

Agenda item	8.1
Report no	HLC/015/22

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 22 February 2022

Report title: Late hours catering licence holder– Zoom Takeaway, 23 Baron Taylor Street, Inverness (Ward 14 – Inverness Central)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive summary

- 1.1** This report relates to the holder of a late hours catering licence.
- 1.2** This item is subject to a formal hearing procedure.

2. Recommendation

- 2.1** Members are asked to determine, in accordance with the Council's hearings procedure, whether or not the licence holder continues to be a fit and proper person to hold a licence, whether the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety and/or whether a condition of the licence has been contravened. Upon determining this issue, members are asked to decide whether any action should be taken against the licence holder in the form of a suspension or revocation of the licence.

3. Background

- 3.1** The Highland Council has resolved that in terms of the Civic Government (Scotland) Act 1982 a licence will be required for the operation of a premises for late hours catering. A licence for the same is required for any premises selling food between 11.00pm and 5.00am.

4. Licence holder

- 4.1** Mr Mohammed Afif is the holder of a late hours catering licence in respect of Zoom Takeaway, 23 Baron Taylor Street, Inverness. The licence expires on 23 September 2022.

5. Request for immediate suspension

- 5.1** On 2 February 2022 a request was received from the Council's Environmental Health Service seeking the immediate suspension of the late hours catering licence for the abovementioned premises. A copy of the suspension request letter is attached in **Appendix 1**.

6. Immediate suspension

- 6.1** Paragraph 12(1) of Schedule 1 of the Act provides powers to the Council to impose immediate suspension in relation to a licence where the carrying on of the activity is likely to cause a serious threat to public order or public safety.
- 6.2** In terms of the Council's Scheme of Delegation, the Principal Solicitor – Regulatory Services, in consultation with the Head of Corporate Governance, has delegated authority to order the immediate suspension of a licence on this ground. In this regard, the Principal Solicitor – Regulatory Services wrote to Mr Afif on 2 February 2022 advising him that his late hours catering licence was suspended with immediate effect.

7. Hearing

- 7.1** In terms of Paragraph 12 an order to suspend under this paragraph shall have effect from the date on which it is made until whichever is the earlier of the following two dates:
- (i) a date six weeks after the order was made;
 - (ii) the date of any decision of the Licensing Authority whether or not to suspend the licence under Paragraph 11 of the Act.
- 7.2** A copy of this report has been sent to Mr Afif who has been invited to attend and will be provided with an opportunity to be heard by the Committee. Mr Afif has also been advised of the procedure which will be followed at the meeting.

8. Determining issues

- 8.1** In terms of paragraph 11(2)(a) of Schedule 1 of the 1982 Act, a licensing authority may suspend or revoke a licence if, in their opinion, the holder of the licence is no longer a fit and proper person to hold the licence. In terms of paragraph 11(2)(c) of Schedule 1 of the 1982 Act, a suspension or revocation may also be ordered on the ground that the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety. In terms of

paragraph 11(2)(d) of Schedule 1 of the 1982 Act, a licensing authority may suspend or revoke a licence if, in their opinion, a condition of the licence has been contravened.

- 8.2** In terms of paragraph 11(10) of Schedule 1 of the 1982 Act, if in deciding to order the suspension or revocation of a licence, a licensing authority determine that the circumstances of the case justify immediate suspension or revocation, they may order that the licence shall be suspended or revoked immediately.
- 8.3** In terms of paragraph 11(11) of Schedule 1 of the 1982 Act, a suspension can be for the unexpired portion of the duration of the licence, or such shorter period as the licensing authority may fix; and the effect of the suspension shall be that the licence shall cease to have effect during the period of the suspension. A suspension may be recalled at any time if the ground of suspension no longer applies. A revocation may not be recalled.

9. Further information

- 9.1** On 16 August 2019 Mr Afif applied for the renewal of his late hours catering licence in respect of the premises at Zoom Takeaway, 23 Baron Taylor Street, Inverness. At that time the Environmental Health (EH) Service submitted an objection in relation to the application. A copy of this report and appendix is attached for members information in **Appendix 2** of the report.
- 9.2** The application was scheduled to be considered by the Licensing Committee at its meeting to be held on 31 March 2020, however, as Members will be aware, this meeting of the Committee was cancelled due to Covid-19.
- 9.3** The Principal Solicitor, with the agreement of the Chair and Vice Chair of the Licensing Committee, advised Mr Afif that a decision would be taken closer to the determination date in the event that he was able to complete the works required.
- 9.4** On 14 May 2020 the Environmental Health Service withdrew their objection following confirmation that Mr Afif had satisfied the requirements of the Hygiene Improvement Notice which had been served on him.
- 9.5** There being no other objections to the application the licence was issued on 15 May 2020.

10. Policies

- 10.1** The following policies are relevant to this case:

Standard late hours catering licence conditions. A copy of these can accessed at https://www.highland.gov.uk/directory_record/738740/late_hours_catering/category/499/shop_and_trader or a hard copy can be supplied where requested.

