

## **Wrexham County Borough Council**

### **The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 as amended**

#### **IMPROVEMENT NOTICE**

##### **Part A**

**To:** Michael Maclellan

**At:** Railway Inn, Smith St, Rhosllanerchrugog, Wrexham

This Improvement Notice is served under paragraph 1 of Schedule 5 Regulation 17A of The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 (the Regulations).

The Regulations impose restrictions and requirements to protect against the risks to public health arising from coronavirus. Contravention of the listed requirements , without reasonable excuse, is a criminal offence.

I, Joss Thomas, Licensing Enforcement Officer, Wrexham County Borough Council designated as a relevant person for the purposes of the Regulations have reasonable grounds to believe that you, as the person responsible for the premises stated above which is:

An 'open premises' as defined by regulation 12

have failed to take reasonable measures, which are set out in Part B below, to minimise risk of exposure to coronavirus at the premises. In order to secure compliance it is necessary and proportionate to issue this Improvement Notice to ensure that you comply with those obligations. .

#### **Part B. Contravention of the requirements imposed by Regulation 12(2)**

You have failed to take the following reasonable measure(s) to ensure

(a)(i) 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)

and

You have failed to take the following other reasonable measures which limits close face to face interaction and maintain hygiene

(b)(i) changing the layout of premises including the location of furniture and workstations

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**Specifically you are required to take the following measures:**

- 1. Ensure that customers, not from the same household, adhere to social distancing of 2 metres.
- 2. Ensure that the layout of the premises and furniture enables a distance of 2 metres to be adhered to by customers
- 3. Ensure that customers wear face coverings when not seated at tables.
- 4. Ensure that a completed risk assessment is available at the premises for inspection.

Should you have other proposed solutions to the contraventions referred to in Part B, please contact the Enforcement Officer, using the contact details below, to discuss.

**Part C. Action required by you**

This Improvement Notice requires you to take steps to address the contravention(s) set out in Part B above by the date and time stated at the end of this notice which will be no sooner than 48 hours after it has been served. When you have complied with the terms of this notice you should contact the issuing officer and they will arrange to carry out a visit to assess compliance. When the officer is satisfied that you have complied they will issue you with a written termination notice.

**PART D. Publicising premises improvement and closure notices**

When a premises improvement notice or a premises closure notice is issued the regulations require the Enforcement Officer, as soon as reasonably practicable after issuing the notice, to

- (a) display a copy of the notice, and a sign in the form set out in Schedule 6 of the regulations, (the sign is provided with this Notice), in a prominent place near every entrance to the premises **and**
- (b) arrange for the notice to be published on the website of the local authority for the area in which the premises are located.

A copy/copies of the notice and sign required to be displayed on the premises and published on the local authority website must continue to be displayed and published for as long as the notice has effect.

Please note that without a reasonable excuse it is a criminal offence to remove, obscure or damage a notice or sign required to be displayed by the regulations.

**Part E. Consequences of non-compliance**

A failure to take the measures specified in this Improvement Notice may result in you being issued with a Closure Notice which will prevent you from operating. This will apply until the measures specified are put in place..

## **Part F. Your rights to challenge this notice**

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 1980(37), and (b) within 7 days after the day the notice is issued.
  3. 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.

**9.8.**

**This Notice remains in force until either a notice of termination is issued or any appeal you lodge is determined.**

 Signed: _____	Date and time notice served: <b>19/10/20 1615</b>
Name in Capitals: <b>Joss Thomas</b>	This notice must be complied with by: <b>21/10/20</b>

Name and Address of Local Authority:  <u>Wrexham County Borough Council, 16 Lord St, Wrexham</u>	
Telephone: <u>01978 298990</u>	Email: <u>licensingservice@wrexham.gov.uk</u>



GIG  
CYMRU  
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Iechyd Cyhoeddus  
Cymru  
Public Health  
Wales



DIOGELU CYMRU  
KEEP WALES SAFE



Llywodraeth Cymru  
Welsh Government

## IECHYD Y CYHOEDD Y CORONAFEIRWS

Gofyniad i leihau'r risg  
o ddod i gysylltiad â'r  
coronafeirws mewn mangre:

## PUBLIC HEALTH CORONAVIRUS

Requirement to minimise  
risk of exposure to  
coronavirus on premises:

**ANGEN  
GWELLA**

**IMPROVEMENT  
NEEDED**

Diogelu Cymru  
gyda'n gilydd

Together we'll  
keep Wales safe