

SCHEDULE OF LEGAL REQUIREMENTS

BOMBAY BALTI, CHINA STREET, LANCASTER, LA1 1EX

DATE OF INSPECTION: 30TH NOVEMBER 2007

1. FOOD SAFETY MANAGEMENT PROCEDURES, EC REGULATIONS 852/2004, Article 5

You must put in place, implement and maintain permanent procedures to ensure that all food produced and served from your premises is safe to eat. The procedures must be based on HACCP principles (Hazard Analysis Critical Control Points). In simple terms you must:-

- (a) Identify all the potential food safety hazards in your business and then think about and decide the points in the food operation at which things could actually go wrong;
- (b) Decide which of these points are actually critical to making sure food is safe, and therefore must be properly controlled (e.g. the through cooking of foods which must not be eaten raw);
- (c) Put in place procedures to stop these things going wrong (controls), and make sure that you/your staff always carry them out (e.g. cooking particular foods for a set time and temperature which is known to kill bacteria or ensuring that equipment has been cleaned and sanitized at proper and regular intervals);
- (d) Provide some simple documentation to show how you have achieved the above *and* monitored the controls which are critical to making sure food is safe;
- (e) From time to time, you must examine your food business to see if anything has changed which might need your control measures to change (e.g. new menu dishes may have new hazards and need new controls, or new equipment may require different thermostat settings).

From discussion, it appears that you appreciate the main types of food safety hazards associated with your business. You appear to understand the relevance of correct temperature control, the risks associated with cross contamination and the need to carry out food handling in hygienic conditions. However, there is a failure to ensure that certain checks are made to ensure food is safely handled; and no follow up action to ensure that food handling staff are making food safety checks and handling food in a hygienic manner.

At the time of inspection the following points were noted which indicated that food safety hazards were not been adequately controlled and monitored.

- a) The temperature was taken of several items of high risk food in refrigerated storage. High risk food is food that will easily support bacterial growth. Temperatures of all food taken at the time ranged from 8.8°C to 21.9°C. This is totally unacceptable. All high risk food must be stored at temperatures of 8°C or below. It was determined that no one was monitoring refrigerator temperatures to ensure that food was being kept at safe temperatures and, in any case, a thermometer was not available to carry out the checks.

- b) Care was not being taken to reduce the risks associated with cross contamination.

During the inspection, bowls and colanders of chicken and lamb were noted to be defrosting in both of the large deep kitchen sinks. A food handler was observed rinsing a large colander of cooked rice in one of the sinks that had just had raw meat juices in it (no cleaning/disinfection had taken place). As advised, this is not acceptable as this practice gives rise to the risk of cross contamination. This highlights the fact that food handlers' understanding of food safety is inadequate and staff are not being adequately instructed or supervised in good food handling practices.

As advised at the time, it is acceptable to defrost raw meat in one of the sinks. To avoid the risk of cross contamination the other sink must be kept free for other kitchen purposes such as cleaning utensils, cleaning cloths and providing water for cleaning down surfaces etc. If a sink has been used for defrosting raw meats, it must be thoroughly cleaned and disinfected. Under no circumstances should the sink be used unless it has been thoroughly cleaned and disinfected after raw meat has been handled in it.

- c) It was admitted by Nazrul Khan that food handlers are often left to their own devices, as he is not frequently on the premises to supervise staff and, Dilwar Khan has little involvement in the day to day running of the business. You must ensure that in your absences a person is given responsibility of carrying out food safety checks and making sure that food handlers are performing their duties safely.
- d) The levels of general hygiene and cleanliness in the premises were poor. In order for any food safety management system to work effectively, basic levels of cleanliness and hygiene must be in place.

A Hygiene Improvement Notice reference 28073/1 has been served in respect of this matter

2. **STRUCTURE WITHIN THE PREMISES, EC REGULATIONS 852/2004, Annex 2, Chapter 1**

STRUCTURE WITHIN FOOD ROOMS, EC REGULATION 852/2004, Annex 2, Chapter 2

The following parts of the premises were either not kept clean or maintained in good repair and condition.

- a) The wall and ceiling surfaces in the main kitchen that were heavily heat stained and greasy. These must be thoroughly cleaned.
- b) The painted wall surfaces in the rear dry store/freezer store were heat stained, had splashes of food debris and other marks. These should be thoroughly cleaned and redecorated.

