

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

Business/Premises Name:	Cafe Nero - Nero Holdings Ltd
Business/Premises Address:	Unit 19B, Newport Retail Park, Newport NP23 4QQ
Name of Person Responsible:	Hannah Williams
Address of Person Responsible:	9-15 Neal Street, London WC2H 9QL
Type of Premise/Business/Service:	Cafe

I, Kathryn Naul, 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 20/11/2020 at 12:06

* Tables & Seating Within 2m not allowing social distancing

* Patrons sat back to back - not 1m apart

* Hand Sanitiser nearly empty

* Inadequate signage in relation to customers social distancing

* Customers not observing social distancing

* Inadequate signage by toilet & seating area for social

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.

distancing & face covering

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:

- * *Move Table & Seating to 2m apart to allow customers to social distance*
- * *Refill & prominently place hand sanitiser*
- * *Put up more signage in relation to customers social distancing & face covering*
- * *Put control measures in place to control customer social distancing measures.*
- * *Put up more signage by toilet area for social distancing & face covering.*

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

The measures identified within this Premises Improvement Notice must be taken within ⁷²48 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:	Kathryn Nash		
Signed:		Time & Date:	12:15 10/11/20
Enforcement Officer Contact Details:	01633 851681 Kathryn.nash@newport.gov.uk 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).

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).

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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 2020¹. 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

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NHS
Wales

Iechyd Cyhoeddus
Cymru
Public Health
Wales



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