11. Implications

- 11.1** Not applicable.

Date: 2 February 2022

Author: Michael Elsey

Background Papers: Civic Government (Scotland) Act 1982

Appendices: Appendix 1 – Suspension request received from Environmental Health
Appendix 2 – Copy of report and appendix from HLC on 16/08/19

Mike Elsey

Please ask for: Patricia Sheldon
Direct Dial No: 01463 644590
E-mail: patricia.sheldon@highland.gov.uk
Our Ref: PS/
Your Ref:
Date: 2nd February 2022

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982
LATE HOURS CATERING LICENCE
ZOOM TAKEAWAY, 23 BARON TAYLOR STREET, INVERNESS**

I write to confirm that our Service has had significant involvement with this premises and its operator, namely Mr Mohamed Afif in recent months regarding both food safety and health and safety matters.

Zoom takeaway is a small business located in the centre of Inverness with a customer base that is significantly focussed around late night catering. Customers can visit the takeaway or order online for delivery via recognised food order/delivery service platforms. It provides hot food (burgers/kebabs/chips/pizzas), cold food and drinks.

A food complaint was received by our Service and an inspection of the premises was carried out on the 15th September 2021. A poor standard of food hygiene and safety was observed at the food business and consequently three Hygiene Improvement Notices were served on the food business operator Mr Afif. These notices were served to a) secure an improvement in cleaning and hygiene, 2) plan and implement a food safety management system and 3) undertake an allergen assessment. It is a criminal offence to fail to comply with a Hygiene Improvement Notice.

Officers revisited the premises in October 2021 and whilst there had been a small improvement in hygiene, two notices remained extant. A verbal request to extend the time of compliance of the two Notices was agreed.

On the 11/1/22 officers visited the premises. The standard of food hygiene and safety at the premises was unsatisfactory and as a consequence an enforcement notice called a Remedial Action Notice was served on Mr Afif. This notice prohibits the business from operating until such time as he complies with food safety requirements. It is a criminal offence to fail to comply with a RAN.

Officers have undertaken further visits to the premises on 20/1/22 and 27/1/22 and on each occasion found insufficient evidence to demonstrate compliance with the Notice requirements. The notice therefore remains extant.

An additional concern that has now come to our Service's attention is the management and maintenance arrangements for the gas installation pipework and cooking appliances currently being used within the premises.

In terms of the Gas Safety (Installation & Use) Regulations 1998 all employers and self-employed persons have a duty to ensure that any gas appliance, installation pipework or flue installed at any place of work under their control is maintained in a safe condition so as to prevent risk of injury to any persons. HSE guidance recommends that an **annual inspection** of equipment and the carrying out of any necessary repairs, by a suitably competent Gas Safe engineer is a reasonable minimum frequency. Please refer to the HSE Guidance Note - [Gas Safety in Catering & Hospitality](#) for further information.

Our Service has established that the gas installation and pipework has not been routinely maintained and serviced since 16.12.19. The business has been trading during 2020-2022, where COVID restrictions permitted. A further safety hazard was identified in relation to the gas kebab grill which has a defective ventilation system resulting in no effective system to safely remove the products of combustion and thereby creates a carbon monoxide risk. The appliance also has a non-complaint gas hose connection, and the appliance has not been serviced. Combined these gas safety hazards create a serious risk of personal injury. Consequently, our Service issued a Prohibition Notice on the operator Mr Afif (1/2/22) to prohibit the use of the gas installation and gas appliances. It is a criminal offence to fail to comply with a prohibition notice.

Considering the above inspection findings, I am of the opinion that the Mr Afif as the food business operator and person in control of the premises has shown a blatant disregard to regulatory requirements. Our Service has serious concerns regarding the overall management of the premises as these issues would not have arisen if there was an effective management system in place.

For this reason and due to the serious threat to public safety, our Service would therefore recommend that consideration be given to IMMEDIATELY suspending the Late Hours Catering licence.

Our Service would recommend that the licence be suspended until such time as the following conditions can be met: -

- 1. The operator submits a detailed and effective management plan for the premises to ensure the health, safety and welfare of both employees and members of the public.**
- 2. A gas safety inspection record has been submitted by the operator to confirm that ALL gas catering appliances, installation pipework and associated flue/s installed at the premises are safe to use.**

3. **The food business operator demonstrates a sustained level of compliance with the food safety regulations. *(Officers will be inspecting to verify compliance and would be happy to provide an updated report to Committee).***

I trust this clarifies our Service's position, however, please do not hesitate to contact me should you require any additional information or clarification on any of the above.



Patricia Sheldon
Senior Environmental health Officer

Agenda item	
Report no	

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 31 March 2020

Report title: Application for the renewal of a late hours catering licence – Zoom Takeaway, 23 Baron Taylor Street, Inverness (Ward 14 – Inverness Central)

Report by: The Principal Solicitor – Regulatory Services

1. Purpose/Executive summary

- 1.1 This report relates to an application for the renewal of a late hours catering licence.
- 1.2 This item is subject to a formal hearing procedure.

