

**PREMISES IMPROVEMENT NOTICE**

REFERENCE NUMBER 16/18/01



**THE HEALTH PROTECTION (CORONAVIRUS RESTRICTIONS) (No.5) (WALES) REGULATIONS 2020, as amended Regulation 26 & Schedule 8**

Business/Premises Name:	Boots UK Ltd
Business/Premises Address:	Unit 1A Newport Retail Park, Spenly Road, Newport NP19 4QQ
Name of Person Responsible:	Ane - Marie Harding
Address of Person Responsible:	<del>Unit 1A</del> Boots UK Ltd, Nottingham NG90 1AA
Type of Premise/Business/Service:	Pharmacy / Shop .

I, *Kathryn Nash*, as a relevant person and enforcement officer designated by Newport City 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 Improvement 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 15 and Schedule 7 are failing to comply with the following relevant provision(s):

**Regulation 16(1) and/or 17A of The Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020, as amended** for the following reasons:

Failure to comply with the obligations imposed on you by Regulation 16(1) 'Reasonable measures to minimise risk of exposure to coronavirus'.

Failure to comply with the obligations imposed on you by Regulation 17A 'Specific measures applicable to retail premises'

Specifically, on *27 January 2021 at 11:20am*.

*No measures have been taken to control customer access to restricted goods within the store.*

*Inadequate signage throughout store.*

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.

Which fails to ensure that other reasonable measures have taken place for the same purpose, contrary to Regulation 16(2)(a) and/or (b).

**Failure to comply with The Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020, as amended, without reasonable excuse, is an offence under Part 8 Regulation 42 and punishable on summary conviction by a fine.**

In order to secure compliance Newport City Council hereby directs you to take the following actions:

Where it is reasonably practical essential and non essential goods must be clearly separated or demarcated. ~~then~~ Those goods that are deemed to be non-essential must not be sold.

Put up signage & other visual aids throughout the store for face coverings, 2m distancing (social distancing), hand sanitising and for essential/non-essential goods.

Implementation of all actions identified in your COVID Risk Assessment.

Other measures that achieve equal effect but are not necessarily specified in the guidance may be implemented.

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Further guidance is available at <https://gov.wales/coronavirus-legislation-and-guidance-law> and <https://gov.wales/taking-all-reasonable-measures-minimise-risk-exposure-coronavirus-workplaces-and-premises-open>

### Time Limit for Measures to be taken

The measures identified within this Premises Improvement Notice must be taken within <sup>120</sup>48 hours, commencing with the time that the notice is issued

**It is an offence not to comply with this Premises Improvement Notice by the date stated.**

Enforcement Officer Name:	<i>Kathryn Nash</i>		
Signed:	<i>Kathryn Nash</i>	Time Date: &	11:27 27/01/2021
Enforcement Officer Contact Details:	Newport City Council, Civic Centre, Newport. NP20 4UR		

### Appeals

The appeals process is set out in Schedule 8 Paragraph 5.

A person to whom a premises improvement 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 the 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.5) (Wales) Regulations 2020, as amended 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 31<sup>st</sup> March 2021. All requirements and restrictions will be subject to review by the Welsh Ministers every 21 days.

A Premises Improvement Notice may be issued to a person responsible for premises referred to in Regulation 16(1), if the officer considers that the person is not complying with the obligations imposed on the person by Regulation 16(1) (b) and the measures specified are necessary and proportionate in order to ensure that the person complied with those obligations.

This Premises Improvement Notice is being issued under Regulation 26 and Schedule 8 of The Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020, as amended

Schedule 8 of the Regulations places a requirement on the Local Authority to publicise all Premises Improvement Notices.

## WARNING

### FAILURE TO COMPLY WITH THIS NOTICE CAN RESULT IN A PREMISES CLOSURE NOTICE BEING ISSUED

Further advice may be sought from a solicitor or from the Magistrates Court at:

Gwent Magistrates' Court  
The Law Courts  
Faulkner Road  
Newport  
NP20 4PR

Tel: 01633 261300

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