

Chief Executive's Office

Service Lead – Trading Standards & Environmental Health: Morton Houston



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Our Ref: [REDACTED]/17/00172/COMM Your Ref:

Date: 9 July 2019

If phoning or calling please ask for [REDACTED]

[REDACTED]
Director

BB Ayr Ltd

Black Bull

22 River Street

Ayr

KA8 0AX

Dear [REDACTED]

Premises: Black Bull, 22 River Street, Ayr, KA8 0AX.

Hygiene Improvement Notice Ref: SA/FH/19/005

Hygiene Improvement Notice Ref: SA/FH/19/006

I refer to my visit to the above premises on 5th July 2019 at approximately 11.00 and my revisit on 8th July 2019 at approximately 14:00 and now enclose details of my findings as discussed with [REDACTED], Chef at the initial inspection and you at the time of the revisit.

The standards of food hygiene practices observed within your premises at the time of our inspection on 5th July 2019 was well below those standards expected by this Division, giving cause for concern. You had failed to implement a food safety system based on HACCP principles and the food hygiene awareness of food handlers was unsatisfactory and as such, Hygiene Improvement Notices Ref: SA/FH/19/005 and SA/FH/19/006 will be served regarding these matters. Failure to comply with the Notices will result in a report being submitted to the Procurator Fiscal recommending that legal action be taken against you.

The attached schedules detail works, which require your attention.

Schedule A details the actions required to comply with the food hygiene regulations

Schedule B details the work needed to comply with food standards regulations i.e. matters relating to the quality, composition, labelling, presentation and advertising of food.

Schedule C details recommendations for food hygiene and/or food standard improvement. You are not required to act on these recommendations; however, they are considered best practice and are based on industry guidance and my experience from visiting many other food businesses. I believe you and your business will benefit from the improvements listed in this Schedule.

A further inspection will be carried out on **Wednesday 2nd October 2019** to assess compliance with the Hygiene Improvement Notices.

Food Hygiene Information Scheme

Improvement Required

As part of this inspection, the level of compliance with food hygiene legislation within your business was assessed for the purpose of the Food Hygiene Information Scheme. Your business has been classified as **'Improvement required'**.

Once you have rectified all matters raised detailed in **Schedule A** you can request a reassessment visit to review your Food Hygiene Information Scheme status.

Further information on the Food Hygiene Information Scheme is available on our website at www.south-ayrshire.gov.uk/environmentalhealth.

South Ayrshire Council seeks to follow the guidance of the Government and the Food Standards Scotland in treating all businesses fairly, consistently and in proportion to the risks involved. If you have any concerns about the manner in which the inspection was carried out or the implications of any of the issues raised, then you can contact my manager at Environmental Health, Burns House, Burns Statue Square, Ayr. Telephone: 0300 123 0900.

Yours sincerely,



Environmental Health Officer

Enc.

SCHEDULE A – Food Hygiene

Food Hygiene (Scotland) Regulations 2006
EC Regulation 852/2004

1. You have failed to implement a food safety system based on the principles of HACCP. In particular, the following matters were noted:-

- Delivery temperatures were not being monitored.
- Refrigerated and frozen storage temperatures were not being monitored.
- Cooking temperatures were not being monitored.
- Re-heating temperatures were not being monitored.
- Hot-holding temperatures were not being monitored.
- Cooling times were not being controlled.
- An effective stock rotation system was not in place/being maintained.

(EC Regulation 852/2004, Chapter II, Article 5)

You must put in place, implement and maintain a food safety system based on the following HACCP principles:-

- **Identify any hazards that must be prevented, eliminated or reduced to acceptable levels. Identify the critical control points at the step or steps at which control is essential to prevent or eliminate a hazard or to reduce it to acceptable levels.**
- **Establish critical limits at critical control points which separate acceptability from unacceptability.**
- **Establish and implement effective monitoring procedures at critical control points.**
- **Establish corrective actions when monitoring indicates that a critical control point is not under control.**
- **Establish procedures which shall be carried out regularly to verify the above measures.**
- **Establish documents and records commensurate with the nature and size of the food business to demonstrate the effective application of the above measures.**
- **When any modification is made to a product or process, a review of the food safety system should be carried out to reflect these changes.**

Please find enclosed the Food Hygiene Improvement Notice Ref: SA/FH/19/005

2. It was apparent during my inspection that the level of food hygiene awareness amongst your staff was inadequate.

(EC Regulation 852/2004, Annex II, Chapter XII)

You must ensure that all food handlers engaged in your business have received adequate food hygiene training to a level commensurate with their work activities. Staff handling open high risk foods must be: -

Trained to a level appropriate to their work activities, i.e. initially to at least REHIS Elementary Food Hygiene level or equivalent, and/or supervised and instructed in food hygiene matters to a level appropriate to their work activities.

