THE HEALTH PROTECTION (CORONAVIRUS RESTRICTIONS) (No 5) (WALES) REGULATIONS 2020 as amended
Regulation 26 and Schedule 8

AD - 2021 | 11 | 18 - IN - 001

IMPROVEMENT NOTICE

REFERENCE NUMBER .....

Business/Premises Name:	TENBY'S TRADITIONAL FISH + CHIPS
Business/Premises Address:	TRAFALGAR ROAD, TENBY SA70 7DN
Name of Person Responsible:	MR DANIEL WILCOX (PROPRIETOR).
Type of Business/Premises/Service:	RETAIL / FAST FOOD TAKE AWAY.

Officer Name: ALED DAVIES

I am of the opinion that you, as the person responsible for the regulated premises stated above, have failed to take the *reasonable measure(s)* which are set out below, for the purposes of minimising the risk of exposure to coronavirus at the premises, or the spread of coronavirus by those who have been at the premises :

Contravention of the requirements imposed by

Regulation 16(1)

On the THURSDAY 18/11/2021 at 1200 HRS you failed to take the following step(s) **(delete the following as appropriate) :**

Step 1: undertake a specific assessment of the risk of exposure to coronavirus at the premises and in doing so consult persons working on the premises or representatives of those persons

Step 2: to provide information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus.

Step 3: take all reasonable measures to mitigate the risk of exposure to coronavirus that arises where persons gather in close proximity, such as—
(a) seeking to prevent the following persons from being present at the premises—
(i) any person who has tested positive for coronavirus in the previous 10 days,
(ii) any person who has had close contact in the previous 10 days with a person who has tested positive for coronavirus,
(iii) any person experiencing symptoms associated with COVID-19;

(see Regulation 16(3) for further examples of measures which may be taken and include in the notice if appropriate – i.e:
(a) not carrying out certain activities; CUSTOMERS NOT WEARING FACE MASKS
(b) closing a part of the premises;
(c) allowing and enabling a person who ordinarily works at the premises to isolate due to testing positive for coronavirus or having had close contact with somebody who has tested positive, for a period—
(i) recommended in guidance published by the Welsh Ministers;
(ii) specified in a notification given to the person by a contact tracer;
(d) collecting contact information from each person at the premises and retaining it for 21 days for the purpose of providing it to any of the following, upon their request—
(i) the Welsh Ministers;
(ii) a contact tracer;
(e) taking reasonable measures to ensure that such contact information is correct.)

(b) ensuring that persons gathering at the premises gather outdoors where this is practicable;

(c) limiting close face–to-face interaction between persons on the premises, by
(delete the following as appropriate - they are given in the Regulations as examples)

(i) changing the layout of premises including the location of furniture and workstations*
(ii) controlling use of entrances, passageways, stairs and lifts*
(iii) controlling use of shared facilities such as toilets and kitchens*
(iv) otherwise controlling the use of, or access to, any other part of the premises*
(v) installing barriers or screens*
(vi) providing or requiring use of personal protective equipment*
[*if appropriate and necessary specify the exact non-compliance]

Specifically, you are required to [insert actions]: 1. FRONT FACING STAFF TO WEAR FACE MASKS 2. ALL CUSTOMERS FREQUENTING TAKE AWAY TO WEAR FACE MASKS (UNLESS EXEMPT). 3. CONTROL CUSTOMERS + ENCOURAGE THEM TO WEAR FACE MASKS AS PER INFORMATION PROVIDED UPON NOTIFICATION A' FRAME.

You are required to take the above measures by the following date : SATURDAY 20/11/2021 time 1320HRS

Officer Name:	ALED DAVIES		
Signature:	Aled Davies	**Date:**	THURSDAY 18/11/2021.
Officer Contact Details:	corona enquiries@pembrokeshire.gov.uk.		

Any person, who, without reasonable excuse, removes, obscures or damages this notice or accompanying sign required to be displayed under paragraph 7(2) of Schedule 8 commits an offence.

Failure to comply with this Improvement Notice within the time specified without a reasonable excuse is an offence (Regulation 42 (3), and failure to comply with this Improvement Notice within the time specified without a reasonable excuse may result in the closure of the premises (Schedule 8, paragraph 2)

The Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020 (as amended) are made under The Public Health (Control of Diseases) Act 1984 *(as amended)*. "Coronavirus" means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

A "person responsible for carrying on a business" includes the owner, proprietor and manager of that business.

Termination of premises improvement notice

If you consider that you have complied with this Improvement notice and wish to apply for it to be terminated :

(1) An enforcement, officer may issue a notice terminating a premises improvement notice if satisfied that :

(a) the measures specified in the premises improvement notice have been taken, or

(b) other measures have been taken to ensure that regulations 16 can be complied with at the premises in question.

(2) A premises improvement notice ceases to have effect at the time notice of the termination is issued.(Schedule 8 paragraph 4)

Your right of appeal

(1) A person to whom a premises improvement 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 1980(38), 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 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 pay compensation 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.