

**The Health Protection (Coronavirus Restrictions)(No. 2)(Wales) Regulations 2020
Regulation 12 Paragraph 2 Schedule 5**

PREMISES CLOSURE NOTICE

Reference Number: RMCCCP00568

1. To Mr Ajay Singh (Responsible Person)

Locos Latin Bar & Grill (CCCP00568) (Name of Premises)

7-9 Miskin Street, Cardiff (Address of Premises)

2. I, Rhys Morgan, an authorised enforcement officer of the Shared Regulatory Service, an enforcement authority for the relevant local authority for the purposes of the aforementioned legislation, consider that the closure of the above-named premises is necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus as one of the following conditions has been satisfied:

Condition 1 (delete as appropriate)

- (a) A premises improvement notice has been issued to the above-named responsible person
- (b) I consider that the person has failed to take the measures specified in the premises improvement notice within the specified time limit, and
- (c) I consider that the closure of the premises, or part of the premises, is necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus.

The measure or measures which have not been taken but which must be taken in order to ensure that the above named responsible person complies with the obligations imposed by the Regulations are:

- Failing to take all reasonable measures to ensure that a distance of 2 metres is maintained between any persons on the premises other than 2 members of the same household, or a carer and the person assisted by the carer
- Failing to take all reasonable measures to ensure where persons are required to wait to enter the premises, that a distance of 2 metres is maintained between them other than between 2 members of the same household, or a carer and the person assisted by the carer
- Failing to take other reasonable measures which limit close face to face interaction as you have not:

~~—changed the layout of premise including the location of furniture and workstations~~

- controlled the use of entrances, passageways, ~~stairs and lifts~~
- ~~— controlled the use of shared facilities such as toilets and kitchens~~
- otherwise controlled the use of, or access to, any other part of the premises
- installed barriers or screen
- provided or required the use of personal protective equipment
- taken other reasonable measures
- ~~Failed to provide information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus~~

Condition 2 (delete as appropriate)

~~(a) I consider that the above named responsible person is not complying with the obligations imposed on them by Regulation 12(2) of the Regulations, and~~

~~(b) the closure of the premises, or part of the premises, (without a premises improvement notice having been issued) is necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus~~

~~I consider that the above named responsible person has failed to comply with the obligations imposed by the Regulations by: (delete as appropriate)~~

- ~~Failing to take all reasonable measures to ensure that a distance of 2 metres is maintained between any persons on the premises other than 2 members of the same household, or a carer and the person assisted by the carer~~
- ~~Failing to take all reasonable measures to ensure where persons are required to wait to enter the premises, that a distance of 2 metres is maintained between them other than between 2 members of the same household, or a carer and the person assisted by the carer~~
- ~~Failing to take other reasonable measures which limit close face to face interaction and maintain hygiene as you have not:~~
 - ~~— changed the layout of premise including the location of furniture and workstations~~
 - ~~— controlled the use of entrances, passageways, stairs and lifts~~
 - ~~— controlled the use of shared facilities such as toilets and kitchens~~
 - ~~— otherwise controlled the use of, or access to, any other part of the premises~~
 - ~~— installed barriers or screen~~
 - ~~— provided or required the use of personal protective equipment~~
 - ~~— taken other reasonable measures~~
- ~~Failed to provide information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus~~

3. This Notice will take effect immediately it is issued / at(time) on the 14/09/2020(date)

4. This Notice will remain in effect until (period may not be more than 336 hours (14 days) beginning with the time the notice is issued) : 28/09/2020.....(date)

5. It is an offence not to comply with this premises closure notice.

Signed:..... (Authorised Officer)

Name in Capitals: RHYS MORGAN

Date: 14/09/2020

Address: Shared Regulatory Services, Licensing, Room 206 City Hall, Cardiff

Telephone: 02920871123

Email: rhys.morgan@cardiff.gov.uk

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.

EFFECT OF PREMISES CLOSURE NOTICE

1. As soon as is reasonably practicable after a premises closure notice takes effect you must ensure that
 - (a) The premises to which the notice relates are closed, and
 - (b) No business is carried on or service is provided on, or from, the premises.
2. No person may enter, or be on, premises closed by the Notice without a reasonable excuse.
3. The circumstances in which a person has a reasonable excuse to enter, or be on, premises closed by the Notice include where:
 - (a) The person lives on the premises;
 - (b) The person is carrying out essential maintenance or repairs;
 - (c) The person is doing things necessary to ensure that their obligations under Regulation 12(2) can be complied with when the premises are allowed to be open;
 - (d) The person is an enforcement officer or a person assisting an enforcement officer;
 - (e) It is necessary for the person to be on the premises to avoid injury or illness or escape a risk of harm.

YOUR RIGHT OF APPEAL

4. In accordance with Paragraph 5 of Schedule 5 of The Health Protection (Coronavirus Restrictions)(No.2)(Wales) Regulations 2020, if you disagree with all or part of this notice, you can appeal to the Magistrates Court. You must appeal by way of complaint for an order under Section 37 of the Magistrates Courts Act 1980 and within 7 days after the day the notice was issued. A magistrates' court may allow an appeal to be made after the expiration of the 7 days if they are satisfied that there is a good reason for the failure to appeal before the expiration of the 7 day period (and for any delay in applying for permission to appeal out of time).
5. A magistrates' court may suspend the effect of a premises closure notice pending the determination of an appeal.
6. On an appeal against a premises closure notice a magistrates' court may
 - (a) confirm the decision to issue the notice;
 - (b) direct that the notice is to cease to have effect;
 - (c) modify the notice;
 - (d) make such other order as the court considers appropriate.
7. If the magistrates' court directs that a notice is to cease to have effect or modifies a notice, it may order the local authority for the area in which the premises in question are situated to compensate the person responsible for the premises for loss suffered as the result of the issue of the notice.
8. An appeal by either party against the decision of a magistrates' court on an appeal may be brought to the Crown Court
9. On an appeal to the Crown Court, the Court may
 - a. Confirm, vary or reverse the decision of the magistrates' court
 - b. Remit the case the magistrates' court to dispose of in accordance with directions given by the Crown Court.

WARNING

FAILURE TO COMPLY WITH THIS NOTICE IS AN OFFENCE PUNISHABLE BY A FINE

Further advice may be sought from a solicitor or from the Magistrates Court at (delete as appropriate) :

Cardiff & the Vale of Glamorgan Magistrates Court Fitzalan Place Cardiff CF24 0RZ
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Tel: 02920 463040
