

PREMISES IMPROVEMENT NOTICE

REFERENCE NUMBER _____



THE HEALTH PROTECTION (CORONAVIRUS RESTRICTIONS) (No.2) (WALES) REGULATIONS 2020 Regulation 17A & Schedule 5

Business/Premises Name:	Ozzys Barbers
Business/Premises Address:	170 Chepstow Road Newport NP19 8EG
Name of Person Responsible:	Hasan Cetin
Address of Person Responsible:	170 Chepstow Road Newport NP19 8EG
Type of Premise/Business/Service:	Barbers

I, John Baker, 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 12 and Schedule 4 are failing to comply with the following relevant provision(s):

Regulation 12(2) of The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020 for the following reasons:

Failure to comply with the obligations imposed on you by Regulation 12(2) 'Reasonable measures to minimise risk of exposure to coronavirus'.

Specifically, on 2nd October 2020 at 11:36 a young child, sat on the lap of a male adult, was having his haircut by a member of staff just wearing a mask and no visor. The adult male was not wearing a mask face as required indoors in a public area. You were advised of both these requirements, by myself, during my phone call with you on 29.09.20.

No test, trace and protect records were held or available for inspection by myself during the visit as none existed. The names and telephone numbers of two customers, who attended during my visit, were not taken for test, trace and protect records by your staff. They stated you record these details but could not tell me how they record these details when you are not present. Again, you were advised of this requirement, by myself, during my phone call with you on 29.09.20.

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 12(2)(b).

Failure to comply with The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020, without reasonable excuse, is an offence under Regulation 20(1) and punishable on summary conviction by a fine.

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

You and your staff must collect contact information from each person at the premises or, in relation to persons from the same household, from one of them, 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 public health officer,
- (iii) a person designated by the local authority in whose area the premises are located to process information for the purposes of contacting persons who may have been exposed to coronavirus.

Contact information to be collected from each person: name, phone number, date and time attending your premises.

That all persons attending your premises must wear a face covering at all times, including when having work done on their heads by you or your staff. You and your staff are required to request those not wearing one to wear one and refuse entry to your premises if they ignore your request.

That you and your staff must wear both a mask and visor when in close contact with other persons/customers at your premises.

Display a sign requiring all persons entering your premises to wear a face covering/mask at the entrance to your premises.

No face work to be conducted on customers. Unless staff are wearing a Fluid Resistant Surgical Face Mask (FRSM) plus eye protection (goggles or full face visor); have had the appropriate training in the use of PPE; have received training on standard infection control precautions; and are able to undertake the treatment to the face by side by side working or from the back of the head.

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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.

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 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:	John Baker		
Signed:		Time & Date:	11:07 6.10.20
Enforcement Officer Contact Details:	trading.standards@newport.gov.uk 01633 656656 Newport City Council, Civic Centre, Newport. NP20 4UR		

Appeals

The appeals process is set out in Schedule 5 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.2) (Wales) Regulations 2020 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 8th January 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 12(1), if the officer considers that the person is not complying with the obligations imposed on the person by Regulation 12(2) 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 17A and Schedule 5 of The Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020

Schedule 5 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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