

Cinema and Co. Closure Notice





Cyngor **Abertawe**
Swansea Council

Canolfan Ddinesig, Heol Ystumllwynarth,
Abertawe, SA1 3SN
Civic Centre, Oystermouth Road,
Swansea, SA1 3SN

Reference No: AP/TSD/180121

Notice

Schedule 8 The Health Protection (Coronavirus, Restrictions) (No. 5) (Wales) Regulations
2020 as amended
Public Health (Control of Disease) Act 1984

Premises Closure Notice

Part A: Recipient

Name: ANNA REDFERN
Trading as: CINEMA + CO.
Address 17 CASTLE STREET, SWANSEA,
Postcode: SA1 1JF

Part B: Relating to

Address of premises subject to this notice: CINEMA + CO.
17 CASTLE STREET,
Postcode: SA1 1JF.

Part C: Basis for Service

This Premises Closure Notice is served under Schedule 8(2) of The Health Protection (Coronavirus, Restrictions) (No. 5) (Wales) Regulations 2020 (as amended) ('the Regulations').

I, ANGELA PHILLIPS, designated as a relevant person for the purposes of the Regulations by Swansea Council consider that you are a person responsible for the premises stated and that:

- That you have not complied with your obligations imposed under regulation 16 of the Health Protection (Coronavirus, Restrictions) (No. 5) (Wales) Regulations 2020 to minimise the risk of exposure to coronavirus at the premises because (details of reasons why they have breached their obligations:-

1. YOU HAVE NOT COMPLETED A COVID RISK ASSESSMENT OUTLINING REASONABLE MEASURES TO CONTROL TRANSMISSION OF COVID 19.
2. YOU HAVE NOT INFORMED YOUR STAFF OF THE MEASURES THAT ARE REQUIRED TO PREVENT TRANSMISSION OF COVID 19.

3. YOU HAVE NOT IMPLEMENTED REASONABLE MEASURES INCLUDING A COVID PASS FOR CINEMA USERS
4. YOU DO NOT HAVE ANY SIGNAGE INFORMING CUSTOMERS OF THEIR NEED TO WEAR FACE COVERINGS OR OTHER INFORMATION RELATING TO REDUCING COVID 19 TRANSMISSION
5. YOU DO NOT HAVE ADEQUATE CLEANING PRODUCTS TO REDUCE THE TRANSMISSION OF COVID 19.
- 6.
- 7.
- 8.

AND

- The closure/~~part closure of the premises stated~~ (without a Premises Improvement Notice having been issued) is necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus because (reasons for belief that closure is necessary and proportionate)
 1. THERE ARE NO REASONABLE MEASURES IN PLACE TO REDUCE THE TRANSMISSION OF COVID 19.
 2. THERE IS NO COVID RISK ASSESSMENT IN PLACE
 3. THE STAFF HAVE NOT BEEN TRAINED ON MEASURES REQUIRED TO REDUCE COVID 19 TRANSMISSION.
 4. YOU HAVE NOT PROVIDED INFORMATION TO YOUR CUSTOMERS ON THE REASONABLE MEASURES IN PLACE
 5. YOU ARE NOT IMPLEMENTING THE COVID PASS FOR THE CINEMA EVENTS
 6. THERE ARE NO CLEANING PRODUCTS WHICH COMPLY WITH BS EN 1276
 7. FOR SANITISERS OR BS EN 14476 FOR ANTI VIRAL PRODUCTS.
 - 8.

Part D: Extent of Closure

The effect of this notice is to close the entire premises stated or Part of the premise specified below:-

ENTIRE PREMISE TO CLOSE / PART PREMISE SPECIFIED... CINEMA + CO.,
17 CASTLE STREET, SWANSEA, SA1 1TF

You must now use the time, the premises is closed to put measures in place to ensure:-

Take any other reasonable measures for that purpose, for example measures which limit close face to face interaction and maintain hygiene such as—

Providing or requiring use of personal protective equipment, and

Provide information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus.

Requiring the use of a Covid Pass or proof of a negative LFD Test within the last 48 hours where applicable

Ceasing to carry out certain activities;

Closing a part of the premises.

Allowing and enabling a person who ordinarily works at the premises to isolate for a specified period due to testing positive for coronavirus or having had close contact with somebody who has tested positive, where that person—

- has been asked to do so by the Welsh Ministers;
- has been required to do so by a notification given by a contact tracer;

collecting 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—

- the Welsh Ministers;
- (ii) a contact tracer;

Taking reasonable measures to ensure that such contact information is correct.

Specific issues to be addressed:-

- PRODUCE A COVID RISK ASSESSMENT
- IMPLEMENT REASONABLE MEASURES TO REDUCE THE TRANSMISSION OF COVID 19.
- IMPLEMENT THE COVID PASS FOR USE OF THE CINEMA.

**Part E: Period That
Notice Has Effect**

This Premises Closure Notice comes into force immediately from (date and time) 18.00pm
18/11/21 and will stay in place until (date and time) 18.00pm
16/12/21 (no more than 672 hours/28 days).

**Part F:
Consequences of
Non-compliance**

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

**Part G: Challenging
This Compliance
Notice**

There is a right to appeal against this Premises Closure Notice to the Magistrates' Court. An appeal can be made:

- By way of complaint for an order, and in accordance with the Magistrates' Courts Act 1980, and
- Within 7 days after the day that this notice is issued.

A Magistrates' Court may allow an appeal outside of the time limit stated above where they are satisfied that there is a good reason for the failure to appeal before the expiry of the stated period.

A Magistrates' Court may suspend the effect of this notice pending the determination of an appeal.

**Part H: Publicising
This Notice**

Once served, a copy of this notice and a statutory sign will be affixed in a prominent position near every entrance to the premises (to which the notice applies). A copy will also be published on the Council's website. The notice and statutory sign must remain in place while the notice has effect and anyone who, without reasonable excuse, removes, obscures or damages the notice or sign commits an offence.

Part H: Officer

Signature: _____

(Signature of Authorised Officer)

Name: _____

(Name of Authorised Officer)

Title: _____

(Title of Authorised Officer)

Date: _____

[Date of Signature]

Contact address:

Canolfan Ddinesig, Heol Ystumllwynarth, Abertawe, SA1 3SN

Civic Centre, Oystermouth Road, Swansea, SA1 3SN

Office email: trading_standards@swansea.gov.uk

Office telephone: 01792 635600

Notes

3. 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.

5. Appeals

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, 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 sub-paragraph (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.

Any person who without reasonable excuse, removes, obscures or damages a notice or sign required to be displayed under Schedule 8 of the Health Protection (Coronavirus, Restrictions) (No. 5) (Wales) Regulations 2020 commits an offence and may be issued with a fixed penalty notice or may be liable to a fine on conviction.

Advice

If you do not understand the contents of this Notice or would like to know more about it, please contact the local authority. If you would like to receive independent advice about the contents of this Notice, your rights and obligations, then please contact Citizens Advice, a Housing Aid Centre, Law Centre or solicitor.
