

## The Health Protection (Coronavirus Restrictions)(No. 2)(Wales) Regulations 2020 Paragraph 1 Schedule 5

### PREMISES IMPROVEMENT NOTICE

Reference Number RM/002/LCS

1. To David Dean (Responsible Person)

Premises Peppermint (Name of Premises)

At 63 St Mary 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 you are failing to comply with the obligations imposed on the premises 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

3. In my opinion, the following measure(s) are necessary and proportionate in order to ensure you comply with the Regulations:

Ensure 2m distance between customers entering the premises is maintained whilst queuing and ensure crowds are managed to avoid bunching and grouping

Ensure tables in the premises are positioned and maintained to have a 2m distance between persons whilst seated and maintain adequate walkways between tables for staff serving.

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4. The measure or measures must be taken by (not less than 48 hours beginning with the time the notice is issued)      Monday 7<sup>th</sup> September 2020 (date)

5. **It is an offence not to comply with this premises improvement notice by the date stated.**

**Signed:**..... (Authorised Officer)

**Name in Capitals**      RHYS MORGAN

**Date:** Saturday, 05 September 2020

**Address:** Shared Regulatory Services, RM 206, City Hall, Cardiff, CF10 3ND

**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.**

## NOTES

1. In the opinion of the enforcement officer you are not complying with the Regulations as described in paragraph 2 of the notice. The work needed in the officer's opinion to put matters right is described and it must be finished by the date set.
2. You are responsible for ensuring that the work is carried out within the period specified, which must not be less than 48 hours beginning with the time the notice is issued.

## YOUR RIGHT OF APPEAL

3. 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).
4. A magistrates' court may suspend the effect of a premises improvement notice pending the determination of an appeal.
5. On an appeal against a premises improvement 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.
6. 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.
7. An appeal by either party against the decision of a magistrates' court on an appeal may be brought to the Crown Court
8. 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 CAN RESULT IN A PREMISES CLOSURE NOTICE BEING ISSUED**

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
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