

PREMISES IMPROVEMENT NOTICE
REFERENCE NUMBER _____



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

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| Business/Premises Name: | The Fallows |
| Business/Premises Address: | 1 Fallowfield Drive Newport NP19 4TD |
| Name of Person Responsible: | Mr Waheed Akhtar |
| Address of Person Responsible: | 1 Fallowfield Drive Newport NP19 4TD |
| Type of Premise/Business/Service: | Retail premise |

I, Tanya Hopkins, 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 Tuesday 22nd and Wednesday 23rd September 2020:

- Insufficient signage on display outside the premises to ensure that 2 metre social distancing measures can be taken inside the store
- Insufficient signage on display inside the premises to ensure that 2 metre social distancing measures can be taken inside the store
- Insufficient floor markings on the premises to ensure that 2 metre social distancing measures can be taken inside the store
- No hand sanitiser available, prominently situated, for customer use

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.

- Face covering not being worn by member of staff while officer and customers were on the shop premises
- Failure to ensure that customers were wearing a face covering when entering the shop premises

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:

- Ensure sufficient signage is displayed outside the shop premises to inform customers to comply with the 2 metre social distancing requirement
- Ensure sufficient signage is displayed inside the shop premises to inform customers to comply with the 2 metre social distancing requirement
- Ensure clear and visible floor markings are displayed inside the shop to inform customers to comply with the 2 metre social distancing requirement
- Ensure sufficient signage is displayed outside the premises to inform customers it is a legal requirement to wear a face covering in certain indoor public places
- Ensure that all persons on the shop floor are wearing face coverings, unless exempt
- Ensure that hand sanitiser is available for customers at the point of entrance
- Carry out a COVID Risk Assessment and implement the actions identified
- Implement other measures that achieve equal effect but are not necessarily specified in the guidance

Further guidance is available at:

<https://gov.wales/coronavirus-legislation-and-guidance-law>

<https://gov.wales/taking-all-reasonable-measures-minimise-risk-exposure-coronavirus-workplaces-and-premises-open>

<https://gov.wales/face-coverings-guidance-measures-be-taken-employers-and-managers-premises>

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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.

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| Enforcement Officer Name: | Tanya Hopkins | | |
| Signed: | | Time & Date: | |
| 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).

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.

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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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