



IMPROVEMENT NOTICE

REFERENCE NUMBER ...CR/RT/20210331/IN001.....

Business/Premises Name:	Tenby Sailing Club
Business/Premises Address:	Castle Square, Tenby SA70 7BW
Name of Person Responsible:	Marc Andrew Shepherd
Type of Business/Premises/Service:	Licensed Premises offering takeaway
I,	Rachel Thomas

am of the opinion that you, as the person responsible for the 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 :

<p>Contravention of the requirements imposed by Regulation 16(1)</p> <p>On the 20/03/2021 at 20:45 you failed to take the following reasonable measure(s) to ensure 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)</p> <p>and</p> <p>On the 20/03/2021 at 20:45 you failed to take any other reasonable measures which limit close face-to-face interaction and maintain hygiene such as — (b)(iv) otherwise controlling the use of, or access to, any other part of the premises, primarily the seating area adjacent to the bar to prevent customers using this area. (b)(vi) providing or requiring use of personal protective equipment.</p> <p>and under Regulation 16(2)</p> <p>(b) On the 20/03/2021 at 20:45 you had failed to close part(s) of the premises, namely the seating area adjacent to the bar, which is necessary to keep any persons on the premises and / or waiting to enter the premises 2 metres apart (except between two members of the same household, or a carer and the person assisted by the carer)</p> <p>Specifically you are required to:</p> <ul style="list-style-type: none"> • Review and revise the specific risk assessment to include a review the queuing system to ensure 2m is maintained between customers • Close the seating area to the public • Provide or require the use of personal protective equipment (primarily face coverings) for staff and customers (unless exempt) • Provide information to those working at the premises about how to minimise the risk of exposure to coronavirus

You are required to take the above measures by the following date :02/04/2021.....time.....16:14.....

Officer Name:	Rachel Thomas		
Signature:		Date:	31/03/2021
Officer Contact Details:	coronaenquiries@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 and / or 17 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.