



IMPROVEMENT NOTICE

REFERENCE NUMBER JS25112020

Business/Premises Name:	The Royal Oak
Business/Premises Address:	138 to 140 Main Street, Pembroke SA71 4HN
Name of Person Responsible:	Jonathan Nutting
Type of Business/Premises/Service:	Public House

I,

Officer Name: John Stretton

am of the opinion that you, as the person responsible, for carrying on the business **have failed to take reasonable measure(s)** in accordance with Regulation 21 of The Health Protection (Coronavirus Restrictions) (No.4) (Wales) Regulations 2020, 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:

- (a) to ensure that a distance of 2 metres is maintained between any persons on the premises (except between two members of the same household, or a carer and the person assisted by the carer)
 - (b) and you have failed to take other reasonable measures, namely
 - to limit close face to face interaction
 - maintaining hygiene
 - minimising the risk of exposure to coronavirus at the premises by:
 - (b)(i) changing the layout of premises including the location of furniture and workstations
 - (b)(ii) controlling use of entrances, passageways, stairs and lifts
 - (b)(iii) controlling use of shared facilities such as toilets and kitchens
 - (b)(iv) otherwise controlling the use of, or access to, any other part of the premises
 - (b)(v) installing barriers or screens
 - (b)(vi) providing or requiring use of personal protective equipment
 - (c) providing information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus
- and under Regulation 21(3):
- (a) ceasing to carry out certain activities
 - (b) collecting contact information from each person at the premises or, in relation to persons from the same household, from one of them, and retaining it for 21 days for the purpose of providing it to the Welsh Ministers or a contact tracer upon either's request –
 - (c) taking reasonable measures to ensure that such contact information is correct

And under Regulation 21(4), where the premises are authorised for the sale or supply of alcohol for consumption on the premises, failed to take the following reasonable measures under Regulation 21(5)

- (a) ensuring there is a person controlling entry to the premises and allocating a limited time period during which customers may stay in the premises
- (b) ensuring customers are seated in the premises (but not at the bar)
 - (i) when ordering food or drink
 - (ii) when being served with food or drink, and
 - (iii) when consuming food or drink

Specifically, you are required to:

1. Carry out a risk assessment to identify whether any of the following need to be done to ensure social distancing of both staff and customers and act on your findings:
 - (a) changing the layout of premises including the location of furniture and workstations
 - (b) controlling use of entrances, passageways or stairs
 - (c) controlling use of shared facilities such as toilets and kitchens
 - (d) installing barriers or screens
2. Ensure that a member of staff or doorperson:
 - (a) controls entry to the premises
 - (b) allocates a limited time period during which customers may stay in the premises
 - (c) collects track and trace details from customers on arrival and checks that groups are from the same household or are not gathering in a group of more than 4 by asking to see proof of address
 - (d) ensures customers are seated immediately on arrival
3. Cease serving anyone at the bar, and take orders and serve food or drink at tables only.
4. Display signs, including one on entry, reminding customers to wear a face covering unless seated.
5. Display signs to reminding customers about social distancing.
6. Provide appropriate hand sanitiser (e.g. pump action or dispenser operated) for use on entry and display signage asking customers to use it
7. Introduce an enhanced cleaning schedule for all areas to which customers and/or staff have access

You are required to take the above measures by the following date:27/11/2020.....time.....18:00.....

Officer Name:	John Stretton		
Signature:		Date:	25 November 2020
Officer Contact Details:	01437 764551		

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 3 commits an offence.

Failure to comply with this Improvement Notice may result in the closure of the premises (Schedule 3, paragraph 2)

NOTES

The Health Protection (Coronavirus Restrictions) (No.4) (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 regulation 21 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 3 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.