

Agenda

Licensing and Registration Sub Committee

Date: **Monday 20 April 2015**

Time: **5.30 pm**

Place: **St Aldate's Room, Town Hall**

For any further information please contact:

Sarah Claridge, Committee and Member Services Officer

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As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

Licensing and Registration Sub Committee

Membership

Chair

Councillor Van Coulter
Councillor Mary Clarkson
Councillor Gwynneth Royce
Councillor Dick Wolff

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AGENDA

Pages

1 ELECTION OF CHAIR

The Sub Committee elects Councillor to be the Chair for this meeting.

2 APOLOGIES FOR ABSENCE

3 DECLARATIONS OF INTEREST

4 PROCEDURE TO BE FOLLOWED

5 - 8

Guidance is attached

5 BREACH OF STREET TRADING CONSENT CONDITIONS - MR HAROON KHAN

9 - 40

The Head of Environmental Development has submitted a report which seeks determination of an application for a street trading consent where the street trader has not adhered to the conditions of the Street Trading Policy.

6 MINUTES

41 - 44

Minutes from 3 November 2014

Recommendation: That the minutes of the meeting held on 3 November 2014 be APPROVED as a true and accurate record.

7 DATES OF FUTURE MEETINGS

The Sub Committee NOTES the following future meeting dates:

Monday 1 June 2015 (if needed)

DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licences for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

OXFORD CITY COUNCIL

LICENSING and REGISTRATION SUB-COMMITTEE

HEARING PROCEDURES:

The Meeting

1. The Licensing Casework Sub-Committee will usually consist of four members of the Council (councillors) who are also members of the Council's General Purposes Licensing Committee. With the consent of the Applicant, or person who is subject of the hearing, the Sub-Committee may consist of fewer than four but no fewer than two councillors. At the start of each Sub-Committee meeting a Chair shall be elected from among the members. The Sub-Committee is responsible for reaching a decision upon the application having heard representations and considering all relevant material presented.

The Paperwork

2. Officers of the licensing authority (the City Council) will prepare the paperwork for the application that is to be heard by the Sub-Committee. The paperwork will include:-
 - A summary of the application or matter for determination, the representations received and of any other relevant material
 - A copy of the application and any other supporting material supplied by the applicant
 - Any observations on the application or matter made by the Police or other technical advisor to the Sub-Committee
 - Any representations of objection to the application

Introductions

3. The Chairman will commence the hearing by introducing her or himself and the other Sub-Committee members. The Chair will then ask all of the other parties present to introduce themselves and explain in what capacity they are attending.

Conduct of Proceedings

4. The role of the Chair is to control the proceedings. All questions must be put through the Chair.
5. The Chair will indicate that the members of the Sub-Committee have read and familiarised themselves with the papers and issues. The Chair will stress that the Sub-Committee does not therefore require points to be made or repeated at length.
6. The hearing shall take the form of a discussion. Formal cross-examination shall not be permitted unless the Chairman considers that cross-examination in a particular circumstance would assist. In exercising this discretion to permit cross-examination, the Chairman must have regard to the rules of natural justice and the right to a fair hearing.
7. Members of the Sub-Committee may ask questions to any party to elicit further information. The representative of the licensing authority may also ask questions of any party in order to clarify the evidence and any issues in the case.
8. In considering the application/matter or any representation made by a party the Sub-Committee may take into account documentary or other information relied on by a party in support of their application or representation - provided that copies of the information have been supplied to the Licensing Authority at least seven working days before the hearing or, with the consent of all the other parties, after that time.
9. Where a person attending the hearing is acting in a manner that the Chair considers is disruptive, the Chair may require that the person leave the hearing and may:
 - (a) refuse to permit that person to return; or
 - (b) permit him / her to return only on such conditions as the Sub-Committee may specify.
10. Before the end of the hearing any person who was required to leave the hearing under paragraph 9 may submit in writing any information which they would have been entitled to give orally had they not been required to leave.

Order of Proceedings

11. Any party may be assisted or represented by any person whether or not that person is legally qualified.

The Licensing Authority

12. The representative of the licensing authority shall present the paperwork relating to the application or matter to be heard by the Sub-Committee. The representative shall say who the applicant is, what the application is for and explain the paperwork before the Sub-Committee.

Applicant's case

13. The Applicant will outline their application and present their case and may call witnesses if desired.
14. The Sub-Committee may ask questions of the Applicant.
15. Other parties may ask factual questions of the Applicant. Cross-examination will only be permitted with the consent of the Chair.

Observations of Police and/or Technical advisors

16. Where appropriate the police or technical advisers to the Sub Committee may make their observations.
17. The Sub-Committee may ask questions of the Police and/or technical advisors.
18. Other parties may ask factual questions of the Police and/or technical advisors. Cross-examination will only be permitted with the consent of the Chair.

Objector's case

19. Where written representations of objection have been received the Sub-Committee will have regard to those representations. Any Objectors attending the hearing may make oral representations in support of their objection and call witnesses if they wish. However, the Sub Committee will not require repetition of points already made in written representations.
20. Where a number of objectors have made representations which are similar in nature the Sub-Committee will expect a spokesperson to be appointed to represent the group.
21. The Sub-Committee may ask questions of any objector.

22. Other parties may ask factual questions of any objector. Cross-examination will only be permitted with the consent of the Chair.

Closing submissions

23. All parties will then be given the opportunity to summarise briefly their key points. The order shall be:-
- Objectors
 - Police and/or technical advisors
 - Applicant

Determinations

24. At the end of the submissions, the Chair will announce that the hearing is adjourned while the Sub-Committee deliberate in private. The Sub-Committee will be accompanied by the Committee Clerk and Legal Advisor during their deliberations.
25. If it is necessary to recall any party for clarification of any point, then all parties should be recalled.
26. The Chair will either:
- Announce the decision of the Sub-Committee and confirm that a written determination with reasons will be sent to the parties by a given date.
- or
- Close the hearing and confirm that once a decision has been made a written determination with reasons will be sent to the parties by a given date.
27. In any event a written determination setting out the reasons for the decision will be sent to the parties within five working days of the hearing.

Closed hearing

28. The hearing shall normally take place in public. However, the Sub-Committee may exclude the press and the public from all or part of a hearing where exempt information (*section 100A(4) Local Government Act 1972*) is concerned and the Sub Committee considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

To: Licensing & Registration Sub Committee

Date: 20 April 2015

Report of: Head of Environmental Development

Title of Report: Breach of Street Trading Consent Conditions – Mr Haroon Khan

Summary and Recommendations

Purpose of report: To seek determination of an application for a street trading consent where the street trader has not adhered to the conditions of the Street Trading Policy.

Report Approved by:

Finance: Paul Swaffield
Legal: Jeremy Franklin

Policy Framework: Street Trading Policy
A vibrant and sustainable economy

Recommendation: That the Sub-Committee determines Mr Khan's application to renew his street trading consent, taking into account the details in this report and any representations made at this Sub-Committee meeting.

Appendices:

- Appendix A - Renewal Application
- Appendix B - Street Trading Consent and conditions for 2013/14 period
- Appendix C - Food Hygiene Inspection Report
- Appendix D - Food Hygiene Inspection Report
- Appendix E- Food Hygiene Inspection Report

The Application

1. An application has been submitted to renew the street trading consent for the period 1st April 2015 to 31st March 2016 for street trading site 7 located on New Road opposite County Hall Car Park, Oxford. The applicant is Mr Haroon Khan (Appendix A).

2. Mr Khan held Consent for the period 1st April 2014 to 31st March 2015. A full copy of Mr Khan's Street Trading Consent 2014/2015 and General Conditions for Annual Street Trading Consents can be found at Appendix B of this report.

Legislative Background/Legal Framework

3. In 1986 the Council resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 should apply to its area. Under Schedule 4 the Council can manage street trading by designating streets as "consent streets", "licence streets" or "prohibited streets". All streets within Oxford are currently designated "consent streets" and any trading requires the grant of a street trading consent. Street trading consent may be granted as the Council "thinks fit". When exercising the power to grant and enforce consents the Sub Committee should only take into account relevant considerations; must give each applicant or consent holder a fair hearing and should give reasons for their decision.
4. Street trading consent is granted subject to the Council's standard conditions. The Sub Committee may amend or attach any additional conditions to a Consent that it considers "reasonably necessary".

