

## Flintshire County Council

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

#### CLOSURE NOTICE

##### Part A

**To:** Carl David William Willis

**At:** Old Padeswood Golf Club, Station Lane, Padeswod, Flintshire

**Of:** Old Padeswood Golf Club Limited, Station Lane, Padeswood, Flintshire.

**Trading as:** Palominos Restaurant

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 the Coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence.

I, *Richard Powell (Enforcement Officer)*, 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 as 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 Regulations.

**On the 21<sup>st</sup> November 2020, a 21<sup>st</sup> birthday party 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 dancing closely together, no-one who was standing was wearing masks and people at the bar not wearing masks, all serious breaches of the regulations. Also you received advice from Flintshire County Council on 5<sup>th</sup> October about birthday parties and allowing people to mix, but you have chosen to ignore this advice and as such it is necessary and proportionate to issue this closure notice**

##### Part B. Contravention of the requirements imposed by Regulation 21

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 dancing and playing loud music in breach of Regulation 21(3)(a).

**And**

You have failed to ensure customers are seated in the premises anywhere other than at a bar when consuming food or drink, in contravention of Regulation 21(5)(b).

**Part C. Action required by you**

When this notice is served you must take steps to close all bar, eating areas and function room within the premises forthwith and not re-open 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, 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 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 consider issuing you with a written termination notice.

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

The enforcement officer is required 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 are required to be displayed on the premises and published on the local authority website 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**

You may appeal to a Magistrates' Court against the notice, by way of complaint for an order, within 7 days of the date the notice is issued.

Signed: 	Date and time notice served: 24 <sup>th</sup> November 2020 <b>11:30AM</b>
Name in Capitals: RICHARD POWELL	<p><b>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.</b></p> <p><b>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).</b></p> <p><b>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.</b></p>
Name and Address of Local Authority:  Flintshire County Council, County Hall, Raikes Lane, Mold, Flintshire	
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



**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**