

Flintshire County Council

The Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 as amended

CLOSURE NOTICE

Part A

To: Florin Budescu

At: 104a – 106 Chester Road East, Shotton, Flintshire, CH5 1QD

Trading as: Sweet Jessi Coffee and Cake / Budescu Dynasty / Ioana Torturi Delicioaise / Bengal Dynasty

This Closure Notice is served under paragraph 2 of Schedule 3 Regulation 22 of The Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 (the Regulations).

Regulation 21(2) imposes certain restrictions to protect against the risks to public health arising from coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence.

I, Gemma Potter, Team Leader – Licensing, designated as a relevant person for the purposes of the Regulations by Flintshire County Council, have reasonable grounds to believe that you, as the person responsible for the premises stated above which is a 'regulated premises' as defined by Regulation 21(1), have failed to take the reasonable measures, which are set out in Part B below, to minimise risk of exposure to coronavirus. In order to secure compliance, it is necessary and proportionate to issue this Closure Notice to prevent continued contravention of the requirements due to the following reasons;

- 1) On the 28th November 2020, a gathering of people where food was being served, alcohol was being sold and a DJ was playing loud music was allowed to take place, which gave rise to the following breaches of the Health Protection (Coronavirus Restrictions) (No.4) (Wales) Regulations 2020 as set out in Part B of this Closure Notice. The closure of the premises is necessary and proportionate as this was a clear breach of the regulations. The body worn video footage supplied by North Wales Police shows people sat very closely together with no regard to social distancing, groups of more than four people which appeared to consist of more than one household, failure by staff and customers to wear face coverings when not seated to consume food or drink, the playing of loud music which could not be considered 'background' music and the failure to keep a proper record of all customers, which are all serious breaches of the regulations. There also appears to be a lack of adequate signage in relation to wearing a face covering, adhering to social distancing measures, and maintaining hygiene.**
- 2) On the 22nd November 2020, social media footage shows videos of live music, including singing which appears to be taking place at a function. This video also shows people walking around without face coverings and tables of groups of more than four people who do not appear to be from the same household.**

Part B. Contravention of the requirements imposed by Regulation 21(2)

You have failed to take reasonable measures to ensure 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 in breach of Regulation 21(2)(a).

and

you have failed to take reasonable measures to limit close face to face interaction and maintain hygiene to minimise the risk of exposure to coronavirus at the premises and minimise the spread of coronavirus by those who have been at the premises breach of Regulation 21(2)(b).

and

ceasing to carry out certain activities, namely playing loud music in breach of Regulation 21(3)(a).

Part C. Action required by you

When this notice is served you must close all bar areas, eating areas, kitchen, function room and all other areas within the premises which would normally be accessed by customers forthwith, and not reopen for 14 days from the date of service.

Effect of premises Closure Notice

(1) As soon as is reasonably practicable after a premises closure notice takes effect, you 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 12(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 under Part B 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, as soon as reasonably practicable after issuing the notice, the enforcement officer to

- (a) display a copy of the notice, and a sign in the form set out in Schedule 4 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 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 at each entrance to the premises by the regulations.

Part E. 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.

Part F. Your rights to challenge this notice

(1) You 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.

Signed:	Date and time notice served: 3 rd December 2020 at 14.15hrs
Name in Capitals: GEMMA POTTER	This notice is time limited and will cease to have effect 336 hours (14 days) after the date and time of issue as stated above. 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). 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.
Name and Address of Local Authority:	Flintshire County Council County Hall Mold Flintshire CH7 6NR
Telephone: 01352 703399	Email: covidbusinesscompliance@flintshire.gov.uk

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



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**