

Notice

Schedule 8 The Health Protection (Coronavirus, Restrictions) (No. 5) (Wales) Regulations 2020 (as amended)
Public Health (Control of Disease) Act 1984

Premises Improvement Notice

Part A: Recipient**Name**

Mr Arbham Keshwala

Trading as

The Mini Market

Address

Oakley Way, Caldicot, NP26 4EB

Part B: Relating to

The Mini Market, Oakley Way, Caldicot, NP26 4EB

Part C: Basis for Service

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

I, Taylor Watts designated as a relevant person for the purposes of the Regulations by Monmouthshire County Council, consider that you are a person responsible for the premises stated in Part B and that you have not complied with your obligations imposed under Regulation 17A of the Health Protection (Coronavirus, Restrictions) (No. 5) (Wales) Regulations 2020 to minimise the risk of exposure to coronavirus at the premises.

Part D: Risk of Exposure

The basis for my decision is, **evidence has been obtained by officer inspection on the 25th January 2021 to demonstrate;**

- **A Covid-19 Risk Assessment has not been created and therefore could not be produced to an authorised officer upon request**
- **No signage displayed at the entrance of the premises requesting customers wear face coverings inside the premises**
- **The maximum capacity is not visible at the entrance to the premises**

Part E: Action Required

This Premises Improvement Notice requires;

- **A Covid-19 Risk Assessment to be created and produced to an authorised officer**
- **Signage required at the entrance of the premises requiring compulsory wearing of a face coverings (unless exempt)**
- **To consider additional floor markings throughout the premises, there are none in the middle aisle**

- **Signage required at the entrance of the premises displaying the maximum capacity of the premises. Staff to monitor the number of customers inside at any one time and advise customers to wait outside when the maximum capacity is reached**

These actions must be completed by Monday 1st February 2021.

Part F: Consequences of Non-compliance

Failure to comply with this Premises Improvement Notice, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates' Court.

Part G: Challenging This Compliance Notice

There is a right to appeal against this Premises Improvement Notice to the Magistrates' Court. An appeal can be made:

- By way of complaint for an order, and in accordance with the Magistrates' Courts Act 1980, and
- Within 7 days after the day that this notice is issued.

A Magistrates' Court may allow an appeal outside of the time limit stated above where they are satisfied that there is a good reason for the failure to appeal before the expiry of the stated period.

A Magistrates' Court may suspend the effect of this notice pending the determination of an appeal.

Part H: Publicising This Notice

Once served, a copy of this notice and a statutory sign will be affixed in a prominent position near every entrance to the premises (to which the notice applies). A copy will also be published on the Council's website. The notice and statutory sign must remain in place while the notice has effect and anyone who, without reasonable excuse, removes, obscures or damages the notice or sign commits an offence.

Part H: Officer

Signature:



Name:

Taylor Watts

Title:

Licensing Officer

Date:

26th January 2021

Contact address:

The Licensing Section, Monmouthshire County Council, Abergavenny Community Education Centre, Old Hereford Road, Abergavenny, Monmouthshire, NP7 6EL

Email:

licensing@monmouthshire.gov.uk

Telephone:

01873 735420

Notes

5. Appeals

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, and
- b) Within 7 days after the day the notice is issued.

3. But 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.

Any person who without reasonable excuse, removes, obscures or damages a notice or sign required to be displayed under Schedule 8 of the Health Protection (Coronavirus, Restrictions) (No. 5) (Wales) Regulations 2020 commits an offence and may be issued with a fixed penalty notice or may be liable to a fine on conviction.

Advice

If you do not understand the contents of this Notice or would like to know more about it, please contact the local authority. If you would like to receive independent advice about the contents of this Notice, your rights and obligations, then please contact Citizens Advice, a Housing Aid Centre, Law Centre or solicitor.