2. Recommendation

- 2.1 Members are asked to determine the variation application in accordance with the Council's Hearings Procedure.

3. Background

- 3.1** The Highland Council has resolved that in terms of the Civic Government (Scotland) Act 1982 a licence will be required for the operation of a premises for late hours catering. A licence for the same is required for any premises selling food between 11.00pm and 5.00am.

4. Application

- 4.1** On 16 August 2019 Mr Mohammed Afif applied for the renewal of a late hours catering licence in respect of the premises at Zoom Takeaway, 23 Baron Taylor Street, Inverness.
- 4.2** In terms of the abovementioned Act the Licensing Authority have nine months from receipt of the application to determine the same, therefore this application must be determined by 15 May 2020. Failure to determine the application by this time would result in the application being subject of a 'deemed grant' which means that a licence would require to be issued to the applicants for a period of 1 year.

5.0 Consultation

- 5.1** Following receipt of the variation request the following Agencies/Services were consulted:
- Police Scotland
 - Fire Service
 - Environmental Health Service
 - Building Standards Service
 - Planning Service
- 5.2** No objections or representations have been received from Police Scotland, Fire Service, Building Standards Service or the Planning Service.
- 5.3** On 11 September 2019 the Environmental Health (EH) Service submitted an objection in relation to the application, a copy of which is attached in Appendix 1. They have advised that a number of items of work require to be undertaken and certification/documentation submitted before they can sign off the licence application and lift the objection. Also attached in Appendix 2 is a copy of a letter dated 3 September 2019 sent to the applicant from the EH Service.
- 5.4** A copy of the Environmental Health objection was sent to the applicant on 11 September 2019 and he was provided with an opportunity to address the items detailed to allow the Environmental Health Service to sign off.
- 5.5** The EH Service undertook further re-visits to the premises on 14 November 2019 and 13 February 2020 where it was found that, on both occasions, there were still a number of outstanding food hygiene compliance issues. A copy of the EH letters to the applicant, following these visits, are attached in Appendix 3 and Appendix 4.
- 5.6** In view of this the Principal Solicitor is unable to grant the licence using delegated powers and, as intimated in paragraph 4.2 above, the timescale for determining the application is due to expire on 15 May 2020.

5.7 A copy of this report has been sent to the applicants who, pursuant to Paragraph 4(2) of the Civic Government (Scotland) Act 1982, have been invited to attend and will be provided with an opportunity to be heard by the Committee. They have also been advised of the procedure which will be followed at the meeting.

6. Determining issues

6.1 Paragraph 5(3) of Schedule 1 of the Act states that a licensing authority may refuse an application to grant or renew a licence where:

(a) the applicant or anyone else detailed on the application is not a fit and proper person;

(b) the activity would be carried out by a person other than the applicant who, if he had made the application himself, would have been refused;

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to

(i) the location, character or condition of premises or the character or condition of the vehicle or vessel,

(ii) the nature and extent of the proposed activity,

(iii) the kind of persons likely to be in the premises, vehicle or vessel,

(iv) the possibility of undue public nuisance, or

(v) public order or public safety; or

(d) there is other good reason for refusing the application.

6.2 If required the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.

7. Policies

7.1 The following policies are relevant to this case:

Standard late hours catering licence conditions. A copy of these can accessed at https://www.highland.gov.uk/directory_record/738740/late_hours_catering/category/499/shop_and_trader or a hard copy can be supplied where requested.

8. Implications

8.1 Not applicable.

Date: 6 March 2020

Author: Michael Elsey

Background Papers: Civic Government (Scotland) Act 1982

Appendices: Appendix 1 – Objection from Environmental Health

Appendix 2 – Environmental Health letter dated 3 September 2019

Appendix 3 - Environmental Health letter dated 21 November 2019

Appendix 4 - Environmental Health letter dated 14 February 2020

**Community Services Environmental Health
Late Hours Catering Licence Application
Schedule of Observations**

Applicant:	Afif Mohamed
Premises to be Licenced	Zoom Takeaway ¹³ 47 Baron Taylor Street, Inverness
EH Flare Ref	SRU-141930

