

PREMISES CLOSURE NOTICE

REFERENCE NUMBER 430910



THE HEALTH PROTECTION (CORONAVIRUS RESTRICTIONS) (No.2) (WALES) REGULATIONS 2020 (as Amended) Regulation 17A & Schedule 5

Business/Premises Name:	The Tynte Hotel
Business/Premises Address:	Main Road Tyntetown Abercynon CF45 4YH
Name of Persons Responsible:	Miss Melissa Lewis
Address of Person Responsible:	Main Road Tyntetown Abercynon CF45 4YH
Type of Premise/Business/Service:	Licensed Premises

I, Maria Meek, as a relevant person and enforcement officer designated by Rhondda Cynon Taf County Borough Council, consider that you, as the person responsible, are contravening a requirement imposed by these Regulations and it is necessary and proportionate to give you this Premises Closure Notice for the purpose of preventing you from continuing to contravene the requirement(s) of the Regulations.

I am of the opinion that you, as the person responsible, for the premises detailed above, which is listed in Regulation 12(2) and Schedule 4 are failing to comply with the following relevant provision(s):

Regulation 12(2) of The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020 for the following reasons:

Failure to comply with the obligations imposed on you by Regulation 12(2) 'Reasonable measures to minimise risk of exposure to coronavirus'.

Specifically, on Saturday 17 October 2020 at 19:48 hours I witnessed the following within the premises:

- **Irregularities in track and trace records**

The names and phone numbers in the track and trace record book did not accurately reflect the amount of people that were allegedly at the premises earlier that evening.

This Premises Improvement Notice is being given to you for the purpose of protecting against the risks to public health arising from coronavirus and the serious and imminent threat to public health posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 in Wales.

THESE MEASURES WILL REMAIN IN FORCE UNTIL THE RESTRICTION HAS BEEN LIFTED BY THE WELSH MINISTERS

- **Social Distancing**

There were several small groups around the premises not observing 2m social distancing.

- **Wearing of Masks and Table Service**

Customers and staff were walking around the premises without face coverings

- **Risk Assessment**

No Risk Assessment available to view.

The above point(s) fail to ensure that a 2 metre social distance is maintained between persons on the premises, contrary to Regulation 12(2)(a) and fail to ensure that reasonable measures were in place for persons on the premises, contrary to Regulation 12(2)(b).

Furthermore:

Footage from Police body worn cameras filmed earlier the same evening evidences blatant disregard for Coronavirus restrictions. The footage shows:

- Bar Service being undertaken
- Music levels high
- Patrons stood drinking
- NO SOCIAL DISTANCING AT ALL
- No PPE evident being worn by Staff

Failure to comply with The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020, without reasonable excuse, is an offence under Regulation 20(1) and punishable on summary conviction by a fine.

In order to secure compliance Rhondda Cynon Taf County Borough Council hereby directs you to take the following actions:

1. Produce a COVID-19 Risk Assessment, or if one exists update the document to include additional measures.
2. Implement table service at all times
3. Ensure accurate track and trace records are kept to include full name; telephone number; time in and time out.
4. Provide training on Coronavirus Regulations to all staff members and additional training on the control and management of customers during the pandemic.
5. Remind customers and staff of the regulations regarding the wearing of face covering
6. Implementation of all actions identified in your COVID-19 Risk Assessment.

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Other measures that achieve equal effect but are not necessarily specified in the guidance may be implemented.

Further guidance is available at <https://gov.wales/coronavirus-legislation-and-guidance-law>, <https://gov.wales/taking-all-reasonable-measures-minimise-risk-exposure-coronavirus-workplaces-and-premises-open> and <https://view.publitas.com/ukh/ukhospitality-reopening-guidance-for-hospitality-in-wales/page/1>

This closure notice is considered to be reasonable and proportionate due to the customers and staff at the premises not adhering to social distancing guidelines. The guidelines for social distancing is 2 metres to minimise the risk of exposure to coronavirus, 2 metre distancing is not being met at this premises.

Time Limit for Measures to be taken

The measures identified within this Premises Closure Notice must be taken within 2 weeks, commencing with the time that the notice is issued

Enforcement Officer Name:	Maria Meek		
Signed:		Time & Date:	
Enforcement Officer Contact Details:	maria.e.meek@rctcbc.gov.uk 07384 456968		

Appeals

The appeals process is set out in Schedule 5 Paragraph 5.

A person to whom a premises closure notice is issued may appeal to a Magistrates' court against the notice.

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

A magistrates' court may allow an appeal to be made after the expiry of the period mentioned in b) above if satisfied that there is a good reason for the failure to apply before he expiry of that period (and for any delay in applying for permission to appeal out of time).

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Notes

The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020 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.

These Regulations expire on the 8th January 2021. All requirements and restrictions will be subject to review by the Welsh Ministers every 21 days.

A Premises closure Notice may be issued to a person responsible for premises referred to in Regulation 12(1), if the officer considers that the person is not complying with the obligations imposed on the person by Regulation 12(2) and the measures specified are necessary and proportionate in order to ensure that the person complied with those obligations.

This Premises closure Notice is being issued under Regulation 17A and Schedule 5 of The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020

Schedule 5 of the Regulations places a requirement on the Local Authority to publicise all Premises closure Notices.

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