

**Notice**

Schedule 8 The Health Protection (Coronavirus, Restrictions) (No. 5) (Wales) Regulations 2020 (as amended)  
Public Health (Control of Disease) Act 1984

## Premises Improvement Notice

**Part A: Recipient****Name**

Mr Sait Saritag

**Trading as**

Kotch Kebab Ltd

**Address**

Marmaris Kebab House, 34 Cross Street, Abergavenny, NP7 5ER

**Part B: Relating to**

Marmaris Kebab House, 34 Cross Street, Abergavenny, NP7 5ER

**Part C: Basis for Service**

This Premises Improvement Notice is served under Schedule 8 of The Health Protection (Coronavirus, Restrictions) (No. 5) (Wales) Regulations 2020 (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 17A of the Health Protection (Coronavirus, Restrictions) (No. 5) (Wales) Regulations 2020 to minimise the risk of exposure to coronavirus at the premises.

**Part D: Risk of Exposure**

The basis for my decision is, **evidence has been obtained by officer inspection on the evening of 29<sup>th</sup> January 2021 to demonstrate;**

- **A Covid-19 Risk Assessment needs to be created or re-considered with the latest Covid-19 regulations**
- **No signage displayed at the entrance of the premises requesting social distancing or requesting customers wear face coverings inside the premises**
- **The maximum capacity has not been calculated and is not visible through signage at the entrance to the premises**
- **Excess customers inside the premises during the inspection on the 29<sup>th</sup> January, not social distancing correctly 2x photographs provided as evidence attached to this notice.**
- **There is not the required social distancing of 2m between customers queuing inside and outside the premises.**
- **Staff are working within 1m of customers without mitigating circumstances such as screens.**
- **No face coverings worn by staff who are working within 1m distance of customers.**

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**Part E: Action Required**

This Premises Improvement Notice requires;

- **A Covid-19 Risk Assessment** to be created/amended and produced to an authorised officer by post or email [licensing@monmouthshire.gov.uk](mailto:licensing@monmouthshire.gov.uk)
- **Signage** required at the entrance of the premises requiring compulsory wearing of a face coverings (unless exempt) and social distancing signage
- **To calculate the maximum capacity of the premises for customers and display a maximum capacity sign at the entrance clearly visible to the customers on entry.** (Note - Staff are regularly entering and exiting the premises whilst customers are queuing and this need to be considered when calculating the internal maximum capacity)
- **To consider floor markings throughout the premises and outside the premises for customers to have clear floor markings indicating where to stand whilst in the queue.** (Note – during inspection there were customer's queueing to the right and to the left of the main entrance and not all queueing 2m apart as required.
- **Customers witnessed leaning on the counter whilst waiting to pay/order,** there needs to be consideration of a screen or clear floor markings requesting customers stand back away from the counter whilst ordering maintaining 2m distance away from staff behind the counter.
- **Face coverings need to be worn by staff (unless exempt) if there is no barrier/screen between the staff employed at the premises and customers with less than 2m distance between staff and customers in the premises.**

**These actions must be completed by Friday 5<sup>th</sup> February 2021. Failure to comply with the improvement notice may result in a closure notice.**

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**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.

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**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.

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**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.

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**Part H: Officer**

Signature:

*L Beach*

Name:

Leigh Beach

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Title:  
Licensing Officer

Date:  
1<sup>st</sup> February 2021

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

Email:  
licensing@monmouthshire.gov.uk

Telephone:  
01873 735420

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## 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 8 of the Health Protection (Coronavirus,

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Restrictions) (No. 5) (Wales) Regulations 2020 commits an offence and may be issued with a fixed penalty notice or may be liable to a fine on conviction.

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**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.

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