No	Licence Requirement	Comment
1	Licensing objective To ensure there is no undue public nuisance, public order or public safety.	<p>The business to which this licence application relates has been inspected within the last 12 months by a Food Safety officer and had been given an "Improvement Required" rating in terms of the Councils Food Hygiene Information Scheme.</p> <p>In view that the nature of the non-compliances issues are considered significant and likely to be exacerbated by the granting of this licence, our Service would wish to formally object to this licence application. Our Service would remove our objection once a Food Safety Officer has revisited the property and confirmed that these significant non-compliance issues have been satisfactorily addressed.</p> <p>A copy of the most recent food hygiene inspection letter is attached for the attention of the licensing committee.</p>
2	Licensing objective To ensure there is no undue public nuisance, public order or public safety.	<p>An up to date electrical report requires to be submitted which states that the fixed electrical installation within premises is in a satisfactory condition. The report should be in the format prescribed in Appendix 6 of BS 7671 and is an Electrical Installation Condition Report.</p> <p>The form should be completed in accordance with the relevant Best Practice Guide on classification codes published by the Electrical Safety Council. For a completely new installation an electrical installation certificate is the appropriate format. The certificate will require to be signed by a qualified person who is</p> <ul style="list-style-type: none"> <input type="checkbox"/> A professionally qualified electrical engineer <input type="checkbox"/> A member of the Electrical Contractors Association <input type="checkbox"/> A member of the Electrical Contractors Association of Scotland <input type="checkbox"/> A certificate holder of the National Inspection Council for Electrical Installation Contracting <input type="checkbox"/> A Certificate Holder of the Scottish Electrical Certification (SELECT) scheme
3	Licence Condition 5, 7, 8	The applicant requires to confirm that satisfactory arrangements are in place for the disposal of litter and other refuse arising from the undertaking. This should include confirmation of where bins are stored, their appointed waste contractor, and the frequency of collection.

		<p>Where an application is to open after 1.00am in settlements which have late opening liquor licences (i.e. after 1.00 am), then additional information is required to demonstrate the arrangements in place for litter picking and cleaning around the frontage of the premises.</p> <p>The applicant should complete and return the pro-forma accompanying the Late Hours Catering Application Guidance Notes to assist in the assessment of their arrangements</p>
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Objection

I would confirm that our Service would wish to formally object to this licence application as we consider that it would be inconsistent with one or more of the licence committees primary objectives for the reasons described above.

Where appropriate our Service has attached copies of relevant letters; inspection reports and photographs.

Our Service would remove our objection if the above matters are suitably addressed.

Should you require a representative from our Service to attend the Licensing Committee to clarify any of the above matters further, please do not hesitate to contact this office.

EH Officer	Zoe Skinner
Position	Environmental Health Officer
Signed	<i>Zoe Skinner</i>
Date	11/09/2019

Zoom Takeaway
23 Baron Taylor Street
Inverness
Highland
IV1 1QG

Please ask for: **Mr Michael Hayes**
Direct phone: (01463) 644576
Direct Email: Michael.Hayes@highland.gov.uk
Your ref:
Our ref: 056593 / MIH00375
Date: 03/09/2019

Dear Sir

**FOOD SAFETY ACT 1990
FOOD HYGIENE (SCOTLAND) REGULATIONS 2006
THE FOOD INFORMATION (SCOTLAND) REGULATIONS 2014**

PREMISES: Zoom Takeaway, 23 Baron Taylor Street, Inverness, Highland, IV1 1QG

I refer to the inspection of the above premises on 30/08/2019, and to my discussions with Mohamed Afif at that time. As discussed at the inspection, I must inform you that, due to the continued presence of outstanding food hygiene compliance issues, your business has retained its "**Improvement required**" standard.

This schedule contains **contraventions** and **recommendations**. **Contraventions** are items that must be addressed to ensure your compliance with the above legislation. **Recommendations** are items I strongly recommend be adopted as good practice and appear in *italic* type. When considering work to deal with contraventions there may be other ways of achieving compliance with the law than those I have suggested. Alternatives may be used provided they are of equivalent effect. If you are in doubt as to the acceptability of alternatives please contact me.

The attached schedule details the outcome of the inspection. Any contraventions identified in the schedule require your immediate attention.

Should you disagree with the requirements of the enclosed Schedule you should make representation to Alan Yates, Environmental Health Manager, within two weeks of receipt of this letter by writing to the address below or calling 01463 644570. The booklet "Food Law Inspections and Your Business" outlines your rights and is available from this office on request.

If you require any further information or advice please do not hesitate to contact me on the above number.

Yours faithfully

MR MICHAEL HAYES
Environmental Health Officer

Schedule

**FOOD SAFETY ACT 1990
FOOD HYGIENE (SCOTLAND) REGULATIONS 2006
THE FOOD INFORMATION (SCOTLAND) REGULATIONS 2014**

Premises Name: **Zoom Takeaway**
Premises Address: **23 Baron Taylor Street, Inverness, Highland, IV1 1QG**
Type of Premises: **Take-away
Catering, Restaurants, Bars
R01 Takeaway Food**
Date and time of Inspection: **30/08/2019 at 04:30**
Type of Inspection: **EH Food Law**

Areas Inspected: **Downstairs cooking area/Upstairs preparation room staff toilet**
Records/Documents examined: **HACCP**
Samples Procured: **N/A**

Note

This schedule only covers the areas inspected as they were found at the time of the inspection. It should not be inferred that all hazards and defects within the premises have been identified. The responsibility for complying with legislation lies with the proprietor and your own checks should be carried out as a matter of routine.

Please note that Regulation 17 of the Food Hygiene (Scotland) Regulations 2006 makes it an offence to contravene or fail to comply with the requirements of EC Regulations 852/2004 and 853/2004. Regulation 4 of the General Food Regulations 2004 makes it an offence to contravene or fail to comply with the requirements of EC Regulations 178/2002.

