



Cyngor Bwrdeistref Sirol
MERTHYR TYDFIL
MERTHYR TYDFIL
County Borough Council

REF: NYE/040821/15:00

CLOSURE NOTICE

THE HEALTH PROTECTION (CORONAVIRUS RESTRICTIONS) (No.5) (WALES) REGULATIONS 2020 (as amended)

This Notice is served under paragraph 2 of Schedule 8 of above Regulations. Regulations 16, 17 & 17A impose certain obligations to minimise the risks to public health arising from exposure to coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence

Business/Premises Name:	PARK VIEW INN
Business/Premises Address:	BRECON ROAD, MERTHYR TYDFIL CF47 8JS
Name of Person Responsible:	NEIL LLEWELLYN
Address of Person Responsible:	PARK VIEW INN, BRECON ROAD, MERTHYR TYDFIL, CF47 8JS
Type of Premises	PUBLIC HOUSE

1. I, **ANEURIN HUGHES, LICENSING OFFICER**, an authorised enforcement officer of an enforcement authority for the Merthyr Tydfil County Borough Council for the purposes of the aforementioned legislation, consider that the closure of the above-named premises is necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus as one of the following conditions has been satisfied:

Condition 2 (delete as appropriate)

- (a) I consider that the above-named responsible person is not complying with the obligations imposed on them by Regulations 16, 17 and or 17A of the Regulations, and
- (b) the closure of the premises, or part of the premises, (without a premises improvement notice having been issued) is necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus.

I consider that the above-named responsible person has failed to comply with the following obligations imposed by Regulations 16, 17 or 17A: *(delete as appropriate)*

Regulation 16(1) -You have failed to take the following reasonable measure(s) to minimise the risk of exposure to coronavirus by failing to *(delete as appropriate)*

- ~~1. Undertake a specific assessment of the risk of exposure to coronavirus at the premises, as required by Step 1 of regulation 16(1).~~
- ~~2. Provide information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus as required by Step 2 of regulation 16(1).~~

3. Take all reasonable measures as required by Step 3 of regulation 16(1) to ensure that *(delete as appropriate)* (a) a distance of 2 metres is maintained between any persons on the premises, except between members of a permitted group; and/or (b) where persons are required to wait to enter the premises, that a distance of 2 metres is maintained between them, except between members of a permitted group.
4. Take reasonable measures as required by Step 4 of regulation 16(1) to mitigate the risk of exposure to coronavirus that arises where persons gather in close proximity, namely *(delete as appropriate)*
- ~~(a) by seeking to prevent (i) any person who has tested positive for coronavirus in the previous 10 days, (ii) any person who has had close contact in the previous 10 days with a person who has tested positive for coronavirus, (iii) any person experiencing symptoms associated with COVID-19 from being present at the premises.~~
 - ~~(b) ensuring that persons gathering at the premises gather outdoors where this is practicable;~~
 - (c) limiting close face-to-face interaction between persons on the premises, for example by—**
 - (i) changing the layout of premises including the location of furniture and workstations;**
 - (ii) controlling the use of entrances, passageways, stairs and lifts;**
 - (iii) controlling the use of shared facilities such as toilets and kitchens;**
 - (iv) otherwise controlling the use of, or access to, any other part of the premises;**
 - (v) installing barriers or screens;**
 - ~~(d) limiting the duration of time for which persons may be present on the premises;~~
 - ~~(e) seeking to ensure that the premises are well ventilated;~~
 - ~~(f) maintaining good hygiene on the premises;~~
 - ~~(g) providing or requiring use of personal protective equipment~~

and / or under **Regulation 16(3)** you failed to take reasonable measure(s) *(delete as appropriate)*

- ~~(a) by ceasing to carrying out certain activities;~~
- ~~(b) by failing to close a part of the premises;~~
- ~~(c) by failing to allow and enable a person who ordinarily works at the premises to isolate due to testing positive for coronavirus or having had close contact with somebody who has tested positive, for a period—(i) recommended in guidance published by the Welsh Ministers; (ii) specified in a notification given to the person by a contact tracer;~~
- ~~(d) by failing to collect contact information from each person at the premises and retaining it for 21 days for the purpose of providing it to any of the following, upon their request— (i) the Welsh Ministers; (ii) a contact tracer;~~
- ~~(e) by failing to take reasonable measures to ensure that such contact information is correct~~

and / or under **Regulation 17(1)** where regulation 16(1) applies to a person responsible for premises authorised for the sale or supply of alcohol for consumption on the premises,

You failed to take the following measures as required by Step 4 of regulation 16(1) namely, *(delete as appropriate)*

