

PREMISES CLOSURE NOTICE
REFERENCE NUMBER__19/03106/LAPREV_____



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

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| Business/Premises Name: | Ye Old Bull Inn |
| Business/Premises Address: | Ye Old Bull Inn High Street Caerleon |
| Name of Person Responsible: | Jonathan Collingbourne |
| Address of Person Responsible: | Yobi Caerleon Limited C/O UHY Hacker Young Lanyon House Mission Court Newport NP20 2DW |
| Type of Premise/Business/Service: | Public House |

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 Closure Notice (**for part of the premises** this being carpark area/ gazebo) 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(2) 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 evening Saturday 10th October 2020 Gwent Police Witnessed the following at the premises:

Within the Outside Area "Gazebo" area people where not 2m apart and no management was in place to stop customers from moving from table to table as such freely mixing.

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 lack of control of customer also resulted in serious incident outside the premises as customers departed the premises.

The Gazebo failed to meet the definition of an outside area.

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

When the Outside Carpark area / Gazebo is in operational:

- On Friday & Saturday from 18:30hrs till close no persons should be permitted onto the premises Outside / Gazebo area without pre booked table. No Walk up bookings will be permitted between the hours of 18:00hrs till close on a Friday and Saturday.
- The tables that are currently located within the car park (excluding the Gazebo area) should be removed. No tables should be present in the carpark area other than within Gazebo.
- All customers must be led to their tables and reminded that they are not permitted to change tables at any time. Clear signage on tables should remind customers of this fact and any customers that fail to comply will be asked to leave the premises.
- No Queuing should take place on public highway / pavement on Friday and Saturday from 18:30hrs till Close. A queuing system on these nights should take place within the premises car park area and only for those who have pre booked a table. A minimum of Two SIA door staff should be present to manage the que and refuse entry to the premises if customer has not pre booked.
- Last entry to the Premises should be 21:00hrs
- A further 2 SIA door staff should be deployed in the Gazebo area and further 2 SIA door staff within inside of the Licence premises and the beer garden.
- No drinks should be served to customers inside the Gazebo the premises after 9:40pm and all persons seated in the Gazebo / outside carpark area must leave the premises by 22:00hrs. Customers within the licence premises and the beer garden must be off the premises no later than 22:20hrs.
- From 18:30hrs till Close on a Friday & Saturday the premises should operate as an over 25 venue.
- CCTV camera are required to be installed in the Gazebo area and capable of recording for up to 14 days. CCTV should be provided at a request of Responsible Authority under terms of the Licensing Act 2003.
- The Gazebo must meet the definition of an outside area at all times when customers are present.

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- The maximum number of persons in each area are as follows:

Inside the Licence Premises:

The Beer Garden

The Gazebo:

- 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 Closure Notice comes into force immediately from 13/10/20 till 27/10/20 (no more than 336 hours/14 days)

It is an offence not to comply with this Premises closure Notice by the date stated

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| Enforcement Officer Name: | Alastair Dearling | | |
| Signed: | | Time & Date: | 13/10/20 |
| Enforcement Officer Contact Details: | Alastair Dearling Prif Swyddog Trwyddedu / Principal Licensing Officer Y Gyfraith a Rheoleiddio / Law & Regulation Cyngor Dinas Casnewydd / Newport City Council 01633656656 Alastair.Dearling@newport.gov.uk Newport City Council, Civic Centre, Newport. NP20 4UR | | |

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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.

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

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