Please find enclosed the Food Hygiene Improvement Notice Ref: SA/FH/19/006

3. The internal surface area of the Panasonic microwave is in a defective condition.

(EC Regulation 852/2004, Annex II, Chapter V)

The equipment requires to be replaced and thereafter all equipment maintained in a sound condition which can be easily cleaned.

At the time of the revisit on 8th July 2019, the microwave had been removed and replaced.

4. The Expelair casing in the dry store was noted in a defective and dirty condition with evidence of a build-up of mould.

(EC Regulation 852/2004, Annex II, Chapter I)

The Expelair fan must be cleaned and suitably repaired to a sound condition.

5. Food products such as ice cubes and bread rolls were stored uncovered in previously used shopping bags.

(EC Regulation 852/2004, Annex II, Chapter IX).

The carrier bags have been previously used and the internal areas may pose a risk of bacterial and/or physical contamination therefore an alternative packaging e.g. food grade storage bags must be used.

6. There was no hygienic hand drying facility at the wash hand basin in the kitchen.

(EC Regulation 852/2004, Annex II, Chapter I)

A hygienic hand drying facility, e.g. paper towels, must be provided at the wash hand basin at all times when the business is operating.

At the time of the revisit on 8th July 2019, disposable roll was made available.

7. With reference to your menu, raw and ready to eat foods are stored, handled and prepared. On entry to the kitchen when asked if cloths for cleaning were available [REDACTED] advised that they are stored in the cupboard. On return it was confirmed that one cloth was available. Steel wool pads were worn and dirty.

(EC Regulation 852/2004, Annex II, Chapter I)

A clean supply of wiping cloths must be provided for use in order to minimise any risk of cross contamination. The steel wool noted in a poor condition at the wash up sinks must be removed. Cleaning materials must be kept in good repair and condition so as to minimise any risk of contamination.

At the time of the revisit on 8th July 2019 a supply of reusable cloths were available. As discussed, you must ensure that the use of reusable cloths is managed to prevent a risk of cross contamination between ready to eat and raw areas. Systems for the use and disinfection of wiping cloths must also be put in place.

8. Inadequate washing/sanitising of crockery and utensils was evident. During discussions with [REDACTED], I was advised that he does not use the dish washer but alternatively uses regular washing up liquid in the twin sinks.

(EC Regulation 852/2004 Annex II, Chapter V)

In order to minimise any risk of contamination to food, a means of cleaning and disinfecting work tools and equipment must be provided. This may be achieved by providing a bactericidal detergent, to be used at the correct dilution (as stated by the manufacturer), or alternatively the use of a mechanical dishwasher.

At the time of the revisit on 8th July 2019 you advised that the dishwasher was flooding. The dishwasher requires to be maintained in a sound working condition and where not available, a 2 stage system of cleaning and disinfection with a bactericidal detergent as above must be implemented.

9. At the time of the inspection a bag of raw meat was defrosting in the wash up sink resulting in blood spillage flowing directly into the basin. Pots and crockery were also noted in the sink in direct contact with blood from the defrosted raw meat. During the revisit on 8th July 2019 you advised that it is your normal practice to defrost meat overnight in the wash up sink.

(EC Regulation 852/2004, Annex II, Chapter IX).

The thawing of food stuffs must be undertaken in a way as to minimise the risk of growth of pathogenic microorganisms or the formation of toxins in the food. Such products must be defrosted under refrigerated temperatures in a container to prevent cross contamination with other foods or equipment.

You must ensure that the sinks, taps and associated contact surfaces are washed and disinfected between use.

