

Chief Executive's Office

Service Lead – Trading Standards & Environmental Health: Morton Houston



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Our Ref: [REDACTED]/17/00135/COMM Your Ref:

Date: 24 May 2019

If phoning or calling please ask for Ms Pauline Reid

Desi Curry
112 Main Street
Ayr
South Ayrshire
KA8 8EF

Dear [REDACTED]

Premises: 112 Main Street Ayr South Ayrshire KA8 8EF
Health and Safety Prohibition Notice Reference: SA/PHS/17/00135/COMM

I refer to my visit to the above premises on 15th May 2019 and now enclose details of my findings as discussed with you at the time of the inspection.

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 **12th June 2019 at 15:00**, when it will be expected that all matters reported in Schedule A will have been rectified. Failure to do so will result in further enforcement action being taken against you.

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. At previous routine inspections you have been provided with a cooksafe folder and confirmed that you had implemented this food safety system in your business to meet the requirements of Article 5.

At the time of the inspection documented monitoring records were not available. Examples include: Delivery temperatures; Refrigerated and frozen storage temperatures; Cooking temperatures; Re-heating temperatures; Hot-holding temperatures; Cooling times.

A temperature probe for measuring safe temperatures controls for storage, cooking, cooling, reheating and serving of high risk foods was not available. You confirmed during the inspection that you were not monitoring temperatures for high risk foods.

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

You must establish documents and records commensurate with the nature and size of the food business to demonstrate the effective application of identified control and monitoring measures to ensure safe food production in accordance with your food safety system.

Monitoring records must be completed on a daily basis during operation as they provide evidence that the food is being produced safely on the premises

A means of monitoring food temperature conditions must be made available, e.g. a probe thermometer.

2. The following equipment was noted in a dirty condition:

- Build-up of carbon and debris on the cooking range.
- Internal area of the Igenix microwave was dirty and areas of rust were noted due to peeling paint.
- Food mixer, bowl and attachments were noted in a dirty condition.
- Seal on the refrigerator located below the service counter was in a defective condition and affected by mould.
- Chopping boards located in the front service/preparation area were dirty and badly scored.

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

All equipment must be thoroughly cleaned and disinfected after use to prevent a risk of contamination of food.

3. The floor covering throughout the premises, kitchen, front servery area, rear cooking/preparation and storage areas was dirty especially at floor/wall junctions and behind/below equipment.

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

Thoroughly clean the floor and thereafter maintain in a clean condition.

4. The wall coverings throughout the premises and subsequent light switches were dirty.

The wall covering at the rear area of the kitchen located at the entrance to the fire corridor was severely affected by dampness, mould and efflorescent salts. Bags of food and utensils/equipment are stored in this area.

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

Thoroughly clean the wall covering and maintain in a clean condition. The source of dampness affecting the wall surface requires to be investigated and the necessary repairs actioned to ensure that the covering is in a sound easy to clean condition.

5. The staff lavatory and intervening doors were opened during the visit allowing the lavatory to open directly into the kitchen area where food is prepared.

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

Toilets must not open directly into a room where food is handled and prepared. Arrangements must be made to ensure that the doors are closed.

Where this is a recurring problem a self-closing mechanism may be fitted to address this issue.

6. Wiping cloths/sponges were found to be in a dirty condition.

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

In order to minimise any risk of contamination to food, cloths must be kept clean, disinfected and replaced regularly.

7. Sheets of cardboard were being used to divide sections in the freezer between raw and ready to eat foods. Cardboard is an absorbent material and cannot be effectively cleaned

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

The cardboard must be removed and replaced by an impervious sound divider.

SCHEDULE B – Food Standards

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

1. 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 require 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. At the time of my visit a carton of eggs were on the premises, which had exceeded their Best Before date of 5th May. Although it is not an offence to sell, or be in possession of food with expired Best Before dates, if such food had deteriorated in quality, or did not meet the food safety requirements, then this would be an offence. The Best Before date is the date up until which the packer of this product guarantees its quality. You should implement an effective stock control system to ensure that such products do not expire their date codes.
2. I would recommend that you assess the conditions of equipment and storage containers on a regular basis and dispose and replace when noted in a poor condition.
3. I would recommend that any obsolete items are removed from the premises.

4. It is strongly recommended that copies of all food hygiene training certificates be retained in order to allow you to demonstrate that adequate training is in place.
5. In order to strengthen your stock control system, it is strongly recommended that you should assign a shelf life to all foods decanted from their original packaging and dishes prepared on the premises which are thereafter chilled or frozen.
6. It is considered good practice to use disposable, one-use wiping materials for cleaning work surfaces in order to minimise the risk of cross contamination.

Health and Safety at Work etc. Act 1974

1. At the time of the inspection you advised that the flaming device connected to the gas supply has been approved by a gas engineer however you could not provide documentation related to the installation of the device.
2. As discussed the gas installation pipework used as a flaming device will require to be inspected by a 'Gas Safe' registered gas installer with the appropriate registration for working on commercial appliances/systems.
3. The 'Gas Safe' registered installer should test and confirm in writing that the installation complies with the requirement of the Gas Safety (Installation and Use) Regulations 1998.
4. At the time of this letter you have not provided validation or documentation confirming that the flamer device has been inspected or approved by a competent person. I herewith enclose **Health and Safety Prohibition Notice Reference: SA/PHS/17/00135/COMM**. The Notice prohibits the use of the flaming device unless the device and associated pipework is inspected by a competent person e.g. a 'Gas Safe' registered gas installer with the appropriate registration for working on commercial appliances/systems and confirmation in writing that the installation complies with the requirement of the Gas Safety (Installation and Use) Regulations 1998.

I have enclosed an appeal booklet which provides information on how to appeal to an employment tribunal for your attention.