Policy Considerations

5. The Street Trading Policy was adopted by Council in July 2010 and came into force on 1st January 2011 for existing traders. Paragraphs 5.7 and 5.10 of the Policy state:
 - "5.7 Applicants should re-submit their application if they wish to continue to trade at least one month before expiry of their current Consent.'
 - "5.10 Where a renewal application has been made and there have been complaints or enforcement issues or fees have not been paid on time, then the application will be referred to the Licensing and Registration Sub-Committee."

Reasons for Referral to Licensing & Registration Sub Committee

6. The renewal application has been referred to the Sub-Committee in accordance with paragraphs 5.7 and 5.10 of the Policy as Mr Khan has failed to make a valid renewal application at least one month prior to the expiry of his previous Consent and because enforcement issues have been raised by Environmental Health regarding food safety breaches.
7. During the trading period 2014/2015 Mr Khan was in breach of conditions 6, 9 and 17 of the General Conditions for Annual Street Trading Consents:

- 6 The Consent Holder shall comply with all statute, statutory instruments and byelaws currently in force. Consent Holders must pay particular attention to the Health & Safety at Work Act 1974 and the relevant Food Safety legislation.
 - 9 Consent Holder's vehicle shall be kept in a clean, safe and well maintained condition and be of a presentable appearance.
 - 17 The Consent Holder must be the principle operator and have day to day control of the vehicle. The Consent Holder may employ any other person to assist with operating the vehicle and shall notify the Head of Environmental Development of the name and address of that person.
8. On 31st August 2013, a routine food hygiene inspection was carried out by Lyndsey Key, Principal Lead Environmental Health Officer. At this time a large number of legal contraventions were found and the food business was awarded a Food Hygiene Rating of 1 which means 'Major Improvement Necessary'. Mr Khan was not present at the time of the inspection. Advice was given to the employees present on the vehicle during the inspection and a hand written inspection report was left detailing the legal requirements. A copy of the report was sent to the Consent holder Mr Khan by post and a copy emailed to the business email address provided for the business. However no contact was made by the Consent Holder to discuss the inspection (See Appendix C).
 9. On 23rd November 2013, Lyndsey Key revisited the vehicle and found that a number of improvements had been made. However a number of legal contraventions still had not been addressed. Further advice was given to the employee present at the inspection and a hand written report left detailing the requirements. A copy of the report was sent to the Consent holder Mr Khan by post and a copy emailed to the business email address provided for the business. However no contact was made by the Consent Holder to discuss the visit (See Appendix D).
 10. On 4th October 2014, a representative of the Food Standards Agency visited the vehicle to provide a food safety and hygiene coaching session. The free coaching session was provided as part of a pilot scheme run by the Food Standards Agency in Oxfordshire to help support poorly performing food businesses. Mr Khan was not present but his employees received the coaching.
 11. On 14th March 2015, a routine food hygiene inspection was carried out by Lyndsey Key. Once again a number of legal contraventions were found and due to the lack of confidence in management, the mobile was awarded a Food Hygiene Rating of 0 which means 'Urgent Improvement Necessary'. An unregistered employee was also found working on the vehicle. The registered employee present at the inspection made the decision to close the vehicle and not trade again until improvements had been made. A letter was written to the Consent Holder Mr Khan and

also sent to the registered employees. However no contact was made by the Consent Holder to discuss the inspection (See Appendix E).

Relevant Information

12. On 16th December 2013 Mr Khan was brought before the Licensing and Registration Sub Committee due to breaches of Street Trading Consent conditions. The Chair issued Mr Khan with a warning from the Sub Committee concerning his future conduct.

Financial Implications

13. The Council collects fees for the Street Trading function. Predicted income from licence fees are included in the Council's budget.

Legal Implications

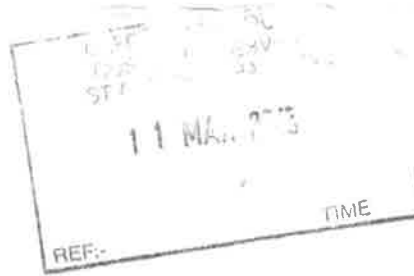
14. A Street Trader cannot be said to enjoy security of tenure and there is no requirement for the Council to give compensation for the loss of any consent (other than any refund of consent fees paid in advance). Any decision to terminate a street trading consent may be subject to a judicial review. If termination is held to be unreasonable then compensation may result.
15. Any decision to refuse a renewal application must be proportionate taking into account all relevant circumstances and the consent holder's right to a fair hearing. An application should not be refused arbitrarily and without clear reason.

Human Rights Act Considerations

16. Article 1 of the first Protocol of the European Convention on Human Rights provides that every person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law. However a street trading consent is not generally considered to be a possession in law and the protection in Article 1 is therefore not directly engaged.
17. Nevertheless, with the advice of Law & Governance and in the interests of fairness, the Sub Committee should consider whether any proposed action would be proportionate, in the public interest and subject to the conditions provided for by law.

Name and contact details of author: Samantha Howell
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Email: showell@oxford.gov.uk

Background papers: None



www.oxford.gov.uk



Application for the Renewal of a Street Trading Consent

Oxford City Council Local Government (Miscellaneous Provisions) Act 1982

All data contained in this form will be handled in accordance with the Data Protection Act 1998. Information about how Oxford City Council will handle this data can be found at www.ico.gov.uk and also on www.oxford.gov.uk.

Note: Please refer to the checklist attached before you send in your application form.

| | |
|------------------------------------|-------------------------|
| Full Name | Haroon Khan |
| Home Address | |
| Postcode | |
| Telephone Numbers | Home: Mobile: |
| Email address | |
| National Insurance Number | |
| Description of articles to be sold | Hot food. Soft Drink |

| | |
|--|--|
| If you intend to sell food & drink what is the address where the vehicle/trailer will be stored when not in use | |
| Street Trading Consent Reference Number (on your current 2014/2015 consent) | |
| Proposed days and times of trading | Days: Mon-Tue-Wed-Thur-Fri-Sat-Sun Times: 18:30 - 04:00 |
| Vehicle registration number, make and model - if applicable | |
| Will you be the sole operator of the vehicle or stall? If the answer is No please complete an employee form for each member of staff (see attached) | Yes or <input checked="" type="radio"/> No |

DECLARATION

Our Street Trading Policy contains measures intended to combat illegal working, money laundering, fraud, tax evasion, food poisoning and other crime. The data you provide will assist in preventing crime and ensuring public safety. When you sign this application you are consenting to the sharing of this data with other Government Agencies in their efforts to combat crime. For further information, see <http://www.oxford.gov.uk/websitetools/privacy.cfm>.

I am aware that if any person knowingly or recklessly makes a false statement or omits any material, particular in giving information on this form, that person shall be guilty of an offence.

This means that if you as the applicant or anyone else gives false information or leaves out any information to help you get a Street Trading Consent, you and/or they can be prosecuted in court.

Signed H. Khan (The declaration must be signed by the applicant)

Environmental Development

St. Aldate's Chambers, 109 St Aldate's, Oxford OX1 1DS

Switchboard: 01865 249811

Fax: 01865 252344

www.oxford.gov.uk



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 CERTIFICATE OF STREET TRADING CONSENT

Oxford City Council grant a Street Trading Consent to:

Consent Holder: Mr Haroon Khan

Consent Number: 14/00729/STREET

Consent Issued: 4th April 2014

Valid From: 4th April 2014

Valid To: 31st March 2015

Fee:

Vehicle/Stall Details:

Area/Site: Street Trading Site 7 opposite County Hall Car Park, New Road Oxford

Permitted Trading Days and Hours:

Trading between the hours of 18:30 and 03:00 Monday - Sunday

Articles Sold: Hot Food and Soft Drinks

This certificate of Street Trading Consent is issued subject to the standard street trading conditions and any other additional conditions attached to this certificate.

Possession of this document does not guarantee that the consent is in force. Its validity may be established by referring to the Councils Licensing Department.

Conditions of Consent are attached to this certificate.

