

PREMISES IMPROVEMENT NOTICE
REFERENCE NUMBER 20/43249/COVIDO



THE HEALTH PROTECTION (CORONAVIRUS RESTRICTIONS) (No.4) (WALES)
REGULATIONS 2020
Regulation 26 & Schedule 3

Business/Premises Name:	Pill Barbers Shop
Business/Premises Address:	148 Commercial Road Newport NP20 2PJ
Name of Person Responsible:	Mr Anour Adam ABDALLAH
Address of Person Responsible:	148 Commercial Road Newport NP20 2PJ
Type of Premise/Business/Service:	Barbers

As a relevant person and enforcement officer designated by Newport City Council, I 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 21 and Schedule 2 are failing to comply with the following relevant provision(s):

Regulation 21(2) of The Health Protection (Coronavirus Restrictions) (No.4) (Wales) Regulations 2020 for the following reasons:

Failure to comply with the obligations imposed on you by Regulation 21(2) 'Reasonable measures to minimise risk of exposure to coronavirus'.

Specifically, on 18 November 2020 at 1615 hrs

- you failed to implement the Welsh Government Close Contact Service Guidance requirements for staff who are working at close contact with customers, to wear both a Type II face mask, and face visor.
- you failed to record contact information from each person visiting the premises and retaining it for 21 days for the purposes of contact tracing.
- you failed to take all reasonable measures to ensure that a distance of 2 metres is maintained between persons on the premises.
- There was insufficient signage at the entrance of the premises, and throughout, reminding customers of the requirement to physically distance, and that face coverings are mandatory on the premises.

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 21(2)(b).

Failure to comply with The Health Protection (Coronavirus Restrictions) (No.4) (Wales) Regulations 2020, without reasonable excuse, is an offence under Regulation 35 and punishable on summary conviction by a fine.

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

- take all reasonable measures to ensure staff are correctly wearing a both a Type II face mask, and a face visor when carrying out close contact work and follow all requirements provided in the guidance found at <https://gov.wales/close-contact-services-businesses-coronavirus-workplace-guidance-html>
- take all reasonable measures to ensure you have recorded accurate details of all customers and visitors to the premises (name, telephone number, arrival and departure time) when they enter your premises, and retain this information for 21 days in line with the Welsh Government guidance found at <https://gov.wales/keeping-records-staff-customers-and-visitors-test-trace-protect>
- take all reasonable measures to ensure that your staff are able to work with a 2 metre distance from other barbers, and clients they are not directly working with, including the removal of barbers chairs where this is not possible.
- to erect signage at the entrance, and throughout your premises reminding customers of their duty to maintain a 2 metre distance and wear a face covering.

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.

Signed:		Time & Date:	1.12.2020 1435hrs
Contact Details:	trading.standards@newport.gov.uk 01633 656656 Newport City Council, Civic Centre, Newport. NP20 4UR		

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Appeals

The appeals process is set out in Schedule 3 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).

Notes

The Health Protection (Coronavirus Restrictions) (No.4) (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 19th of February 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 21(1), if the officer considers that the person is not complying with the obligations imposed on the person by Regulation 21(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 26 and Schedule 3 of The Health Protection (Coronavirus Restrictions) (No.4) (Wales) Regulations 2020

Schedule 3 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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