FOOD SAFETY MANAGEMENT SYSTEM

1.1 Although you have put in place a Food Safety Management Procedure, and documentation was available on this, staff were not carrying out the identified controls at critical points. In particular no temperature records were available and food was not being probed.

You must ensure that you are aware of the controls needed to be carried out and that all controls which are critical to food safety are maintained.

[Regulation (EC) 852/2004 Article 5 Paragraph 2 (d)]

1.2 During the inspection it was noted that coleslaw and lettuce were being stored at room temperature in the front "chilled" display unit. These foods are high risk and will support the growth of food poisoning bacteria and must be kept in a refrigerator or cool ventilated place or at a temperature above 63°C.

[Food Hygiene (Scotland) Regulations 2006, Regulation 30, Schedule 4 Paragraph 2]

In this respect it is essential that the refrigerated display unit is operating at an appropriate temperature and attention to this is required immediately

Time for Compliance Immediate

1.3 During my inspection I was not satisfied that adequate cooking procedures were in place in that no probe or cooking records were available to demonstrate compliance. You must ensure that food is thoroughly cooked and demonstrate this through appropriate records.

[Regulation (EC) No 852/2004 Article 5 Paragraph 1]

To ensure that high risk food has been adequately cooked, a core temperature of 75°C for 30 seconds is generally appropriate

Time for Compliance Immediate

1.4 It is recommended that high risk foods requiring cooking through to the centre should be probed on an occasional basis where standard recipes and quantities are used. In all cases however you must ensure that probe thermometers do not contaminate or taint the food being probed. Make sure probes are kept clean and disinfected before use with ready to eat food, otherwise probed food must be discarded. Where antibacterial wipes are used, these must be suitable for use with food.

In this respect it is important to appreciate that appropriate probe wipes should be used to disinfect the equipment.

1.5 The standard of cleaning to the structure of the kitchen including the work surfaces was generally poor. A thorough deep clean (and disinfection) is required. All areas must be maintained in a clean condition.

[Regulation (EC) No 852/2004 Article 4(2), Annex II, Chapter I Paragraph 1]

Time for Compliance 1 week

1.6 It is important to understand that all areas where food is prepared and stored must be clean and capable of being kept clean. This is to minimise the risk of pests being attracted into your premises and the risk of food being contaminated by dirt.

[Regulation (EC) No 852/2004 Article 4(2), Annex II, Chapter I Paragraph 1]

1.7 The electric insect killer in the downstairs cooking area was full of dead insects. If the electric insect killer is to remain, it must be cleaned and maintained in good working order.

[Regulation (EC) No 852/2004 Article 4(2), Annex II, Chapter IX Para 4]

Timescale for Compliance - Immediate

1.8 During my inspection we briefly discussed Allergens and your responsibilities as a Food Business Operator. In this respect I have enclosed an advice note regarding allergens. Please do not hesitate to contact me should you require any further information regarding this subject

1.9 In terms of electrical safety at the premises I would be obliged if you could provide me with a copy or arrange for your land-lord to provide me with a copy of the most recent Electrical Installation Condition Report and certificate relating to the premises.

Timescale for completion 2 weeks

General Advice Regarding Kebabs

Because harmful bacteria can live and grow in the reformed meat, and because contaminated salad can cause illness, kebabs are classed as a High Risk Food and you must take special care to ensure good hygiene in the preparation and cooking of Doner kebabs I strongly recommend that you adhere to the following the advice.

When kebabs are delivered, check that they are in good condition, are within the date code and have been stored at the right temperature. Do not accept any unrefrigerated chilled kebab, or kebab which is only partly frozen

The kebab should come wrapped, suitably labelled (including any food allergens), with traceability information and delivery note.

Store kebabs either frozen (colder than minus 18 degrees centigrade (-18°C)) or chilled (+1°C to +5° C). We recommend that you measure the storage temperatures daily and keep a written record

Do not leave meat at room temperature for any longer than is necessary. Do not turn the cooker off for long periods once cooking has begun, as this will allow bacteria in the meat to continue growing and multiplying. The length of the burners should be the same or longer than the meat on the spit, so do not cook a large kebab using a single burner. Make sure that the outside is thoroughly & quickly cooked, then cut into thin slices

Meat in the hot holding pans must be kept above +63 degrees centigrade. Check this with a probe thermometer regularly.

If you have part of a kebab left at the end of service then you can do one of two things:-

- throw it away

- cook and slice it all and save it for the next day using the method below

If you decide on keeping it for use the next day, then follow this method carefully:-

- Cook the remaining meat thoroughly and slice it from the block in the normal way.
- Put the meat into clean shallow trays and place in a cool area so that it cools quickly, preferably within 90 minutes and periodically check and record the cooled temperature to demonstrate your cooling system works.
- As soon as it has cooled to a reasonable level, put it into the freezer or refrigerator overnight.
- The next day, reheat the meat to at least +82°C either in a microwave or in a pot on the cooker and use it first before starting on a new kebab. Use a probe thermometer or a meat thermometer to check the temperatures. Do not reheat any meat more than once. It must be reheated quickly – not warmed gently in a bain-marie

It should also be noted that suppliers will be able to provide you with a range of different sizes of Kebabs.