Authorised Officer


Head of Environmental Development



INVESTORS
IN PEOPLE

General Conditions for Annual Street Trading Consents

1. No trading to which the attached consent relates shall take place except between the dates of 4th April 2014 to 31st March 2015.
2. The operational hours shall be:
Between the hours of 18:30 and 03:00 on Mondays
Between the hours of 18:30 and 03:00 on Tuesdays
Between the hours of 18:30 and 03:00 on Wednesdays
Between the hours of 18:30 and 03:00 on Thursdays
Between the hours of 18:30 and 03:00 on Fridays
Between the hours of 18:30 and 03:00 on Saturdays
Between the hours of 18:30 and 03:00 on Sundays
3. The street trading consent relates to the following area/site only: Street Trading Site 7 Opposite County Hall Car Park, New Road Oxford
4. The street trading consent relates to the following vehicle/stall only:
5. Street trading can only be carried out from the stall or vehicle authorised under the conditions of the consent. Any changes to or replacement of the stall or vehicle must be approved by the Head of Environmental Development.
6. The Consent Holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent Holders must pay particular attention to the requirements of the Health & Safety at Work Act, 1974, the Food Safety (General Food Hygiene) Regulations 1995. Advice on these requirements is available from the Environmental Health Department. The Consent Holder shall not drive or park a vehicle on any part of a footway. (It is an offence to drive other than on a road)
7. The Consent Holder shall not be the cause of any nuisance or annoyance to any other user of the highway, the occupier of any land or building or the Oxford City Council. Consent Holders shall have special regard to and must take positive action to prevent excessive noise.
8. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade in a certain manner. The Consent Holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property. The Consent Holder shall ensure that the area in the vicinity of the stall/vehicle is kept clear of all refuse at all times.
9. Consent Holder's vehicle/stall shall be kept in a clean, safe and well maintained condition and be of a presentable appearance. The Street Trading Consent bearing the name of the consent Holder shall be

displayed conspicuously on the stall/vehicle so that members of the public can clearly see it during hours of business.

10. The Consent Holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and with a current MOT Certificate.
11. The Consent Holder shall ensure that the stall/vehicle is positioned only in the allocated space (which may be marked on the ground) in the Consent Street for which the Street Trading Consent is issued. All goods shall be displayed on the stall and no freestanding racks or displays are permitted. If a Consent Holder or operator/assistant is requested to move the vehicle/stall by an authorised Council Officer or Police Officer they shall immediately comply with that request.
12. The Consent Holder's stall shall not exceed 2.3 metres in height nor occupy an area greater than 2 metres x 1 metre.
13. The Consent Holder must take adequate precautions to prevent the risk of fire at the stall or vehicle. All hot food vans/trailers are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. A serviceable fire blanket and a foam fire extinguisher shall be provided in all vehicles selling hot food.
14. All hot food vans/trailers are required to carry a basic first aid kit. The Consent Holder and others operators should know how to give first aid to treat victims of burns and cuts. All hot food vans should have access to a minimum of one mobile phone that must be serviceable at all times.
15. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate that is accredited by the Chartered Institute of Environmental Health, or the Royal Society of Health, or the Royal Institute of Public Health and Hygiene.
16. A Street Trading Consent cannot be transferred or sold to another person except that the Consent may be transferred to a member of the Consent Holder's immediate family in the event of the Consent Holder's death or incapacity on payment of a fee. The sub letting of a pitch is prohibited.
17. The Consent Holder must be the principal operator and have day to day control of the stall/vehicle. The Consent Holder may employ any other person to assist in operating the stall/vehicle and shall notify the Head of Environmental Development of the name and address of that person. An administration fee will be payable.
18. Anyone who operates a stall/vehicle other than the Consent Holder must be authorised by the Head of Environmental Development.
19. A Consent Holder may terminate a Street Trading Consent by written notice to the Head of Environmental Development. A refund of the portion of the fee equal to the remaining full months will be payable, less £50 which the Council will retain to cover administrative costs.
20. Consent Holders shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.

21. A copy of the Consent shall be carried by the operator when trading and must be produced on demand to a Council Officer or Police Officer.
22. Consent Holders shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £10,000,000 and shall cover the operator's vehicle, or stall and any additional equipment under their control. If food is sold the insurance shall specifically include cover against food poisoning to the same amount. The insurance certificate or cover note shall be produced to the City Environmental Health Officer before the Street Trading Consent is issued. Proof of cover must be produced to an officer of Oxford City Council as required.
23. These general conditions, which apply to all Street Trading in Oxford, may be varied, having regard to a particular location. They are termed Special Conditions and listed on the Consent Certificate. These Special Conditions must also be complied with.
24. Instalments are required quarterly, in advance. On or before the following dates: 1st April, 1st July, 1st October and 2nd January. Annual fees may be paid in advance.

Failure to comply with these conditions

If a Consent Holder fails to comply with any of the conditions attached to a Street Trading Consent, the Consent may be suspended for an indefinite period or revoked. The Consent Holder may also be prosecuted.

FOOD SAFETY REPORT OF INSPECTION

Report of food hygiene visit carried out under the Food Hygiene (England) Regulations 2006 & EC Regulation 852/2004



Business details

| | |
|---|--|
| Trading name | Harry's Grill |
| Business address | Trading on New Road n.r. entrance to Castle Complex, Oxford. |
| Full name of business operator/Ltd Co/Plc (and registered office address) | |
| Email/Business Tel No | |
| Name(s) of person(s) seen and position | |

Intervention details

| | | | | |
|------------------------------------|--|---------|----------|-------|
| Date and time of visit | 31/08/13 2320 | | | |
| Purpose of visit | Inspection | Revisit | Sampling | Other |
| Areas inspected (note limitations) | Van | | | |
| Records examined | WCASS Food Safety Risk Assessment and temperature records. | | | |
| Summary of ACTION | Inspection report only/Letter/Hygiene Improvement Notice/Voluntary Closure/Emergency Closure Report + possible hygiene improvement notices and revisit. | | | |

Local authority and inspecting officer details

| | |
|---|--|
| Signed | Name in capitals |
| Designation of officer | Environmental Health Officer |
| Business Regulation Team, St Aldate's Chambers, 109 St Aldate's, Oxford OX1 1DS | Tel: 01865 252____ Email: _____@oxford.gov.uk |
| Signed by Food Business Operator/Representative I undertake to complete all works within the stated compliance period or pass this information on to FBO as soon as possible | Name in capitals |

FOOD SAFETY REPORT OF INSPECTION

Notes for information

This report only covers the matters discussed and/or the areas inspected at the time of the visit. It does not indicate compliance with any provision of the food legislation or of any other legislation.

This is not a legal Notice; however you must comply with all mandatory items listed overleaf within the stated compliance period. If such Notices are required this will be indicated in the 'Summary of Action' section.

If you are unclear about what is required, or find that you are unable to carry out any of the works, please contact the Officer named on the front page at the address or telephone number shown.

In the case of dispute or if you disagree with the actions taken please contact Mrs Lesley Rennie – Business Regulation Team: Tel. 01865 252836 or lrennie@oxford.gov.uk

Food safety management

It is now a legal requirement for all food businesses to put in place food safety management procedures- based on the principles of HACCP (hazard analysis and critical control points). If you run a food business you must keep records relating to these procedures.

To help small businesses meet these requirements the Food Standards Agency has developed a pack called Safer Food Better Business. Detailed practical information, including packs and diary refills can be found on the Food Standards Agency web-site www.food.gov.uk as well as advice leaflets and guidance relating to other food safety legislation requirements.

Further food safety information for businesses can be found on the Council's web-site www.oxford.gov.uk/foodsafety.

Food hygiene training

Food Business Operators must ensure that food handlers in the food business are supervised, instructed and trained in food hygiene matters which correspond with their work activities. Staff preparing open high risk foods should have the equivalent of the CIEH Level 2 Award in Food Safety in Catering.

Details of food hygiene courses run by Oxford City Council can be found on the Council's web-site www.oxford.gov.uk/foodsafety.

Health and safety made simple – the basics for your business

Advice and guidance on how to comply with the law and manage health and safety can be found at www.hse.gov.uk/simple-health-safety

The Health and Safety Executive (HSE) offers information and guidance on a full range of health and safety issues, including access to free publications which they produce. Visit: <http://www.hse.gov.uk/>

Reporting accidents

The Incident Contact Centre (ICC) www.riddor.gov.uk provides information about all RIDDOR reportable incidents and allows you to report accidents, diseases and dangerous occurrences.

