

PREMISES IMPROVEMENT NOTICE

REFERENCE NUMBER 430935

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

Business/Premises Name:	The New Inn
Business/Premises Address:	15 Church Road Pentre CF41 7ED
Name of Person Responsible:	Mr Daniel Cox Premises Licence Holder and Designated Premises Supervisor
Address of Person Responsible:	15 Church Road Pentre CF41 7ED
Type of Premise/Business/Service:	Licensed Premises

I, Bethan Walters, as a relevant person and enforcement officer designated by Rhondda Cynon Taf County Borough 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 Friday 18th September 2020 at 20.50 the following observations were made:

- Patrons were sat in groups at tables
- Tables were not 2 metres apart where patrons were sat
- Music was playing a louder than background level
- Track and trace details were being taken but the time was not.

The above points fail to ensure that a 2 metre social distance is maintained between persons on the premises, contrary to Regulation 12(2)(a).

And furthermore:

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.

THESE MEASURES WILL REMAIN IN FORCE UNTIL THE RESTRICTION HAS BEEN LIFTED BY THE WELSH MINISTERS

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- Staff members were not seen to be controlling or managing the patrons within the premises to ensure a 2 metre distance was between group of people, households or tables.

Failing to ensure that other reasonable measures have been taken 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 Rhondda Cynon Taf County Borough Council hereby directs you to take the following actions:

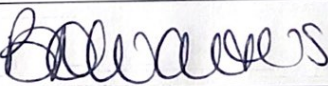
1. Update your COVID-19 Risk Assessment to include additional measures.
2. Introduce a control mechanism for entrance to the premises.
3. Staff (SIA if necessary) should be employed at busy times to control the areas and ensure there is no overcrowding of the premises, people are sat at your tables, spaced 2 metres apart and that your customers are not standing anywhere other than at a tall table.
4. Update your COVID-19 Risk Assessment to include additional measures following the local lockdown, such as one household per table and closing the premises by 23:00.
5. Implementation of all actions identified in your COVID-19 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> and <https://view.publitas.com/ukh/ukhospitality-reopening-guidance-for-hospitality-in-wales/page/1>

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

Enforcement Officer Name:	Bethan Walters		
Signed:		Time & Date:	15.45. 22.9.20
Enforcement Officer Contact Details:	Bethan.A.Walters@rctcbc.gov.uk 01443 425001		

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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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