SCHEDULE B – Food Standards

Food Information (Scotland) Regulation 2014 Regulation (EU) 1169/2011

1. The following purchased prepacked foods stored in the refrigerator had exceeded their Use by date:
 - 3 containers of Honey Chilli Chicken Use by date: 1st July 2019
 - Chicken Tikka Use by date: 30th June 2019
 - Coronation Chicken: 29th June 2019
 - Asda Tomato & Basil Pasta Salad Use by date: 3rd July 2019
 - 2 containers of ASDA Cheese Pasta Salad Use by date: 3rd July
 - Chicken and Bacon Use by date: 27th June 2019

(Food Information for Consumers Regulation (EU) 1169/2011, Article 24)

After the 'Use by' date a food shall be deemed to be unsafe in accordance with Article 14(2) to (5) of Regulation (EC) No 178/2002 therefore it is an offence to sell foods beyond their Use by dates. Foods beyond their Use by dates, may pose a serious risk to health.

Regular monitoring should be undertaken to ensure that foods are discarded immediately upon expiry of their date codes.

The products were discarded at the time of inspection.

2. Scampi was advertised on your menu however the product used is reformed scampi meat formed into scampi shaped tails. The product name scampi therefore misleads the consumer as to the true nature of the food.

(Regulation EU 1169/2011, Article 17, Annex VI)

You can only describe a product as scampi, if it is whole scampi or whole tail scampi. There are a number of products which are made from either small pieces of scampi meat coated in breadcrumbs, or minced, chopped or flaked scampi meat re-formed into scampi tail-like shapes but these products must not be described as scampi. You must alter your menu so that scampi is replaced by scampi bites; or alternatively you must ensure that scampi is sold, as advertised.

3. You have not provided information concerning any foods which contain ingredients which may cause allergies or intolerances on a menu or notice at the point of sale at the place where the consumer chooses a food.

(Food Information (Scotland) Regulations 2014, Regulation 5)

You must provide information concerning any foods which contain ingredients which may cause allergies or intolerances at the point of sale at the place where the consumer chooses a food. If you choose to provide this information verbally, then you are required to indicate that details concerning foods containing ingredients which cause allergies and intolerances can be obtained by asking a member of staff, either on a menu or notice at the point of sale.

SCHEDULE C –Recommendations

1. Storage of packaging material is often overlooked and if located in an area subject to splashing of blood from raw meat it can present a vehicle for cross-contamination. This applies to cling-film, aluminium foil, plastic bags, greaseproof paper etc. A safe system should be implemented with regard to storage and separation of packaging for raw and ready to eat foods. It was indicated as there will be two dispensers provided and these will be designated accordingly for raw and ready to eat foods.
2. Presently sinks are being used for both raw and ready to eat food preparation. As discussed E.coli 0157 can remain on surfaces following direct contact with contaminated raw foods and is capable of surviving on a range of surfaces including wood, stainless steel and plastics. Where sinks are used to prepare both raw and ready to eat foods and clean equipment, procedures must be implemented to ensure the sinks, taps and surrounding surfaces are adequately cleaned and sanitised between use.
3. With reference to point 1, Schedule A the food business has not developed a documented HACCP system. As discussed, as part of your food safety system based on HACCP principles you must ensure that adequate precautions are put in place with regard to allergens. You are required to identify allergens in your business, manage allergen risks and ensure communication with your staff and customers.

You must also ensure that all food handlers engaged in your business have received adequate food allergen training to a level commensurate with their work activities. Procedures must be put in place to ensure that delivery, storage, handling, preparation and serving of foods is carried out in a safe manner to avoid cross contamination.

The Food Standards Agency has developed a food allergy online training course for those involved in selling or producing food. This training is free and can be found on **food.gov.uk/allergy-training**.

4. Where the manufacturer of a product states that it should be used within a specified time period after opening, I would recommend that you mark the products packaging with the date of opening to allow this instruction to be followed.
5. In order to strengthen your stock control system, it is strongly recommended that you should assign a shelf life to all foods that you prepare on your premises of day of production plus 2 additional storage days. A reduced shelf life of day of production plus 1 additional storage day should be given to higher risk foods such as tuna. A shelf life of 24hrs is recommended for products such as prawns.
6. It is considered good practise to use disposable, one-use wiping materials for cleaning work surfaces in order to minimise any risk of cross-contamination.