The Royal Society for the Prevention of Accidents is involved in the prevention of accidents through publicity, advice, information and training. Visit: <http://www.rosipa.com/>

Food Hygiene Rating Score

Your Food Hygiene Rating Score is calculated using risk scores for compliance with food hygiene and safety procedures, compliance with structural requirements and confidence in management and control procedures in the following way:

| Total Score | 0 to 15 | 20 | 25 to 30 | 35 to 40 | 45 to 50 | Above 50 |
|------------------------|-----------|----------|------------------------|-----------------------|-----------------------------|------------------------------|
| Maximum in any section | Up to 5 | Up to 10 | Up to 10 | Up to 15 | Up to 20 | |
| Rating Score | 5 | 4 | 3 | 2 | 1 | 0 |
| Standard Achieved | VERY GOOD | GOOD | GENERALLY SATISFACTORY | IMPROVEMENT NECESSARY | MAJOR IMPROVEMENT NECESSARY | URGENT IMPROVEMENT NECESSARY |

FOOD SAFETY REPORT OF INSPECTION

Notes: H = hygiene & safety
S = structure & cleaning
CIM = confidence in management

L = legal requirement
R = recommendation

| H/S CIM | ACTIONS / IMPROVEMENTS REQUIRED | L/R |
|------------|--|-----|
| H/S | <p>There was no hot water provided when I arrived. I was told that both the wall mounted heater and the Barco boiler were broken. I was told that the Barco had broken yesterday. When I revisited there was a kettle being used for a temporary hot water supply. There must always be a hot water supply for hygienic hand washing & cleaning. This must be organised before any food preparation takes place at the van. You advised me that you would use the hot water from the basin washes for cleaning at the end of the night. This is not adequate as a hot water supply and employees could seriously scald themselves if they did use this as a hot water source. Repair or replace the water heater to provide a reliable hot water supply.</p> | L |

Timescales: In the meantime, ensure there is an adequate temporary supply in place. Work must be completed by _____, when a revisit may be carried out. Please email me to confirm that the works have been completed within the agreed timescale.

2 months.

Food hygiene rating

| Compliance | Risk score | Description |
|--|------------|---|
| Food hygiene and safety procedures (H) | 20 | 25 - Urgent improvement necessary 20 - Major improvement necessary 15 - Improvement necessary 10 - Satisfactory 5 - Good 0 - Very good |
| Structural requirements (S) | 10 | 25 - Urgent improvement necessary 20 - Major improvement necessary 15 - Improvement necessary 10 - Satisfactory 5 - Good 0 - Very good |
| Confidence in management (CIM) | 20 | 30 - Poor 20 - Improvement necessary 10 - Satisfactory 5 - Good 0 - Very good |
| Overall food hygiene rating | ① | 5 - Very good 4 - Good 3 - Generally satisfactory 2 - Improvement necessary 1 - Major improvement necessary 0 - Urgent improvement necessary |

Food Hygiene Rating

Your food hygiene rating will be published at food.gov.uk/ratings, if no appeal is lodged within 14 days of the notification of your rating. If you appeal, your food hygiene rating will be shown as 'awaiting publication'. Your certificate will be sent to you within 14 days. When certificates and stickers are issued, they remain the property of Oxford City Council and all rights are reserved.

Only the most recent rating must be displayed at any point in time. If a certificate or sticker is used to mislead the public or misrepresent the food business in any way, including by defacing and tampering, this may constitute an offence under trading standards legislation for example an offence under the Consumer Protection from Unfair Trading Regulations 2008, which impose a general prohibition on unfair business practices.

Right to appeal the Food Hygiene Rating

- As the food business operator of the establishment you have a right to appeal the food hygiene rating given following your inspection if you do not agree that the rating reflects the hygiene standards and management controls found at the time of the inspection.
- The food business operator has **14 days (including weekends and bank holidays) from the date of receipt of the notification to lodge an appeal.**
- In the first instance the food business operator should discuss the matter with the inspecting officer to resolve any dispute about the food hygiene rating in an informal manner. The officer should be able to further clarify and explain how it was derived.
- If the dispute is not resolved informally you should complete a Food Hygiene Rating Scheme Appeal form and return it to the Business Regulation Team Manager – contact details are provided on page 2 of this report.
- The Business Regulation Team Manager will review your rating and notify you of the outcome of your appeal within seven days.

Food Hygiene Rating Scheme 'Right to reply'

- As the food business operator of the establishment you have a 'right to reply' in respect of the food hygiene rating given following your inspection.
- The purpose is to enable you to explain subsequent actions that have been taken to make the required improvements as detailed in the inspection report, or to explain the circumstances at the time of the inspection. It is not for making complaints or for criticising the scheme or the officer who carried out the inspection.
- If you wish to use this 'right to reply' please complete a Right to Reply form and return it to the Business Regulation Team Manager – contact details are provided on page 2 of this report.
- Your comments will be reviewed and may be edited in order to remove offensive or defamatory remarks before being published online and displayed together with your food hygiene rating at food.gov.uk/ratings.
- There will be a statement at food.gov.uk/ratings that will highlight the fact that the accuracy of your comments has not been verified by local authority officers.

Food Hygiene Rating Scheme Request for a Re-visit

- As the food business operator of the establishment you have a right to request a re-visit for the purposes of re-rating if you have taken action to rectify the non-compliances identified at the time of inspection.
- You can make one request for a re-visit per each planned statutory inspection by the council and you can make this at any time after the inspection provided that you have made the required improvements.
- You must provide details of the improvements made with your request, including supporting evidence where appropriate.
- If the Business Regulation Team Manager considers that you have provided sufficient evidence that the required improvements have been made, and provided that a three-month 'stand still' period has passed since the statutory inspection, an officer will make an unannounced visit. This will take place within three months of the end of the three-month 'stand still' period or within three months of the request if this is made after the 'stand still' period (if you were only required to make permanent structural improvements or repairs or to upgrade equipment, the council can choose to carry out the requested re-visit sooner than this).
- **The officer will give you a 'new' food hygiene rating based on the level of compliance that is found at the time of the re-visit. You should be aware that your rating could go up, down or remain the same.**
- To make a request for a re-visit, please use a Request for a Re-visit form and return it to the Business Regulation Team Manager – contact details are provided on page 2 of this report.

Forms

If you would like to find out more about the scheme, visit our website at www.oxford.gov.uk/foodsafety and the Food Standards Agency website at <http://ratings.food.gov.uk> where forms for lodging an appeal, for requesting a re-visit and for submitting a 'right to reply' are available. Hard copies of the forms can be obtained from the council by contacting 01865 249811.

L = legal requirement
R = recommendation

Page 23 of 6

FOOD SAFETY REPORT OF INSPECTION

(Continuation Sheet)

Notes: H = hygiene & safety
S = structure & cleaning
CIM = confidence in management

L = legal requirement
R = recommendation

| H/S CIM | ACTIONS / IMPROVEMENTS REQUIRED | L/R |
|------------|--|-----|
| H/ CIM | Staff said that the fridges should run at 18/19°C. Fridges must run below 8°C and staff must know what to do if the temperatures rise above 8°C. | L |
| CIM | have no food hygiene training and practices seen at the time of the visit suggest very weak knowledge. Supervisors must as a minimum sit the Level 2 in Food Safety or Catering qualification. All of the other food handlers must be trained on the essentials of food hygiene relevant to their role. | L |
| CIM | — I strongly recommend that all food handlers sit the Level 2 qualification. | L |
| CIM | I will leave a food business registration form today. This must be completed and returned by the Food Business Operator. | L |
| CIM | The Food Safety Management System - NCASS Food Safety Risk was poor in areas. I strongly recommend that you obtain and complete the Safer Food Better Business pack for Caterers. This can be printed from the Food Standards Agency free of charge. All relevant sections should be completed. Otherwise, review and amend the NCASS Food Safety Risk Assessment. | L |

FOOD SAFETY REPORT OF INSPECTION

(Continuation Sheet)

Notes: H = hygiene & safety
S = structure & cleaning
CIM = confidence in management