Handwritten: 11/11/2019



Zoom Takeaway
23 Baron Taylor Street
Inverness
Highland
IV1 1QG

Please ask for: **Mr Michael Hayes**
Direct phone: (01463) 644576
Direct Email: Michael.Hayes@highland.gov.uk
Your ref:
Our ref: 056710 / MIH00439
Date: 21/11/2019

Dear Sir

**FOOD SAFETY ACT 1990
FOOD HYGIENE (SCOTLAND) REGULATIONS 2006
THE FOOD INFORMATION (SCOTLAND) REGULATIONS 2014**

PREMISES: Zoom Takeaway, 23 Baron Taylor Street, Inverness, Highland, IV1 1QG

I refer to the inspection of the above premises on 14/11/2019, and to my discussions with Mr Mohamed Afif at that time.

As discussed at the inspection, I must inform you that, due to the continued presence of outstanding food hygiene compliance issues, your business has retained its **"Improvement required"** standard.

The attached schedule details the outcome of the inspection. Any contraventions identified in the schedule require your immediate attention.

Should you disagree with the requirements of the enclosed Schedule you should make representation to Alan Yates, Environmental Health Manager, within two weeks of receipt of this letter by writing to the address below or calling 01463 644570. The booklet "Food Law Inspections and Your Business" outlines your rights and is available from this office on request.

If you require any further information or advice please do not hesitate to contact me on the above number.

Yours faithfully

MR MICHAEL HAYES
Environmental Health Officer
Environmental Health

Schedule

**FOOD SAFETY ACT 1990
FOOD HYGIENE (SCOTLAND) REGULATIONS 2006
THE FOOD INFORMATION (SCOTLAND) REGULATIONS 2014**

Premises Name: **Zoom Takeaway**
Premises Address: **23 Baron Taylor Street, Inverness, Highland, IV1 1QG**
Type of Premises: **Take-away
Catering, Restaurants, Bars
R01 Takeaway Food**
Date and time of Inspection: **14/11/2019 at 16:30**
Type of Inspection: **EH Food Law**

Areas Inspected: **Kitchen; Upstairs preparation room**
Records/Documents examined: **All in one Records**
Samples Procured: **N/A**

Note

This schedule only covers the areas inspected as they were found at the time of the inspection. It should not be inferred that all hazards and defects within the premises have been identified. The responsibility for complying with legislation lies with the proprietor and your own checks should be carried out as a matter of routine.

Please note that Regulation 17 of the Food Hygiene (Scotland) Regulations 2006 makes it an offence to contravene or fail to comply with the requirements of EC Regulations 852/2004 and 853/2004. Regulation 4 of the General Food Regulations 2004 makes it an offence to contravene or fail to comply with the requirements of EC Regulations 178/2002.

1.0 Although you have put in place a Food Safety Management Procedure, and documentation was available on this, you are not demonstrating that all controls which are critical to food safety are being maintained. You must ensure that you are aware of the controls required. [Regulation (EC) 852/2004 Article 5 Paragraph 2 (d)] and once these controls are in place, you must check them routinely, and take any corrective action which is necessary.

[Regulation (EC) 852/2004 Article 5 Paragraph 2 (d)(e)]

Time for Compliance - Immediate

2.0 In the absence of any monitoring records completed since 9th November 2019 it is difficult to show how you are meeting this requirement without records or documents. It would also be difficult if charged with an offence under the Food Hygiene (Scotland) Regulations to use the defence of due diligence to show that you have done everything possible to avoid committing an offence. You are advised to provide details of your procedures and keep monitoring records particularly at critical control points.

2.1 In reference to temperature monitoring it was noted that you are only probing kebabs and only on a Monday. The results of the monitoring suggests that a consistent temperature of 82^{oc} was observed on each Monday? I would strongly recommend that you include other high risk food items for monitoring cooking temperatures and conduct this on a more regular basis. It further recommended that you have the temperature probe calibrated and record the results.

Time for compliance - immediate

3.0 While it was noted that you have placed some effort into cleaning the premises. The standard of cleaning to the structure of the kitchen including the work surfaces and equipment was generally poor. A thorough deep clean (and disinfection) is required and all areas must be maintained in a clean condition.

[Regulation (EC) No 852/2004 Article 4(2), Annex II, Chapter I Paragraph 1]

3.1 It was noted that you have an array of knives within the downstairs kitchen. The knives were dirty and must be thoroughly cleaned (and disinfected) and maintained in a clean condition.[Regulation (EC) No 852/2004 Article 4(2), Annex II, Chapter V Paragraph 1(a)] If you do not require to use a majority of these knives as you suggest, I would recommend they are disposed of or stored elsewhere.

