

PREMISES IMPROVEMENT NOTICE

REFERENCE NUMBER: MWV17122020



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

Business/Premises Name:	Coffee 111
Business/Premises Address:	111 Dunraven Street Tonypany RCT CF40 1AS
Name of Person Responsible:	Mr. Kochar Abdullah
Address of Person Responsible:	111 Dunraven Street Tonypany RCT CF40 1AS
Type of Premise/Business/Service:	Café / Takeaway

I, Mark Vowles, 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 the 17th December 2020 at 11:02 it was observed that:

- Members of staff (not exempt from wearing masks) were not wearing face masks while serving customers. Members of staff had been seen on two occasions earlier as I was passing the premises on other business serving customers and not wearing face masks. When I entered the café the member of staff was not wearing a face mask but on my arrival immediately put a mask on as I had already spoken with them during an earlier visit on the 02nd of December so was aware of who I was and job purpose. This indicates clearly that they were aware of the requirements but had chosen to ignore it.

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

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/or 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:

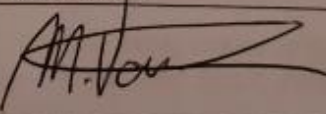
- Update your Risk Assessment to show what reasonable measures you are taking to ensure public health regulations are being adhered to and who is responsible and how they are being managed including the wearing of facemask by members of staff and customers that are not seated (unless exempt).
- Train the staff on the measures that have been put in place including the need to wear face masks.
- Record what training has been given including the staff signing and dating when the training took place and their understanding of the reasonable measure that must be taken to ensure the transmission is reduced to as low a level as possible.

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 Closure Notice must be taken within 72 hours, commencing with the time that the notice is issued

Enforcement Officer Name:	Mark Vowles		
Signed:		Time & Date:	13:00 17.12.2020
Enforcement Officer Contact Details:	Email: Mark.Vowles@rctcbc.gov.uk Telephone: 01443 425001		

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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).

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 Improvement 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 Improvement 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 Improvement Notices.

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Wales



DIOGELU CYMRU
KEEP WALES SAFE



Llywodraeth Cymru
Welsh Government

IECHYD Y CYHOEDD Y CORONAFEIRWS

Gofyniad i leihau'r risg
o ddod i gysylltiad â'r
coronafeirws mewn mangre:

PUBLIC HEALTH CORONAVIRUS

Requirement to minimise
risk of exposure to
coronavirus on premises:

**ANGEN
GWELLA**

**IMPROVEMENT
NEEDED**

Diogelu Cymru
gyda'n gilydd

Together we'll
keep Wales safe