L = legal requirement
R = recommendation

| H/S CIM | ACTIONS / IMPROVEMENTS REQUIRED | L/R |
|------------|---|-----|
| H | The same tongs were being used to handle raw and cooked meat on the grill. Contamination from the raw meat could be passed to the cooked meat if you do this. Ensure that separate tongs are used to handle raw and cooked food or that you clean and disinfect utensils adequately between uses. | L |
| H | There was bread close to the buckets of raw chicken beneath the grill. Ensure that raw meat and ready to eat foods are stored away from each other to avoid the risk of cross contamination. | L |
| CIM | The last recorded temperature checks were on Friday 9th August (No date year). Ensure that the temperature records start again. | L |
| H | On my arrival, employees could not find a food safe disinfectant. When I arrived he found some sanitiser. However, the chemical inside did not match the bottle. You did not know the contact time of the chemical. Food contact surfaces and hard contact surfaces must be sanitised / disinfected by a suitable food safe chemical on an ongoing basis. Ensure that staff know the manufacturer's instructions. | L |

FOOD SAFETY REPORT OF INSPECTION

(Continuation Sheet)

Notes: H = hygiene & safety
S = structure & cleaning
CIM = confidence in management

L = legal requirement
R = recommendation

| H/S CIM | ACTIONS / IMPROVEMENTS REQUIRED | L/R |
|------------|---|----------|
| H | Ensure all staff have hygienic overclothing. | L |
| S | Remove the cardboard from the floor. It is not hygienic. | L |
| S | Dispose of any damaged and frayed fabric cloths. - I strongly recommend that you use the paper towels for cleaning. | L (R) |
| H/ CIM | Staff suffering from sickness and diarrhoea should not return to work until they have been clear of symptoms for 48 hours for your information. | L/ R |
| H | Store food containers - polystyrene food containers - off the floor. | L |
| S | The water supply had run out on my arrival. Ensure that there is adequate water to last the night. | L |

FOOD SAFETY REPORT OF INSPECTION

Report of food hygiene visit carried out under the Food Hygiene (England) Regulations 2006 & EC Regulation 852/2004



Business details

| | |
|---|-------------------|
| Trading name | Harry's Grill |
| Business address | New Road, Oxford. |
| Full name of business operator/Ltd Co/Plc (and registered office address) | |
| Email/Business Tel No | |
| Name(s) of person(s) seen and position | |

Intervention details

| | | | | |
|------------------------------------|---|----------------|----------|-------|
| Date and time of visit | 23/11/13 0140. | | | |
| Purpose of visit | Inspection | <u>Revisit</u> | Sampling | Other |
| Areas inspected (note limitations) | Van | | | |
| Records examined | Temperature records. | | | |
| Summary of ACTION | <u>Inspection report only</u> / Letter / Hygiene Improvement Notice / Voluntary Closure / Emergency Closure | | | |

Local authority and inspecting officer details

| | |
|---|--|
| Signed | Name in capitals |
| Designation of officer | Environmental Health Officer |
| Business Regulation Team, St Aldate's Chambers, 109 St Aldate's, Oxford OX1 1DS | Tel: 01865 Email: _____@oxford.gov.uk |
| Signed by Food Business Operator/Representative I undertake to complete all works within the stated compliance period or pass this information on to FBO as soon as possible | Name in capitals |

FOOD SAFETY REPORT OF INSPECTION

Notes for information

This report only covers the matters discussed and/or the areas inspected at the time of the visit. It does not indicate compliance with any provision of the food legislation or of any other legislation.

This is not a legal Notice; however you must comply with all mandatory items listed overleaf within the stated compliance period. If such Notices are required this will be indicated in the 'Summary of Action' section.

If you are unclear about what is required, or find that you are unable to carry out any of the works, please contact the Officer named on the front page at the address or telephone number shown.

In the case of dispute or if you disagree with the actions taken please contact Mrs Lesley Rennie – Business Regulation Team: Tel. 01865 252836 or lrennie@oxford.gov.uk

Food safety management

It is now a legal requirement for all food businesses to put in place food safety management procedures- based on the principles of HACCP (hazard analysis and critical control points). If you run a food business you must keep records relating to these procedures.

To help small businesses meet these requirements the Food Standards Agency has developed a pack called Safer Food Better Business. Detailed practical information, including packs and diary refills can be found on the Food Standards Agency web-site www.food.gov.uk as well as advice leaflets and guidance relating to other food safety legislation requirements.

Further food safety information for businesses can be found on the Council's web-site www.oxford.gov.uk/foodsafety.

Food hygiene training

Food Business Operators must ensure that food handlers in the food business are supervised, instructed and trained in food hygiene matters which correspond with their work activities. Staff preparing open high risk foods should have the equivalent of the CIEH Level 2 Award in Food Safety in Catering.

Details of food hygiene courses run by Oxford City Council can be found on the Council's web-site www.oxford.gov.uk/foodsafety.

Health and safety made simple – the basics for your business

Advice and guidance on how to comply with the law and manage health and safety can be found at www.hse.gov.uk/simple-health-safety

The Health and Safety Executive (HSE) offers information and guidance on a full range of health and safety issues, including access to free publications which they produce. Visit: <http://www.hse.gov.uk/>

Reporting accidents

The Incident Contact Centre (ICC) www.riddor.gov.uk provides information about all RIDDOR reportable incidents and allows you to report accidents, diseases and dangerous occurrences.

The Royal Society for the Prevention of Accidents is involved in the prevention of accidents through publicity, advice, information and training. Visit: <http://www.rosipa.com/>

Food Hygiene Rating Score

Your Food Hygiene Rating Score is calculated using risk scores for compliance with food hygiene and safety procedures, compliance with structural requirements and confidence in management and control procedures in the following way:

| Total Score | 0 to 15 | 20 | 25 to 30 | 35 to 40 | 45 to 50 | Above 50 |
|------------------------|-----------|----------|------------------------|-----------------------|-----------------------------|------------------------------|
| Maximum in any section | Up to 5 | Up to 10 | Up to 10 | Up to 15 | Up to 20 | |
| Rating Score | 5 | 4 | 3 | 2 | 1 | 0 |
| Standard Achieved | VERY GOOD | GOOD | GENERALLY SATISFACTORY | IMPROVEMENT NECESSARY | MAJOR IMPROVEMENT NECESSARY | URGENT IMPROVEMENT NECESSARY |

FOOD SAFETY REPORT OF INSPECTION

(Continuation Sheet)

Notes: H = hygiene & safety
S = structure & cleaning
CIM = confidence in management

L = legal requirement
R = recommendation

| H/S CIM | ACTIONS / IMPROVEMENTS REQUIRED | L/R |
|-------------------------------------|--|-----|
| H | The hand dryer is now working. However, the water was tepid when I arrived. Ensure that hot water is always available. | L |
| H | Ensure that you can wash your hands with warm water eg. by using a plug in the wash hand basin. You were using cold water from a bottle to wash hands. | L |
| H | Ensure has an apron. | L |
| S | Dispose of frayed cloths. | L |
| CIM | Ensure staff are adequately trained. eg to Level 2 in food safety in catering standard. This must happen as soon as possible. | L |
| Timescale: Immediately and ongoing. | | |

Environmental Development

Direct Line: 01865

Fax: 01865 252344

E-mail:

Oxford Town Hall

St. Aldate's

Oxford OX1 1BX

Central Number: 01865 249811

Appendix E

www.oxford.gov



17th March 2015

Dear Sir,

REGULATION (EC) 852/2004

FOOD SAFETY AND HYGIENE (ENGLAND) REGULATIONS 2013

RE: ROUTINE FOOD HYGIENE INSPECTION AT HARRY'S GRILL, MOBILE FOOD BUSINESS TRADING ON NEW ROAD (ADJACENT TO THE MALMAISON ENTRANCE TO THE CASTLE COMPLEX), OXFORD

Further to my inspection of the above premises on 14th March 2015 the matters on the attached schedules are in need of your attention. I was very disappointed to see similar poor standards at the premises as my last inspection, especially following the free coaching the business received from a Food Standard Agency representative on 4th October 2014. At the time of my visit you voluntarily agreed to close until food safety conditions had improved.

Schedule A relates to contraventions of the legislation specified. Please read these carefully. Ensure that points 1-4 are completed before you trade again. Contact me to let me know when the hot water is fixed, as I will need to be satisfied this in place before you next trade. The remaining works must be completed within 1 month of the date of this letter unless otherwise stated. Please confirm in writing or by e-mail when these actions have been attended to.

