

**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 Mark Chiplin

**Trading as**

Grill at the Mill

**Address**

"The Old Yard", 8 Mill Street, Abergavenny, NP7 5HE

**Part B: Relating to**

Grill at the Mill, "The Old Yard", 8 Mill Street, Abergavenny, NP7 5HE

**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 (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 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 3<sup>rd</sup> March 2021 to demonstrate;**

- **Customers are not social distancing whilst queuing on site and waiting for items**
- **Allowing consumption of drinks on the premises during Alert Level 4 whereby this is prohibited**
- **Customers are within 1m distance of the staff member when ordering items with no mitigating circumstances such as screens/barriers or face coverings**
- **Staff are allowing customers to exceed the maximum capacity numbers on site (you informed me the maximum capacity is four people, however I witnessed more than four people on site at any one time during my inspection)**
- **Staff working in the food catering van not wearing face coverings and working within 2m distance of others**
- **Queuing system/ area needs improvement, there is no clear queuing area on site for customers to follow**

**Part E: Action Required**

This Premises Improvement Notice requires the following action;

- **A Covid-19 Risk Assessment needs to be created or re-visited and produced to Environmental Health for approval following the initial inspection. (email [environmentalhealth@monmouthshire.gov.uk](mailto:environmentalhealth@monmouthshire.gov.uk)) You must bring your Covid-19 Risk Assessment to the attention of all staff**
- **Staff must take all reasonable measures to ensure customers maintain a distance of 2 metres between any persons on the premises (except between members of the same household or a carer and the person assisted by the carer)**
- **No consumption of food or drink is permitted on the premises when under Alert Level 4.**
- **A suitable system of work must be implemented to ensure that staff and customers remain 2m distance apart when orders are taken and when food/drink is given to customers. If this is not possible, then you must implement additional mitigating measures, such as the installation of a screen/barrier along the serving counter.**
- **Improvements to signage are required, for example “take away only” signs, floor markings to aid social distancing and “maximum capacity” signage. Links to free signage have been provided by email.**
- **You must set a maximum capacity limit for the site and have measures for controlling entry, example “maximum capacity” signage and announcement when required.**
- **Staff working within 2m distance of each other must wear a face covering (mask).**
- **You must take all reasonable measures to ensure you comply with the Regulations and to minimise risk to staff and customers of exposure to coronavirus.**

**These actions must be completed by Thursday 11<sup>th</sup> March 2021.**

---

**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:  
*L Beach*

---

Name:  
Leigh Beach

Title:  
Licensing Officer

Date:  
03/03/2021

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

---

**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.

---