- c) There were areas of damaged wall surface in the dry store area. The wall area opposite the rear external door was damaged and filthy and not capable of being effectively cleaned. The wall surface to the left hand side of the rear external door was damaged, had crumbling plaster and was affected by efflorescence so could no longer be effectively cleaned; the wall surface in the rear freezer store had damaged and broken plaster and plaster board.
- d) The wall/floor junction, where the soil pipe was, did not meet creating a gap that firstly, was not of a finish to aid effective cleaning and secondly, potentially provided an access point for pests. This should be boxed in.

A Hygiene Improvement Notice reference 28073/2 has been served in respect of these matters

- e) Wall/floor junctions throughout the premises were filthy with accumulations of black dirt and smear marks. These must be thoroughly cleaned and redecorated.

Particular attention should be given to the area around the rear external door.

- f) All door/window frames had greasy marks and black dirt accumulations. These should be thoroughly cleaned.
- g) The wash basin, wash basin taps and wash basin soap dispenser was dirty with accumulations of grease. These must be thoroughly cleaned.
- h) Areas behind and around refrigerator and freezer units in the rear store had accumulations of dust, food debris and other dirt. The equipment needs pulling out so these areas can be thoroughly cleaned.
- i) The painted floor in the rear storage area was filthy with significant accumulations of black dirt. It was uneven and poorly constructed in places. This needs thorough cleaning, levelling out and repainting.

A Hygiene Improvement Notice Reference 28073/3 has been served in respect of this matter

- j) There were significant accumulations of dirt and grease beneath kitchen cooking equipment in the main kitchen area. These areas must be thoroughly cleaned.
- k) The kitchen door at low level had accumulations of black dirt. This should be thoroughly cleaned.

3. EQUIPMENT IN CONTACT WITH FOOD, EC REGULATIONS 852/2004, Annex 2, Chapter 5

The following items of equipment were not kept clean.

- a) Internal surfaces, including shelving of all refrigerators. More detail cleaning was possible.

- b) Lids to all chest freezers which had more minor accumulations of dirt. Ensure these are thoroughly cleaned.
- c) Wiping cloths, although said to be laundered daily, were dirty looking and stained. As advised, because the spices and ingredients you use easily discolour cloths you should bleach them on a daily basis or use the disposable kind.

4. **REFUSE STORAGE, EC REGULATIONS 852/2004, Annex 2, Chapter 6**

Adequate provision must be made for the storage and disposal of food waste. At the time of visit the outside bin was overflowing with bags and other refuse. You advised me that there had been a missed collection. If this has been the case you must rearrange immediate collection. If the frequency of collection is not sufficient for the amount of waste you generate, you must arrange for more frequent refuse collections. In addition, the refuse storage area must be kept clean.

5. **PERSONAL HYGIENE, EC REGULATIONS 852/2004, Annex 2, Chapter 8**

Every person working in a food handling area must maintain a high degree of personal cleanliness. During the inspection not one person was observed washing their hands. You must reiterate to food handlers the need to wash their hands frequently.

In addition, food handlers must wear clean protective clothing.

6. **THE FOOD HYGIENE (ENGLAND) REGULATIONS 2006, Regulation 30, Schedule 4**

At the time of inspection a number of high risk foods were found to be at temperatures well in excess of temperature control requirements. Refrigerators were not keeping high risk food at or below 8°C because of incorrect temperature gauge settings. For example cooked rice was at 21.9°C, cooked lamb at 14.3°C and mint yoghurt at 8.8°C.

Any food likely to support the growth of harmful bacteria or formation of harmful toxins must be kept below 8°C.

Had temperatures of food been monitored on a daily basis this problem would have come to your attention and corrective action readily taken.

7. **STAFF TRAINING, EC REGULATIONS 852/2004, Annex 2, Chapter 12**

It became clear during the inspection, and as highlighted by all the points raised in this report, that food handlers were not adequately supervised and instructed. You must ensure that at all times, staff are carrying out food handling activities in a safe and hygienic manner. When you are not at the premises another responsible person should ensure that they are carrying out their duties safely.