3.2 Similar comments are provided in respect of the various items of food that were observed in the kitchen many of which were at ambient temperature, but were claimed to be for your own use and consumption. I would recommend these food items are not kept within the kitchen or preparation area or at least they should be clearly marked for personal use.

Time for compliance - immediate

3.3 The door seal of the refrigerator/freezer in the kitchen was dirty and broken. You are required to clean/renew the door seal.

[Regulation (EC) No 852/2004 Article 4(2), Annex II, Chapter V Paragraph 1(a), (b)]

Time for Compliance 1 month

3.4 From our discussions it is important that you understand what chemicals used for cleaning and disinfection do, and that the correct products, purchased from reputable suppliers, are always used in accordance with the manufacturer's instructions. Due to the use of the upstairs as a preparation room. I would further recommend that you keep an adequate supply of sanitizer in both the downstairs and upstairs area of the premises

3.5 As a general Guide:

- **Detergents** are products used for general cleaning. These do not have disinfectant properties and if used on their own, are not capable of destroying harmful bacteria such as E. coli O157.
- **Disinfectants** are products that are capable of destroying harmful bacteria when applied to visibly clean surfaces at a specified dilution and contact time.
- **Sanitisers** are products that combine a disinfectant and a detergent in a single product. This means that the same product can be used to provide a visibly clean surface and it must be used a second time in order to disinfect the surface.

3.6 I strongly recommend that you implement the cleaning schedule within your food safety management system. This will help you ensure that all aspects of your operation are covered by:

- a) allocating specific tasks to your staff;
- b) specifying what cleaning materials should be used and the method;
- c) specifying how often items/areas should be cleaned;
- d) specifying any safety precautions for staff.

4.0 The upstairs food preparation room had a number of items within it that would suggest it is being used for storage. This practice should cease and the cardboard on the floor in the preparation room must be removed as it cannot be kept clean and harbours dirt and bacteria.

[Regulation (EC) No 852/2004 Article 4(2), Annex II, Chapter VI Paragraph 1]

Time for compliance - immediate

5.0 The accumulation of dirt and record keeping can be attributed to you not implementing the prerequisites and controls that are already contained within your food safety management system.

5.1 It was apparent from discussions and observations during my inspection that the level of food hygiene awareness was inadequate on certain important food safety matters. In this respect you should at least have an appreciation of the importance of any control or monitoring points identified by your Food Safety Management Procedure for which you are responsible.

[Regulation (EC) No 852/2004 Article 4(2), Annex II, Chapter XII Paragraph 1]

5.2 I recommend you undertake refresher training equivalent to the REHIS Intermediate or Advanced Food Hygiene Certificates

5.2.1 The Royal Environmental Health Institute of Scotland (REHIS) will be able to provide you with details of training centres that run Food Hygiene Courses. They can also provide details of trainers who run courses in languages other than English. Their telephone number is 0131 225 6999 (email rehis@rehis.com).

5.2.2 Other accredited courses are run by the:

- Royal Institute of Public Health (Tel No. 0207-580-2731 email-examinations@riph.org.uk)
- Royal Society of Health (Tel No. 0207-630-0121 email-rsph@rsph.org)
- Society of Food Hygiene Technology (Tel 01590-671-979 email-admin@sofht.co.uk)

Time for compliance – 3 months

6.0 In view that a packet of Tesco ham was found in the refrigerator with a use by date of 24th October, I would recommend you introduce a system of date coding for high-risk foods to ensure stock is rotated and is not used beyond its shelf-life

7.0 When renting a property for your business, you have some responsibilities by law including the safety of electrical equipment and gas safety, but it may depend on what it says in the lease. In this regard thank you for providing the electrical installation report for the premises.

7.1 However from our subsequent discussions, there appears to have been some confusion as it was noted that the kebab grill is gas operated. It is therefore incumbent upon you to provide a suitable gas safety certificate in accordance with the Gas Safety (Installation and Use) Regulations 1998.

7.2 All gas equipment which is used for catering purposes must be installed, inspected and tested annually by a Gas Safe engineer. This is a legal requirement and applies to ALL caterers. Engineers will inspect your equipment and issue you with a certificate if your equipment is safe and legal to use.

7.3 Before you choose your engineer, you must use the Gas Safe register to make sure that they are qualified in the field and product that you need them to work on.

Time for compliance – 1 month

8.0 It was noted the temperature within the chilled display unit had improved, but should be monitored and recorded. In addition it was observed that the display unit top was being held by tape to keep it in place. This requires attention as the top is loose and dirt may be dislodged and contaminate food.



Zoom Takeaway
23 Baron Taylor Street
Inverness
Highland
IV1 1QG

Please ask for: **Mr Michael Hayes**
Direct phone: (01463) 644576
Direct Email: Michael.Hayes@highland.gov.uk
Your ref:
Our ref: MIH00483
Date: 14/02/2020

Dear Sir/Madam

**FOOD SAFETY ACT 1990
FOOD HYGIENE (SCOTLAND) REGULATIONS 2006
THE FOOD INFORMATION (SCOTLAND) REGULATIONS 2014**

INSPECTION REFERENCE: 057389

PREMISES: Zoom Takeaway, 23 Baron Taylor Street, Inverness, Highland, IV1 1QG

I refer to the inspection of the above premises on 13/02/2020, and to my discussions with Mr Mohammed Afif at that time.

