

PREMISES IMPROVEMENT NOTICE
REFERENCE NUMBER CW/101120/1



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

Business/Premises Name:	DEE DEE'S CAFE THE RANGE NEWPORT
Business/Premises Address:	UNIT 1B 2B EAST RETAIL PARK DOCKS WAY, NEWPORT, NP20 2NW
Name of Person Responsible:	AMANDA WOODCOCK
Address of Person Responsible:	COMPASS PARKLANDS COURT, 24 PARKLANDS BIRMINGHAM GREAT PARK, PUBERY, BIRMINGHAM B45 9PZ
Type of Premise/Business/Service:	CAFE

I, _____, 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 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 10th November 2020 at 12 NOON

- CUSTOMERS OF 'THE RANGE' WERE WITNESSED ENTERING THE CAFE TO BROWSE ITEMS ON THE SHELVES ADJACENT TO CAFE SEATED CUSTOMERS, WITHIN 2 METRES.
- CAFE QUEUE EXTENDS OUT OF PREMISES INTO THE SHOPPING AISLE OF 'THE RANGE' CAUSING OBSTRUCTION
- CAFE QUEUE SYSTEM IS NOT BEING SUFFICIENTLY MANAGED TO CONTROL CUSTOMER NUMBERS
- CUSTOMERS IN THE QUEUE ARE NOT OBSERVING SOCIAL DISTANCING REQUIREMENTS
- INSUFFICIENT STAFFING LEVELS TO MANAGE CUSTOMER NUMBERS, SANITISE TABLES AND MONITOR REASONABLE CONTROL MEASURES
- LAYOUT OF TABLES, POSITION OF ENTRY/EXIT AND QUEUE INSUFFICIENT FOR THE VOLUME OF CUSTOMERS.

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.

Which fails to ensure that other reasonable measures have taken place for the same purpose, 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 Newport City Council hereby directs you to take the following actions:

- REMOVE ITEMS FROM THE SHELVES TO DISCOURAGE CUSTOMERS OF 'THE RANGE' BROWSING WITHIN THE CAFE AND NOT OBSERVING SOCIAL DISTANCING REQUIREMENTS
- STAFF TO MANAGE THE QUEUE SYSTEM TO ENSURE CUSTOMERS MAINTAIN SOCIAL DISTANCING
- CHANGE LAYOUT OF THE CAFE TO ENSURE CUSTOMERS COMPLY WITH REASONABLE MEASURES, REPOSITION THE QUEUE AND MOVE THE ENTRY/EXIT IF NECESSARY
- EMPLOY ADDITIONAL STAFF AS SOON AS POSSIBLE TO SUFFICIENTLY MANAGE ALL REASONABLE MEASURES WITHIN 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> and <https://gov.wales/taking-all-reasonable-measures-minimise-risk-exposure-coronavirus-workplaces-and-premises-open>

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.

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:	CHAS WATKINS		
Signed:		Time & Date:	13:35 10/11/20
Enforcement Officer Contact Details:	TRADING STANDARDS @ NEWPORT, GOV.UK 01633 656 656		
Newport City Council, Civic Centre, Newport. NP20 4UR			

Appeals

The appeals process is set out in Schedule 3 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:

- By way of complaint for an order, and in accordance with the Magistrates' Courts Act 1980(37), and
- 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 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.

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 of February 2020. 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.

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

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.