Schedule B contains a basic checklist of the works required in Schedule A for quick reference.

Food Hygiene Rating Scheme

Please note that we operate the Food Hygiene Rating Scheme. The scheme is a Food Standards Agency initiative to provide consumers with at-a-glance information about hygiene standards in food businesses found during planned inspections. The aim is to help them to make informed choices about where they eat out or shop for food. **You will be awarded a rating of 0 – Urgent Improvement Necessary.** Further information on the scheme and details regarding Food Hygiene Scheme Appeals and Revisits can be found at www.food.gov.uk/hygieneratings and www.oxford.gov.uk.

P.T.O.

If you would like to discuss any issues arising from the inspection or this letter please do not hesitate to contact me.

If you consider any of the work required in this letter is unreasonable please contact my Team Manager on 01865

Yours faithfully,

Environmental Health Officer

Cc.

Schedule A: Contraventions

Name & Address of Business: Harry's Grill, Trading at New Road (adjacent to Castle complex Malmaison entrance), Oxford

Date of Inspection: 14th March 2015

Inspecting Officer:

HYGIENE AND SAFETY

1. Hot Water, Hand Washing and Equipment Washing

When I arrived at the mobile there was no hot water available for hand washing or washing equipment and the mobile was already actively trading. The wall mounted water heater was broken - I was told it had broken last week. Staff advised me that when they had filled the Burco boiler and the water had heated, they would wash their hands directly beneath the Burco boiler tap. This would present an unacceptable risk of scalding. The tap on the Burco boiler did not align with either sink meaning water would not hygienically drain and the tap was faulty. There was no means of transferring hot or cold water to the basin easily and safely and there was no plug available at the wash hand basin to mix water to a comfortable temperature for hand washing. In addition, there was no hand wash soap. I saw no evidence of any hand washing taking place on the vehicle. Neither could hygienic hand washing take place.

Availability of hot water for equipment and hand washing and good hand hygiene are two prerequisites for food safety and there seemed to be little appreciation of this. If the water heater had broken a week ago as indicated, there would have been sufficient time to have the water heater fixed before the next working night or come up with another suitable alternative.

You must ensure that:

- There is always a suitable and sufficient hot water supply to the mobile.
- The hot water supply is made available before any food handling.
- There are adequate facilities for hygienic hand washing and equipment washing, including soap for hand washing
- I suggest the simplest and most hygienic way of ensuring adequate hand washing and equipment facilities is to repair the broken wall mounted heater and to ensure that warm water is directly plumbed to the sinks. The water must not be too hot that it could scald people or discourage people from using.
- If you need to use hot water from the burco boiler for hand washing and equipment washing, there must be a safe way of transferring hot and cold water to the wash hand basin and mixing it to a comfortable temperature, e.g. by using a plug.

Regulation (EC) No 852/2004 Annex II Chapter III paras 1 and 2

2. Cross Contamination

- a) There was a bucket of raw meat on the floor next to bread.
- b) There was grated cheese next to raw defrosting burgers under the display fridges

If raw and ready to eat foods are stored and handled close to each other, there is a much higher risk of cross contamination from the raw meat to the ready to eat food. As little as one drop of blood can contain enough bacteria to cause someone to be ill. Raw and ready to eat foods must be kept as separate as possible. Keep the cheese in the fridge and raw meat away from bread.

Regulation (EC) No 852/2004 Annex II Chapter III paras 1 and 2, Regulation (EC) 852/2004 Article 5 para 1, Regulation (EC) No 852/2004 Annex II Chapter IX para 3

3. Disinfection

- a) The outside of the potable water containers were dirty and I was told the water containers are never cleaned or disinfected. Bacteria will grow inside water containers that aren't cleaned and disinfected. Therefore, water containers must be cleaned and disinfected on an ongoing basis, e.g. with Milton's sterilizing solution or similar once a week.
- b) The main surface cleaner in use was not food safe and could chemically contaminate food. I was shown a bottle of spray and was told that this was sanitiser spray that had been filled at a couple of weeks ago. The outside of the sanitiser bottle was filthy with encrusted dirt and hair. There were no instructions on contact time etc. on the product. A suitable food safe disinfectant or sanitiser spray must always be available on the mobile to disinfect hand contact surfaces and food contact surfaces. The manufacturer's instructions must always be followed.
- c) I was told disinfectant probe wipes are usually used on the probe thermometer, but you could not find these. The probe was used to demonstrate taking hot hold temperatures without being cleaned or disinfected. Probe thermometers must be disinfected before use, e.g. with a food safe disinfectant probe wipe to ensure they don't contaminate food.

Regulation (EC) No 852/2004 Annex II Chapter V Para 1

4. Temperature control

a) Fridge temperatures

- i. The temperature of cheese in the tall fridge was 8.6°C
- ii. The air temperature of the display fridge closest to the burco boiler was taken at 14°C and the temperature of cooked chicken was measured at 10.4°C
- iii. Grated cheese was being stored under the display fridge out of temperature control. I was advised that this was because it was easier to store. The cheese was moved into the fridge during the visit.

High risk, chilled food must legally be kept below 8°C. Staff thought the legal maximum fridge temperature was 11°C.

I was told that staff read the temperature of the display fridge from the digital dial. I strongly recommend that a probe thermometer is used to check fridge temperatures rather than the dial, as temperature displays are more likely to become faulty and display fridges are more prone to developing warm spots and cold spots.

Food Safety and Hygiene (England) Regulations 2013 Schedule 4 para 2 (1)

b) Hot Holding

The air temperature of the bain marie was taken at 46°C and food was probed at 59.5°C. I was told that food would rarely be kept long in the bain marie. I was told that temperature checks were made of the hot held food and that hot held food should be kept above 70°C. Your written hot holding temperatures had stopped in September. The old temperature records recorded temperatures below 70°C.

Hot held food must be kept above 63°C unless you have a system to ensure hot held food is never kept longer than 2 hours. Checks must be in place to ensure safe hot holding temperatures.

Food Safety and Hygiene (England) Regulations 2013 Schedule 4 para 6

Regulation (EC) No 852/2004 Annex II Chapter III para 2

CONFIDENCE IN MANAGEMENT

5. Food Safety Management System (FSMS) and Training

I was shown the NCASS folder on the mobile. The monitoring pages in the NCASS book had been used until September, but when the pages had run out you had started recording fridge and freezer temperature in a notebook three times a day. The first temperature of the day was read at 18:30 when the van isn't trading. When I asked when and where this temperature was taken I was advised after some confusion that this was the temperature taken back at the shop. The 18:30 check had not been recorded for the day of the inspection. No hot food, reheating or hot holding temperatures had been recorded since September. I am not confident that temperature checks are being made and recorded accurately for this mobile. The purpose of temperature checks is that any problems that could impact on food safety are identified quickly and appropriately acted upon.

Based on the other failures in this letter and on the basis that many of the same food safety failings from my last inspection were again found and remain unaddressed, my confidence in the management of this business is very poor.

You must ensure there is a satisfactory documented food safety management system at the premises based on the principles of HACCP. This system must be followed in practice on the mobile and to do that staff must be trained on the system relevant to their role. Adequate food safety checks must be put in place, to manage potential food safety risks.

I suggest the easiest way of doing this is as follows:

- Obtain and complete the Safer Food Better Business (SFBB) Caterers pack. All relevant white boxes need to be completed in the '4 C's' and 'Management' sections. You can collect a free copy of the SFBB pack from the Council if you contact me. The SFBB splits information into easy bitesize pieces by topic.
- Train all staff on the procedures in the SFBB, to ensure they are following good hygiene practice
- Alongside the SFBB, you must also keep satisfactory food safety monitoring records. I suggest you record:
 - One cooked food temperature check per night
 - One hot holding temperature check per night
 - One fridge temperature check from each appliance per night.

All the staff need to know what to do if the temperature check shows there is a problem, e.g. move food to a different fridge, cook food for longer etc.

If you wish to comply in another way, please contact me to discuss.

Regulation (EC) 852/2004 Article 5 para 1

If this is not complied with, a Hygiene Improvement Notice will be served.

6. Staff Training

The knowledge demonstrated by _____ and _____ in answers to my questions and practices found on the mobile at the time of my inspection was poor.

