

PREMISES CLOSURE NOTICE
REFERENCE NUMBER: JWD/231120/02



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

Business/Premises Name:	Gelli and Ystrad Comrades Club
Business/Premises Address:	27-28 Gelli Road, CF41 7LY
Name of Person Responsible:	Mr Anthony Sparrow
Address of Person Responsible:	27-28 Gelli Road, CF41 7LY
Type of Premise/Business/Service:	Licenced Premise

I, Jamie Duncan, 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 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 21/11/2020 at 20:15 it was observed that:

- Patrons were seen at the bar being served; table service was not in practice.
- Patrons were leaving their tables without face coverings.
- Adequate cleaning, door and social distancing controls were not in practice.
- Maximum capacity not controlled.
- Patrons gathered in a group in entrance porchway smoking not practicing social distancing and blocking entrance.
- Tables and seating arrangements not adequately spaced to ensure 2 metre distancing
- Patrons observed to be not practicing social distance whilst sat at their tables

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.

The above point(s) fail to ensure that a 2 metre social distance is maintained between persons on the premises, contrary to Regulation 21(2)(a) and fail to ensure that reasonable measures were in place for persons on the premises, 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 Rhondda Cynon Taf County Borough Council hereby directs you to take the following actions:

- Customers must be seated in the premises anywhere other than at a bar, when ordering food or drink, when being served food or drink and when consuming food or drink
- Where only part of a premises is available for consumption of food/drink, the requirement to wear a face covering will still apply in the other parts of the premises
- If customer toilets are open ensure they are cleaned regularly, including manual multi-person touch points such as door handles, wash hand basin, flushes, taps, etc.
- Introducing frequent deep cleaning, with attention to multi contact points – for example, between shifts, staff change overs and/or during breaks.
- Designating a named member or members of staff (depending on number of covers) during all opening hours to monitor Covid-19 hygiene and enforcement of social distancing/safety protocols – acting as 'Covid Secure Monitors'. This is an important role in ensuring a Covid secure environment and you should ensure that priority is given to this role and that a responsible member of staff is in place for each shift
- Tables should be positioned 2 metres apart; where this is not viable physical barriers such as cleanable screens should be used along with back to back and side to side seating
- Where up to 4 people from different households are sat together at a table, every effort should still be made by the business and the customer to ensure that they maximise distance at the table
- The Covid 19 risk assessment needs to be reviewed and updated as necessary

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>

This Closure Notice is considered reasonable and proportionate due to Failure to comply with The Health Protection (Coronavirus Restrictions) (No.4) (Wales).

Time Limit for Measures to be taken

The measures identified within this Premises Closure Notice must be taken within 168 hours, commencing with the time that the notice is issued

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.

Enforcement Officer Name:	Jamie Duncan		
Signed:		Time Date:	& 23/11/2020 13.20
Enforcement Officer Contact Details:	Email: Jamie.w.duncan@rctcbc.gov.uk Telephone: 01443 425001		

Appeals

The appeals process is set out in Schedule 3 Paragraph 5.

A person to whom a premises closure 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).

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.

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 19th 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.

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.

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