

PREMISES CLOSURE NOTICE

REFERENCE NUMBER 382683



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

Business/Premises Name:	The Legion
Business/Premises Address:	17 Cambrian Avenue Hendreforgan Gilfach Goch CF39 8TF
Name of Persons Responsible:	Mr Tyrone Davies Miss Hilary Allison
Address of Person Responsible:	17 Cambrian Avenue Hendreforgan Gilfach Goch CF39 8TF
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 Tuesday 29 September 2020 at 12:50 hours I witnessed the following within the premises:

- **Inadequate Track and trace**

A small A5 book was being used for logging contact details, the book had details of date, signatures and temperature but no names, phone numbers or time in or out

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.

- **Social Distancing**

When CCTV was viewed from Friday evening I was able to see seven or eight young males standing by the pool table all within close proximity of each other, not 2m apart and not wearing masks.

- **Table Service**

Miss Allison (joint Premises Licence Holder) admitted that there was no table service on Friday 25 September.

- **Risk Assessment**

No Risk Assessment available to view.

The above points fail to ensure that a 2 metre social distance is maintained between persons on the premises, contrary to Regulation 12(2)(a). Failing to ensure that other reasonable measures have been taken for the same purpose, contrary to Regulation 12(2)(b).

And furthermore:

- The seating arrangements in the Pool room were not satisfactory, tables and chairs were less than two metres apart.

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. Ensure two members of staff are available at all times that premises is trading so that table service can be maintained throughout the premises whilst checking social distancing compliance.
3. Update the track and trace recording system to include full name; telephone number; time in and time out.
4. Additional staff training for all staff members in the control and management of customers during this time.
5. 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 168 hours, 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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THESE MEASURES WILL REMAIN IN FORCE UNTIL THE RESTRICTION HAS BEEN LIFTED BY THE WELSH MINISTERS