



Notice Schedule 5 The Health Protection (Coronavirus, Restrictions) (No. 2) (Wales) Regulations 2020 (as amended)
Public Health (Control of Disease) Act 1984

Premises Improvement Notice

Part A: Recipient

Name
Ms Catherine Saunders

Trading as
The Railway

Address
32 Brecon Road, Abergavenny, Monmouthshire, NP7 5UG

Part B: Relating to

The Railway, 32 Brecon Road, Abergavenny, Monmouthshire, NP7 5UG

Part C: Basis for Service

This Premises Improvement Notice is served under Schedule 5(1) of The Health Protection (Coronavirus, Restrictions) (No. 2) (Wales) Regulations 2020 (as amended) (the Regulations).

I, Leigh Beach designated as a relevant person for the purposes of the Regulations by Monmouthshire County Council consider that you are a person responsible for the premises stated in Part B and that you have not complied with your obligations imposed under regulation 12 of the Health Protection (Coronavirus, Restrictions) (No. 2) (Wales) Regulations 2020 to minimise the risk of exposure to coronavirus at the premises.

Part D: Risk of Exposure

The basis for my decision are, evidence has been obtained by officer inspection on the 26th September 2020 to demonstrate;

- The premises is providing recorded music to customers requiring customers, staff or Authorised Officers to raise voice to be heard and may encourage customers to dance.
- Customers are ordering beverages from the bar area.
- Customers are less than 2 metres from customers from other households and not maintaining social distancing requirements when on the premises.
- Customers who are not seated to consume food or drink are not wearing face coverings when walking through the premises.

Part E: Action Required

This Premises Improvement Notice requires;

- That you and staff take all reasonable measures to ensure customers maintain social distancing when on the premises. If it is not financially viable for you to trade maintaining social distancing of 2m between seats provided for customers use, you must insert screens to separate seating areas or have tall backed seats with back to back / side to side seating as close to 2m as

reasonably possible. Please confirm in writing what adjustments you have made with customer seating.

- Any music provided must be no higher than background volume and does not cause people to raise voices to be heard.
- That you refuse to serve customers at the bar and request all customers remain seated to order and receive food or drink service. (Consider signage asking customers to remain seated and await service or consider use of an app as stated in the Welsh Government guidance and UK Hospitality guidance).
- That you ensure face coverings are used by staff and members of the public when in public areas of the premises, unless exempt.
- You produce or review the Covid-19 Risk Assessment and ensure compliance with the amended regulations regarding table service, face coverings and consumption when seated. Please provide a copy of the Risk Assessment to the Licensing Section. I have attached the amended regulations and guidance for reference.
- You take all reasonable measures to ensure you are able to comply with the regulations and to minimise risk of exposure to the virus.

These actions must be completed by Saturday 3rd October 2020.

Part F: Consequences of Non-compliance

Failure to comply with this Premises Improvement Notice, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates' Court.

Part G: Challenging This Compliance Notice

There is a right to appeal against this Premises Improvement Notice to the Magistrates' Court. An appeal can be made:

- By way of complaint for an order, and in accordance with the Magistrates' Courts Act 1980, and
- Within 7 days after the day that this notice is issued.

A Magistrates' Court may allow an appeal outside of the time limit stated above where they are satisfied that there is a good reason for the failure to appeal before the expiry of the stated period.

A Magistrates' Court may suspend the effect of this notice pending the determination of an appeal.

Part H: Publicising This Notice

Once served, a copy of this notice and a statutory sign will be affixed in a prominent position near every entrance to the premises (to which the notice applies). A copy will also be published on the Council's website. The notice and statutory sign must remain in place while the notice has effect and anyone who, without reasonable excuse, removes, obscures or damages the notice or sign commits an offence.

Part H: Officer

Signature: *2 Beach*

Name:
Leigh Beach

Title:
Licensing Officer

Date:
29/09/2020

Contact address:
The Licensing Section, Monmouthshire County Council, Abergavenny Community Education Centre, Old Hereford Road, Abergavenny, Monmouthshire, NP7 6EL

Email:
licensing@monmouthshire.gov.uk

Notes

5. Appeals

1. A person to whom a premises improvement notice or premises closure notice is issued may appeal to a magistrates' court against the notice.

2. An appeal must be made:

- a) By way of complaint for an order, and in accordance with the Magistrates' Courts Act, and
- b) Within 7 days after the day the notice is issued.

3. But a magistrates' court may allow an appeal to be made after the expiry of the period mentioned in sub-paragraph (2)(b) if satisfied that there is a good reason for the failure to appeal before the expiry of that 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 or premises closure notice pending the determination of an appeal.

5. On an appeal against a premises improvement notice or 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.

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 under this section 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 to the magistrates' court to dispose of in accordance with directions given by the Crown Court.

Any person who without reasonable excuse, removes, obscures or damages a notice or sign required to be displayed under Schedule 5 of the Health Protection (Coronavirus, Restrictions) (No. 2) (Wales) Regulations 2020 commits an offence and may be issued with a fixed penalty notice or may be liable to a fine on conviction.

Advice

If you do not understand the contents of this Notice or would like to know more about it, please contact the local authority. If you would like to receive independent advice about the contents of this Notice, your rights and obligations, then please contact Citizens Advice, a Housing Aid Centre, Law Centre or solicitor.
