure that TV broadcasts and recorded music should be kept at background level. Dancing, singing and live performances are not permitted at this time. Businesses need to be mindful of any noise nuisance from the premises at all times.

18. Businesses should prohibit shared activities in hospitality venues that would entail people breaching the rules on gatherings, breaching the rule of 6 (as applicable) or make social distancing impracticable e.g. skittles, darts, pool and other ‘pub games’ . Businesses are under a duty to take reasonable measures to minimise the risk of transmission. Other activities which may be carried out safely and which do not prevent social distancing may be considered on their own merits. For example, a quiz maintaining separate groups and complying with the rules on gatherings and social distancing (for example where each group collects and retains their own quiz sheet) may be permissible.

19. Access to indoor toilets will be allowed to customers and staff only, subject to adherence to cleaning and other protocols aimed at protecting staff and customers. See guidance on the [safe management of toilets](#) used by the public.

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20. Where licensed premises provide food on a buffet basis, food should be physically put on the plate by staff rather than customers. In order to minimise contact with high touch utensils, customers should not serve themselves from the buffet. Customers may select food from the buffet, be served from the buffet zone and return to where they are seated, provided a distance of 2 metres is maintained between any persons at the buffet (except between two members of the same household, or carer and the person assisted by the carer). When the customer selects food from the buffet, a face covering should be worn to approach the buffet and hand sanitiser used. Rigorous cleaning regimes should be maintained around the buffet area.

21. Businesses offering takeaway as well as seated services must follow face coverings and social distancing rules, for example, customers collecting takeaways must be socially distanced from other customers seated at tables, appropriate queueing and waiting procedures should be put in place. Those collecting food or drink must wear face coverings if they enter the building.

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-workplacesand-premises-open>

&

<https://www.ukhospitality.org.uk/page/WalesGuidance>

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.

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:	Alastair Dearling		
Signed:		Time & Date:	25/5/21
Enforcement Officer Contact Details:	01633656656 Alastair.dearling@newport.gov.uk		

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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.

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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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