_____ and _____ and any others with poor food safety knowledge must sit the Level 2 in Food Safety in Catering qualification or equivalent to be able to demonstrate understanding of the following areas:

- Food poisoning – micro-organisms types and sources
- Simple microbiology, toxins, spores, growth and death
- Premises and equipment

- Common food hazards – physical, chemical and microbiological
- Personal hygiene – basic rules and responsibilities
- Preventing food contamination
- Food poisoning – symptoms and causes
- Cleaning and disinfection
- Legal obligations
- Pest control
- Effective temperature control of food, for example storage, thawing, reheating and cooking.

Regulation (EC) No 852/2004 Annex II Chapter XII para 1

If this is not complied with, a Hygiene Improvement Notice will be served.

I suggest that you will gain most use from classroom based training rather than e-training. Staff must be able to retain food safety knowledge and be able to put this into practice on the mobile. Please forward copies of the training certificates to me after completion.

7. Food Business Registration and Supervision

I saw no evidence on my recent inspection or my previous inspection that _____ is involved in running or supervising any element of this business. The food is delivered to, stored and prepared at _____ and the staff are connected to this business.

All food business operators must ensure that local authorities have up to date and accurate information on food businesses. Whether or not _____ is the food business operator, you must submit a new food business registration form for this business, as we do not hold one. It can be completed free of charge and quickly at this link – www.oxford.gov.uk/foodsafety *Regulation (EC) No 852/2004 Article 6 Paras 1 and 2*

If _____ is the food business operator, then he must be aware that he is responsible for complying with food safety regulations and would be the person any formal legal action would be taken against. If _____ is the food business operator, then supervision and management must be vastly improved on the mobile.

Regulation (EC) 852/2004 Article 5 para 1

STRUCTURE AND CLEANING

8. Broken Fridge

When I opened the door to the tall fridge, the door fell towards me hanging on one hinge. The door must be repaired. *Regulation (EC) 852/2004 Article 5 para 1*

9. Cleaning

Hand contact surfaces on the mobile such as the fridge handle were dirty. Food contact surfaces and hand contact surfaces, must be cleaned and disinfected on an ongoing basis. *Regulation (EC) No 852/2004 Annex II Chapter V Para 1*

Schedule B: Basic checklist of suggested works that will allow you to comply with Schedule A

Name & Address of Business: Harry's Grill, Trading at New Road (adjacent to Castle complex Malmaison entrance), Oxford

Date of Inspection: 14th March 2015

Inspecting Officer:

Please refer to Schedule A for a full list of legal requirements, but the below will provide you with a quick reference checklist.

| | Action | |
|----|--|--|
| 1 | Fix hot water unit to provide hot water to the sinks | |
| 2 | Ensure there is hand wash soap at the wash hand basin | |
| 3 | Ensure staff switch on the hot water before handling food | |
| 4 | Ensure staff are washing their hands regularly | |
| 5 | If the Burco has to be used to heat water for hand washing and equipment washing, then provide a plug for the wash hand basin and a container to transfer hot and cold water safely to the wash hand basin | |
| 6 | Ensure that you have a food safe surface disinfectant/sanitiser spray, to use regularly on food contact surfaces and hand contact surfaces. Staff must know the contact time. Keep cleaning materials clean. | |
| 7 | Keep water containers clean and clean and disinfect the inside of water containers once a week | |
| 8 | Ensure there is enough water on the vehicle for the whole evening | |
| 9 | Cold, high risk food must be kept below 8°C. Adequate temperature checks must be in place to make ensure this is the case | |
| 10 | Hot held food must be kept above 63°C. Adequate temperature checks must be in place to ensure this. | |
| 11 | Foods cooked for the first time or reheated must reach a core temperature of 75°C or equivalent | |
| 12 | Good practices must be put in place on the mobile to ensure that there is no cross contamination. Raw food must never be stored above or next to ready to eat food. Equipment must not be used for both raw and ready to eat food unless you can clean and disinfect in between uses. People must maintain good personal hygiene to ensure they don't spread bacteria. | |
| 13 | Obtain and complete the Safer Food Better Business (SFBB) Caterer's pack. Contact me to collect a copy. | |
| 14 | Use your probe thermometer to make food temperature checks on the mobile. Record one hot food temperature check per night (food cooked for the first time), one hot holding temperature per night and one temperature check of each of the fridges per night. | |
| 15 | Ensure that all food handlers have food hygiene knowledge equivalent to the Level 2 in Food Safety in Catering. | |
| 16 | Ensure that there is adequate supervision of food safety on the mobile. | |
| 17 | The food business operator must complete a new food business registration form | |
| 18 | Repair the broken fridge door | |

FOOD SAFETY REPORT OF INSPECTION

Report of food hygiene visit carried out under the Food Hygiene (England) Regulations 2006 & EC Regulation 852/2004



Business details

| | |
|---|-----------------------------|
| Trading name | Harry's Grill |
| Business address | Trading on New Road, Oxford |
| Full name of business operator/Ltd Co/Plc (and registered office address) | |
| Email/Business Tel No | |
| Name(s) of person(s) seen and position | |

Intervention details

| | | |
|------------------------------------|--|----------|
| Date and time of visit | 14/03/2015 | 2300 |
| Purpose of visit | Inspection | Revisit |
| Areas inspected (note limitations) | Van | Sampling |
| Records examined | WCASS folder, old records, fridge temperature log. | Other |
| Summary of ACTION | Inspection report only/Letter/Hygiene Improvement Notice/Voluntary Closure/Emergency Closure Letter and probably legal notices to follow. | |

Local authority and inspecting officer details

| | |
|---|------------------------------|
| Signed | Name in capitals |
| Designation of officer | Environmental Health Officer |
| Business Regulation Team, St Aldate's Chambers, 109 St Aldate's, Oxford OX1 1DS | Tel: 01865 252__ |
| | Email: _____@oxford.gov.uk |
| Signed by Food Business Operator/Representative I undertake to complete all works within the stated compliance period or pass this information on to FBO as soon as possible | Name in capitals |

FOOD SAFETY REPORT OF INSPECTION

Notes for information

This report only covers the matters discussed and/or the areas inspected at the time of the visit. It does not indicate compliance with any provision of the food legislation or of any other legislation.

This is not a legal Notice; however you must comply with all mandatory items listed overleaf within the stated compliance period. If such Notices are required this will be indicated in the 'Summary of Action' section.

If you are unclear about what is required, or find that you are unable to carry out any of the works, please contact the Officer named on the front page at the address or telephone number shown.

In the case of dispute or if you disagree with the actions taken please contact Mrs Lesley Rennie – Business Regulation Team: Tel. 01865 252836 or lrennie@oxford.gov.uk

Food safety management

It is now a legal requirement for all food businesses to put in place food safety management procedures- based on the principles of HACCP (hazard analysis and critical control points). If you run a food business you must keep records relating to these procedures.

To help small businesses meet these requirements the Food Standards Agency has developed a pack called Safer Food Better Business. Detailed practical information, including packs and diary refills can be found on the Food Standards Agency web-site www.food.gov.uk as well as advice leaflets and guidance relating to other food safety legislation requirements.

Further food safety information for businesses can be found on the Council's web-site www.oxford.gov.uk/foodsafety.

Food hygiene training

Food Business Operators must ensure that food handlers in the food business are supervised, instructed and trained in food hygiene matters which correspond with their work activities. Staff preparing open high risk foods should have the equivalent of the CIEH Level 2 Award in Food Safety in Catering.

Details of food hygiene courses run by Oxford City Council can be found on the Council's web-site www.oxford.gov.uk/foodsafety.

Health and safety made simple – the basics for your business

Advice and guidance on how to comply with the law and manage health and safety can be found at www.hse.gov.uk/simple-health-safety

The Health and Safety Executive (HSE) offers information and guidance on a full range of health and safety issues, including access to free publications which they produce. Visit: <http://www.hse.gov.uk/>

Reporting accidents

The Incident Contact Centre (ICC) www.riddor.gov.uk provides information about all RIDDOR reportable incidents and allows you to report accidents, diseases and dangerous occurrences.