As discussed at the inspection, I must inform you that, due to the continued presence of outstanding food hygiene compliance issues, your business has retained its "Improvement required" standard.

The attached schedule details the outcome of the inspection. Any contraventions identified in the schedule require your immediate attention. Should you disagree with the requirements of the enclosed Schedule you should make representation to Alan Yates, Environmental Health Manager, within two weeks of receipt of this letter by writing to the address below or calling 01463 644570. The booklet "Food Law Inspections and Your Business" outlines your rights and is available from this office on request.

If you require any further information or advice please do not hesitate to contact me on the above number.

Yours faithfully

MR MICHAEL HAYES
Environmental Health Officer
Environmental Health

Schedule

**FOOD SAFETY ACT 1990
FOOD HYGIENE (SCOTLAND) REGULATIONS 2006
THE FOOD INFORMATION (SCOTLAND) REGULATIONS 2014**

Premises Name: **Zoom Takeaway**
Premises Address: 23 Baron Taylor Street, Inverness, Highland, IV1 1QG
Type of Premises: Take-away
Catering, Restaurants, Bars
R01 Takeaway Food
Date and time of Inspection: **13/02/2020 at 17:30**
Type of Inspection: EH Food Law
Food Hygiene
Food Standards
Food Hygiene and Food Standards
Areas Inspected: Kitchen, Prep room, WC
Records/Documents examined:
Samples Procured: N/A

Note

This schedule only covers the areas inspected as they were found at the time of the inspection. It should not be inferred that all hazards and defects within the premises have been identified. The responsibility for complying with legislation lies with the proprietor and your own checks should be carried out as a matter of routine.

Please note that Regulation 17 of the Food Hygiene (Scotland) Regulations 2006 makes it an offence to contravene or fail to comply with the requirements of EC Regulations 852/2004 and 853/2004. Regulation 4 of the General Food Regulations 2004 makes it an offence to contravene or fail to comply with the requirements of EC Regulations 178/2002.

1.1 Although you have put in place a Food Safety Management Procedure, and documentation was available on this, you are not carrying out the identified controls at critical points. In particular monitoring cooking temperatures, ensuring that high risk foods are maintained at a safe temperature and ensuring that appropriate prerequisite cleaning and disinfection is being undertaken

You must ensure that you are aware of the controls you need to carry out so you are sure that all controls which are critical to food safety are maintained.

[Regulation (EC) 852/2004 Article 5 Paragraph 2 (d)]

Once these controls are in place, you must check them routinely, and take any corrective action which is necessary.

[Regulation (EC) 852/2004 Article 5 Paragraph 2 (d)(e)]

1.2 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).

[Regulation (EC) 852/2004 Article 5 Paragraph (2)]

You need to show some evidence that the procedures in your business are reviewed to ensure they continue to represent good practice and reflect changes in the business. It would be appropriate to keep records of such review for inspection and monitoring purposes.

1.3 *It was noted the Wash Hand Basin downstairs did not have adequate hand drying facilities. I would suggest single use towels or air driers are used for drying hands hygienically*

1.4 You have been advised on several occasions that all areas where food is prepared and stored must be clean and capable of being kept clean. This is to minimise the risk of pests being attracted into your premises and the risk of food being contaminated by dirt.

[Regulation (EC) No 852/2004 Article 4(2), Annex II, Chapter I Paragraph 1]

The standard of cleaning to equipment and to the structure of the kitchen including the work surfaces is generally poor and has deteriorated significantly since the last inspection. A thorough deep clean (and disinfection) is required. All areas must be maintained in a clean condition.

[Regulation (EC) No 852/2004 Article 4(2), Annex II, Chapter I Paragraph 1]

Due to the sustained non-compliance on this issue it is considered appropriate to obtain compliance through issuing a hygiene improvement notice HIN/000302/INBS/MH I must also inform you that a copy of the Notice has been given to Michael Elsey, Senior Licensing Officer in view that you hold a LHC licence for the premises..

1.5 The painted ceiling in the down-stair kitchen has started to peel You require to remove any loose paint to a sound base and redecorate ensuring the finished surface will prevent the accumulation of dirt and reduce condensation, mould growth and flaking paint.

[Regulation (EC) No 852/2004 Article 4(2), Annex II, Chapter II Paragraph 1(c)]

1.6 During the inspection it was noted that the large tubs of mayonnaise were being stored in the upstairs prep room. However the "use by" date on one tub had expired (disposed) and the other had been opened and not refrigerated. It is important that you follow the manufacturers' instructions regarding the refrigeration of items. Items such as cut kebab meat, tomato based sauce and coleslaw that were present in the fridge did not have durability dates

I recommend you introduce a system of date coding for high-risk foods to ensure stock is rotated and is not used beyond its shelf-life.