



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

CLOSURE NOTICE

Reference Number: CN/LH/01/21

Part A

To: Shahab Hissam Ehsan, being a person responsible for;

Name of Premises: MARMARIS BARBER SHOP #2 LTD

Address: 11 Penallta Road, Ystrad Mynach, Hengoed, CF82 7AP ("the Premises")

This Closure Notice is served under paragraph 2 of Schedule 8 of The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 as amended (the Regulations).

Regulations 16, 17 and 17A of the Regulations impose certain obligations to protect against the risks to public health arising from coronavirus. Failure to comply with these obligations, without reasonable excuse, is a criminal offence.

I, Ben White, designated as a relevant person for the purposes of the Regulations by Caerphilly County Borough Council, have reasonable grounds for believing that you, as the person responsible for the Premises, have failed to take reasonable measures, which are set out in Part B below, to minimise risk of exposure to coronavirus or the spread of coronavirus by those who have been at the premises.

In order to secure compliance with the Regulations it is necessary and proportionate to issue this Closure Notice to prevent continued contravention of the requirements. The reasons for which this Closure Notice is necessary and proportionate are as follows:

The Closure Notice is necessary as officers are continuing to witness this barbers salon operating without due regard to Guidance published by the Welsh Government as is required under the Coronavirus Regulations.. These serious breaches have continued despite previous enforcement action, advisory visits and the provision of guidance from Enforcement Officers. The duty holder has been hostile towards Enforcement Officers to the point where officers have been obstructed in carrying out their duties. It is apparent lesser measures will not have the desired effect.

Part B. Contravention of the requirements imposed by the Regulations

1. You have failed to undertake a suitable and sufficient assessment of the risk of exposure to coronavirus at the Premises and in doing so consult persons working on the premises or representatives of those persons (Regulation 16(1)(za))

and

2. With reference to the mandatory guidance issued by the Welsh Ministers entitled "Hairdressing and barbering businesses: coronavirus workplace guidance" ("the Guidance), as you are required to have regard to by Regulation 18, you have failed to put in place measures with the aim of:

- (a) limiting close face to face interaction
- (b) maintaining hygiene,
 - i) supplying a disposable gown or a freshly laundered reusable gown for clients to wear.
 - ii) sanitising the barbers chairs and side screens in between clients.
- (c) minimising the risk of exposure to coronavirus at the premises
- (d) minimising the spread of coronavirus by those who have been at the premises
- (e)(vi) providing or requiring use of personal protective equipment. A Type II Mask and a clear visor that covers the face must be worn by every barber.
- (f) providing information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus

and

3. you have allowed to be carried on activities prohibited by the Guidance, namely cutting and removing facial hair including shaving, outlining detailing, waxing, plucking and threading.

NOTE Regulation 18(1) states that a person required to take reasonable measures under Regulations 16, 17 or 17A must have regard to guidance issued by the Welsh Ministers about those measures.

Part C. Action required by you

When this notice is served you must close the Premises immediately.

Effect of premises Closure Notice

(1) As soon as is reasonably practicable after a premises Closure Notice takes effect, the person to whom it is issued must ensure that— (a) the premises to which the Notice relates are closed, and (b) no business is carried on or service is provided on, or from, the Premises.

(2) No person may enter, or be on, premises closed under sub-paragraph (1) without a reasonable excuse.

(3) For the purposes of sub-paragraph (2), the circumstances in which a person has a reasonable excuse include where— (a) the person lives on the Premises; (b) the person is carrying out essential maintenance or repairs; (c) the person is doing things necessary to ensure that Regulations 16 and 17 can be complied with when the Premises are allowed to

be open; (d) the person is an enforcement officer or a person assisting an enforcement officer; (e) it is necessary for the person to be on the Premises to avoid injury or illness or escape a risk of harm.

When you have taken steps to put in place the reasonable measures set out under Part B 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, as soon as reasonably practicable after issuing the Notice, the enforcement officer to

- (a) display a copy of the Notice, and a sign in the form set out in Schedule 8 of the Regulations, 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.

It is a criminal offence to remove, obscure or damage, without reasonable excuse, a Notice or sign required to be displayed by the Regulations.

Part E. Consequences of non-compliance

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

If further non-compliances are found in future you may be subject to further enforcement action to secure compliance. Nothing in this notice shall prevent the prosecution of any offences previously committed contrary to the Regulations.

Part F. Your rights to challenge this notice

(1) A person to whom this 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, and (b) within 7 days of 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.

This Notice takes effect immediately upon it being served and will remain in effect until 23:59 hours on 6th May 2021, unless a Notice of Termination is served before that date or this Notice is varied or revoked by a Court.

If you are not sure of your rights or the implications of this Notice, you should seek independent legal advice immediately.

Signed: [Relevant Person] <i>B White</i>	Date and time notice served: 9th April 2021 11:30
Name in Capitals:	Ben White
Name and Address of Local Authority:	Caerphilly County Borough Council Penallta House Tredomen Park Ystrad Mynach Hengoed CF82 7PG
Telephone: 01443 864008	Email: whiteb4@caerphilly.gov.uk

If you are not sure of your rights or the implications of this Notice, you should seek independent legal advice as a matter of urgency.



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:

**CAEWYD Y
FANGRE HON**

**PREMISES
CLOSED**

**Diogelu Cymru
gyda'n gilydd**

**Together we'll
keep Wales safe**