

## Flintshire County Council

### The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, as amended

#### PREMISES IMPROVEMENT NOTICE

##### Part A

**To:** Azad Ahmadi Director of Clive Barber Shop Limited

**At:** 78 Chester Road West, Shotton, CH5 1BZ

This Improvement Notice is served under paragraph 1 of Schedule 8 of The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, as amended (the Regulations).

The Regulations impose restrictions and requirements to protect against the risks to public health arising from coronavirus. Contravention of the listed requirements, without reasonable excuse, is a criminal offence.

I, Lucy Inglis, designated as a relevant person for the purposes of the Regulations by Flintshire County Council have reasonable grounds to believe that you, as the person responsible for the premises stated above which is a regulated premises as defined by Regulation 15(1) have failed to take reasonable measures, which are set out in Part B below, to minimise risk of exposure to coronavirus at the premises.

In order to secure compliance it is necessary and proportionate to issue this Improvement Notice to ensure that you comply with those obligations because you have already been given advice and failed to make necessary improvements.

##### **Part B. Contravention of the requirements imposed by Regulation 16 & 17A**

You have failed to take all reasonable measure(s) to ensure that a distance of 2 metres is maintained between any persons on the premises (except between two members of the same household, or a carer and the person assisted by the carer)

**and / or**

You have failed to take all other reasonable measures for that purpose, for example measures which limit close face-to-face interaction and maintain hygiene such as—

changing the layout of premises including the location of furniture and workstations;  
providing or requiring use of personal protective equipment

**and / or**

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

(Regulations 16(1)(a)(i), (b)(i) and (vi) and (c))

17A. Specific measures applicable to retail premises

Where regulation 16(1) applies to a person responsible for retail premises of a business offering goods or services for sale or hire in those premises (including businesses selling food or drink for consumption off the premises), the measures to be taken by the responsible person must include (but are not limited to)—

- (a) measures for controlling entry to the premises and limiting the number of customers who are on the premises at any one time;
- (d) in order to remind customers to maintain a distance of 2 metres between each other and to wear a face covering— (i) displaying signs and other visual aids;

You have failed to take these measures,

**Specifically you are required to take the following measures;**

- (a) There must be a system in place to ensure that a distance of 2 metres between barbers chairs is maintained or a floor to ceiling plastic barrier is placed between barbers chairs with a minimum distance of 1 metre between barbers chairs. There must also be a distance of 2 metres between any customers waiting for their appointment or and the workstations.**
- (b) All staff whilst working must wear a type II face covering and a full face clear visor or goggles. All customers must also wear a face covering.**
- (c) Staff carrying out facial hair removal such as beard trims or nasal hair removal must wear a Fluid Resistant Surgical Mask (FRSM), eye protection (goggles or full face visor) and disposable gloves and apron.**
- (d) You must have measures for controlling entry to the premises and limiting the number of customers who are on the premises at any one time. Welsh Government Guidance for barbers states that close contact service businesses should endeavour to work on an appointment only basis. No walk-ins. Measures to contain COVID-19 outbreak is being supported by NHS Test, Trace, Protect, which means you must record and keep for a minimum of 21 days the name and contact details for all customers.**
- (e) You must display signs and other visual aids to remind customers to maintain a distance of 2 metres between each other and to wear a face covering**

Should you have other proposed solutions to the contraventions referred to in Part B, please contact the Enforcement Officer, using the contact details below, to discuss.

### **Part C. Action required by you**

This Improvement Notice requires you to take the measures set out in Part B above by the date and time stated at the end of this notice which will be no sooner than 48 hours after it has been served. When you have complied with the terms of this notice you should contact the issuing officer and they will arrange to carry out a visit to assess compliance. When the officer is satisfied that you have complied they will issue you with a written termination notice.

### **PART D. Publicising premises improvement and closure notices**

When a premises improvement notice or a premises closure notice is issued the regulations require the Enforcement Officer, as soon as reasonably practicable after issuing the notice, to

- (a) display a copy of the notice, and a sign in the form set out in Schedule 6 of the regulations, (the sign is provided with this Notice), in a prominent place near every entrance to the premises **and**
- (b) arrange for the notice to be published on the website of the local authority for the area in which the premises are located.

A copy/copies of the notice and sign required to be displayed on the premises and published on the local authority website must continue to be displayed and published for as long as the notice has effect.

Please note that without a reasonable excuse it is a criminal offence to remove, obscure or damage a notice or sign required to be displayed by the regulations.

### **Part E. Consequences of non-compliance**

A failure to take the measures specified in this Improvement Notice may result in you being issued with a Closure Notice which will prevent you from operating.

### **Part F. Your rights to challenge this notice**

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 1980(37), and (b) within 7 days after the day the notice is issued.
3. 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.

**This Notice remains in force until either a notice of termination is issued or any appeal you lodge is determined.**

Signed:	Date and time notice served: <b>16<sup>th</sup> April 2021</b>
Name in Capitals: L. Inglis	This notice must be complied with by: Monday 19 <sup>th</sup> April  (minimum 48 hours)
Name and Address of Local Authority: Flintshire County Council, County Hall, Raikes Lane, Mold	
Telephone: 01352 703399	Email: covidbusinesscompliance@flintshire.gov.uk



GIG  
CYMRU  
NHS  
WALES

Iechyd Cyhoeddus  
Cymru  
Public Health  
Wales



Llywodraeth Cymru  
Welsh Government

## IECHYD Y CYHOEDD Y CORONAFEIRWS

Gofyniad i leihau'r risg  
o ddod i gysylltiad â'r  
coronafeirws mewn mangre:

## PUBLIC HEALTH CORONAVIRUS

Requirement to minimise  
risk of exposure to  
coronavirus on premises:

**ANGEN  
GWELLA**

**IMPROVEMENT  
NEEDED**

**Diogelu Cymru  
gyda'n gilydd**

**Together we'll  
keep Wales safe**