

PREMISES IMPROVEMENT NOTICE
REFERENCE NUMBER _____



THE HEALTH PROTECTION (CORONAVIRUS RESTRICTIONS) (No.5) (WALES)
REGULATIONS 2020
Regulation 26 & Schedule 8

Business/Premises Name:	Cafe At Ridgeway
Business/Premises Address:	Cafe At Ridgeway Allt Yr Yn View Ridgeway Newport South Wales NP20 5DE
Name of Person Responsible:	Michael John Lavender
Address of Person Responsible:	Cafe At Ridgeway Allt Yr Yn View Ridgeway Newport South Wales NP20 5DE
Type of Premise/Business/Service:	Café

I, Alastair Dearing 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 16/17 and Schedule 7 are failing to comply with the following relevant provision(s):

Regulation 16/17 of The Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020 for the following reasons:

Failure to comply with the obligations imposed on you by Regulation 16(1) 'Reasonable measures to minimise risk of exposure to coronavirus'.

Specifically on Saturday 16th January 2021 at 11:20hrs till 12:03hrs and from 15:12 till 15:40hrs

Customers failed to self-distance 2 metres apart whilst queuing for take away food and drink.. Where persons are required to wait and que for takeaway food that a distance of 2 metres is

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.

maintained between them (except between members of the same household or a carer and the person assisted by the carer),

The premises also failed to maintain hygiene regarding a table located outside the premises to allow customers to obtain items like sugar / milk, this area was not sanitised at time of the visit despite multiple customers using the table.

Which fails to ensure that other reasonable measures have taken place for the same purpose, contrary to Regulation 16(1)(b) / 17(2)

Failure to comply with The Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020, without reasonable excuse, is an offence under Part 8 Regulation 42 and punishable on summary conviction by a fine.

In order to secure compliance Newport City Council hereby directs you to take the following actions:

- A one way queuing system is required to be implemented by the premises and physical barriers are also required to control customers queuing. (Physical barriers could be rope of tape to clearly highlight the que system)
- 2 meter floor marking should be located on the floor of the que to indicate 2 meter social distancing.
- The queuing system should not be located on the public highway including the public footpath so as to assist social distancing for members of the public wishing to use the footpath.
- Milk, sugar and other condiments should be located at the serving hatch only, the table housing such items should be removed.

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>

Time Limit for Measures to be taken

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.

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:	Alastair Dearling	Time & Date:	19/1/21
Enforcement Officer Contact Details:	Environment.licensing@newport.gov.uk Newport City Council, Civic Centre, Newport. NP20 4UR		

Appeals

The appeals process is set out in Schedule 8 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:

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.

- 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.5) (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 31st March 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 16(1), if the officer considers that the person is not complying with the obligations imposed on the person by Regulation 16(1) (b) 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 8 of The Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020

Schedule 8 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.