

PREMISES IMPROVEMENT NOTICE

REFERENCE NUMBER: 21/12744



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

Business/Premises Name:	Transporter Cafe
Business/Premises Address:	Unit 2, Latches Wharf, Mill Parade, Newport NP20 2JR
Name of Person Responsible:	Joanne Smyth
Address of Person Responsible:	Unit 2, Latches Wharf, Mill Parade, Newport NP20 2JR
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 16 and Schedule 7 are failing to comply with the following relevant provision(s):

Regulation 16 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 21st April 2021:

- The seating area inside the premises is not sufficiently cordoned off to ensure that customers are not able to use the tables and chairs for the consumption of food and drink on the premises
- A lack of signage inside the premises to inform customers that the tables and chairs are not to be used for the consumption of food and drink on the premises

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

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.

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:

- To take all reasonable measures to ensure food or drink is not consumed on the business premises by customers, including, but not restricted to –
 - The removal of, or cordoning off of the tables and chairs in the consumer area, to make them practically unusable by customers
 - To erect signage to inform customers that the consumption of food or drink on the premises is prohibited.

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>
<https://gov.wales/taking-all-reasonable-measures-minimise-risk-exposure-coronavirus-workplaces-and-premises-open>
<https://gov.wales/guidance-for-tourism-and-hospitality-businesses-coronavirus-html>

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:	T Hopkins		
Signed:		Time & Date:	11.05am 21/04/2021
Enforcement Officer Contact Details:	Trading.standards@newport.gov.uk 01633 656656 Newport City Council, Civic Centre, Newport. NP20 4UR		

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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:

- 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 28th May 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

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