- ~~(a) ensuring there is a person controlling entry to the premises~~
- (b) ensuring customers are seated in the premises in any place other than at a bar, when ordering food or drink, when being served with food or drink, and when consuming food or drink**
- ~~(c) other *(detail the measure)*~~

[if appropriate and necessary specify the exact non-compliance]

- **INSUFFICIENT STAFFING LEVELS TO ENSURE ALL MEASURES TO PREVENT THE SPREAD OF CORONAVIRUS WERE MET;**
- **STAFF WERE SERVING CUSTOMERS AT THE BAR – THE DPS WAS WITNESSED STANDING WITH CUSTOMERS AT SEVERAL TIMES DURING TRADING HOURS WHILST THEY WERE BEING SERVED;**
- **CUSTOMERS WERE NOT SEATED WHILST CONSUMING ALCOHOL – STAFF WERE SEEN VIA CCTV PASSING THEM AND NOT GETTING THEM SEATED;**
- **CUSTOMERS WERE TABLE-HOPPING AND MOVING AROUND THE PREMISES WITH ALCOHOL – THIS OCCURRED IN FULL VISION OF THE DPS AND STAFF WITH NO ACTION BEING TAKEN BY THEM.**

The enforcement officer considers that closure of the premises is necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus (*set out reasons*)

THE PREMISES ARE NOT IN COMPLIANCE WITH THE BASIC REQUIREMENTS OF THE COVID-19 REGULATIONS

Note that the Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020 (as amended) require that once issued, a notice or sign will be displayed in a prominent place near every entrance to the premises setting out a copy of the notice, or information about where the notice can be found, and a sign in the form set out in Schedule 9. A notice will also be published on the website of the local authority for the area in which the premises are located.

Part B. Action required by you

When this notice is served, you must close the entire premises.

Effect of premises Closure Notice

(1) As soon as is reasonably practicable after a premises Closure Notice takes effect, the person to whom it is issued must ensure that— (a) the premises to which the Notice relates are closed, and (b) no business is carried on or service is provided on, or from, the premises.

(2) No person may enter, or be on, premises closed under sub-paragraph (1) without a reasonable excuse.

(3) For the purposes of sub-paragraph (2), the circumstances in which a person has a reasonable excuse include where— (a) the person lives on the premises; (b) the person is carrying out essential maintenance or repairs; (c) the person is doing things necessary to ensure that regulation 21(2) can be complied with when the premises are allowed to be open; (d) the person is an enforcement officer or a person assisting an enforcement officer; (e) it is necessary for the person to be on the premises to avoid injury or illness or escape a risk of harm.

When you have taken steps to put in place the reasonable measures set out above 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 C. Publicising premises closure notices

When a premises Improvement Notice or a premises Closure Notice is issued the Regulations require, as soon as reasonably practicable after issuing the Notice, the enforcement officer to

- (a) display a copy of the Notice, or information about where the notice can be found, and a sign in the form set out in Schedule 9 of the Regulations, 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, or information about where the notice can be found, 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 D. Consequences of non-compliance

Failure to comply with this Closure Notice, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates Court.

The Local Authority may, at their discretion, offer you the opportunity to pay a Fixed Penalty Notice (FPN) as an alternative to prosecuting you for non-compliance. If you fail to pay an FPN or if the Authority chooses to prosecute you instead of issuing you an FPN on summary conviction a Magistrates' Court can impose a fine on you.

If further non-compliances are found in future you may be subject to further enforcement action to secure compliance.

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, 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 subparagraph (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.

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

Enforcement Officer Name:	ANEURIN HUGHES		
Signed:		Served: Date Time	4/8/2021 15:00hrs
Enforcement Officer Contact Details:	Merthyr Tydfil County Borough Council, Civic Centre, Castle Street, Merthyr Tydfil CF47 8AN Tel no 01685 725000: email: aneurin.hughes@merthyr.gov.uk		
	<p>This Notice is time limited and will cease to have effect 672 hours (28 days) after the date and time of issue as stated above.</p> <p>This Notice will remain in force during the time limited period until either a Notice of Termination is issued or any appeal you lodge is heard by the Magistrates' Court (whichever is sooner).</p> <p>If the time limited period ends and a Notice of Termination has not been issued or your Court appeal has not yet been heard further Closure Notices may be issued if you re-open and contraventions are found to still exist which risk exposure to coronavirus.</p>		

If you are not sure of your rights or the implications of this Notice, you may wish to seek independent legal advice



GIG
CYMRU
NHS
WALES

Iechyd Cyhoeddus
Cymru
Public Health
Wales



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:

**CAEWYD Y
FANGRE HON**

**PREMISES
CLOSED**

**Diogelu Cymru
gyda'n gilydd**

**Together we'll
keep Wales safe**