The Royal Society for the Prevention of Accidents is involved in the prevention of accidents through publicity, advice, information and training. Visit: <http://www.rosopa.com/>

Food Hygiene Rating Score

Your Food Hygiene Rating Score is calculated using risk scores for compliance with food hygiene and safety procedures, compliance with structural requirements and confidence in management and control procedures in the following way:

| Total Score | 0 to 15 | 20 | 25 to 30 | 35 to 40 | 45 to 50 | Above 50 |
|------------------------|-----------|----------|------------------------|-----------------------|-----------------------------|------------------------------|
| Maximum in any section | Up to 5 | Up to 10 | Up to 10 | Up to 15 | Up to 20 | |
| Rating Score | 5 | 4 | 3 | 2 | 1 | 0 |
| Standard Achieved | VERY GOOD | GOOD | GENERALLY SATISFACTORY | IMPROVEMENT NECESSARY | MAJOR IMPROVEMENT NECESSARY | URGENT IMPROVEMENT NECESSARY |

FOOD SAFETY REPORT OF INSPECTION

Notes: H = hygiene & safety
S = structure & cleaning
CIM = confidence in management

L = legal requirement
R = recommendation

| H/S CIM | ACTIONS / IMPROVEMENTS REQUIRED | L/R |
|------------|---|-----|
| | <p>For the second inspection in a row there was no hot water in the van while the van was trading. In addition, there was evidence of poor food safety knowledge including lack of knowledge around safe food temperatures and a lack of appreciation of cross contamination. The management of food safety on this mobile is inadequate. Further correspondence will follow on this matter.</p> <p>You have agreed to close voluntarily tonight until improvements have been made. The most important first step is to repair the hot water supply to the van.</p> | |

Timescales: I will be in contact next week.

Work must be completed by _____, when a revisit may be carried out.

Please email me to confirm that the works have been completed within the agreed timescale.

Food hygiene rating

| Compliance | Risk score | Description |
|--|---|--|
| Food hygiene and safety procedures (H) | 25 - Urgent improvement necessary 20 - Major improvement necessary 15 - Improvement necessary | 10 - Satisfactory 5 - Good 0 - Very good |
| Structural requirements (S) | 25 - Urgent improvement necessary 20 - Major improvement necessary 15 - Improvement necessary | 10 - Satisfactory 5 - Good 0 - Very good |
| Confidence in management (CIM) | 30 - Poor 20 - Improvement necessary 10 - Satisfactory | 5 - Good 0 - Very good |
| Overall food hygiene rating | 5 - Very good 4 - Good 3 - Generally satisfactory | 2 - Improvement necessary 1 - Major improvement necessary 0 - Urgent improvement necessary |

Food Hygiene Rating

Your food hygiene rating will be published at food.gov.uk/ratings, if no appeal is lodged within 14 days of the notification of your rating. If you appeal, your food hygiene rating will be shown as 'awaiting publication'. Your certificate will be sent to you within 14 days. When certificates and stickers are issued, they remain the property of Oxford City Council and all rights are reserved.

Only the most recent rating must be displayed at any point in time. If a certificate or sticker is used to mislead the public or misrepresent the food business in any way, including by defacing and tampering, this may constitute an offence under trading standards legislation for example an offence under the Consumer Protection from Unfair Trading Regulations 2008, which impose a general prohibition on unfair business practices.

Right to appeal the Food Hygiene Rating

- As the food business operator of the establishment you have a right to appeal the food hygiene rating given following your inspection if you do not agree that the rating reflects the hygiene standards and management controls found at the time of the inspection.
- The food business operator has **14 days (including weekends and bank holidays) from the date of receipt of the notification to lodge an appeal.**
- In the first instance the food business operator should discuss the matter with the inspecting officer to resolve any dispute about the food hygiene rating in an informal manner. The officer should be able to further clarify and explain how it was derived.
- If the dispute is not resolved informally you should complete a Food Hygiene Rating Scheme Appeal form and return it to the Business Regulation Team Manager – contact details are provided on page 2 of this report.
- The Business Regulation Team Manager will review your rating and notify you of the outcome of your appeal within seven days.

Food Hygiene Rating Scheme 'Right to reply'

- As the food business operator of the establishment you have a 'right to reply' in respect of the food hygiene rating given following your inspection.
- The purpose is to enable you to explain subsequent actions that have been taken to make the required improvements as detailed in the inspection report, or to explain the circumstances at the time of the inspection. It is not for making complaints or for criticising the scheme or the officer who carried out the inspection.
- If you wish to use this 'right to reply' please complete a Right to Reply form and return it to the Business Regulation Team Manager – contact details are provided on page 2 of this report.
- Your comments will be reviewed and may be edited in order to remove offensive or defamatory remarks before being published online and displayed together with your food hygiene rating at food.gov.uk/ratings.
- There will be a statement at food.gov.uk/ratings that will highlight the fact that the accuracy of your comments has not been verified by local authority officers.

Food Hygiene Rating Scheme Request for a Re-visit

- As the food business operator of the establishment you have a right to request a re-visit for the purposes of re-rating if you have taken action to rectify the non-compliances identified at the time of inspection.
- You can make one request for a re-visit per each planned statutory inspection by the council and you can make this at any time after the inspection provided that you have made the required improvements.
- You must provide details of the improvements made with your request, including supporting evidence where appropriate.
- If the Business Regulation Team Manager considers that you have provided sufficient evidence that the required improvements have been made, and provided that a three-month 'stand still' period has passed since the statutory inspection, an officer will make an unannounced visit. This will take place within three months of the end of the three-month 'stand still' period or within three months of the request if this is made after the 'stand still' period (if you were only required to make permanent structural improvements or repairs or to upgrade equipment, the council can choose to carry out the requested re-visit sooner than this).
- **The officer will give you a 'new' food hygiene rating based on the level of compliance that is found at the time of the re-visit. You should be aware that your rating could go up, down or remain the same.**
- To make a request for a re-visit, please use a Request for a Re-visit form and return it to the Business Regulation Team Manager – contact details are provided on page 2 of this report.

Forms

If you would like to find out more about the scheme, visit our website at www.oxford.gov.uk/foodsafety and the Food Standards Agency website at <http://ratings.food.gov.uk> where forms for lodging an appeal, for requesting a re-visit and for submitting a 'right to reply' are available. Hard copies of the forms can be obtained from the council by contacting 01865 249811.

LICENSING AND REGISTRATION SUB COMMITTEE

Monday 3 November 2014

COUNCILLORS PRESENT: Councillors Clarkson (Chair) and Royce.

OFFICERS PRESENT: Samantha Howell (Licensing Officer), Lesley Rennie (Business Regulation Team Manager), Daniel Smith (Law and Governance) and Sarah Claridge (Committee and Member Services Officer)

69. ELECTION OF CHAIR

The Sub Committee resolved to elect Councillor Clarkson as Chair for this meeting.

70. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Coulter and Wolff.

71. DECLARATIONS OF INTEREST

None received

72. PROCEDURE TO BE FOLLOWED

The Sub Committee resolved to NOTE the procedure.

73. BREACH OF STREET TRADING CONSENT CONDITIONS - MR ABDUL ALI

The Head of Environmental Development submitted a report to consider the continuation of a street trading consent after the street trader had not adhered to the conditions of the Street Trading Policy.

The Licensing Officer presented the report to the Sub Committee. She explained that Mr Ali was behind in his quarterly payments and now owed the Council over £4,000.

Mr Abdul Ali (street trader) and a friend attended the meeting and presented his case.

At this point the Sub Committee, accompanied by its Legal Advisor and Committee Secretary, withdrew to deliberate and make its decision in private.

Having taken into account all submissions, the Sub Committee then returned and announced its decision.

The Sub Committee was satisfied that Mr Ali would be able to pay off the arrears before 1 January 2014. They noted the recent payments Mr Ali had made to the Council and the fact that he had been trading for 7 years at the site and that this was the first time he had got behind in rent payments.

The Sub Committee resolved to ALLOW the licence to continue, they delegated the Head of Environmental Development the authority to revoke the street trading licence if the debt was not paid by 1 January 2015.

The Sub Committee also asked Mr Ali to confirm his contact details to make sure the Council held correct records.

A written confirmation will be sent to the consent holder in due course.

74. APPLICATION FOR A NEW STREET TRADING SITE: MR BETTERTON

The Head of Environmental Development submitted a report concerning an application for a 12 month street trading consent opposite 20 Little Clarendon Street.

The Licensing Officer presented the report to the Sub Committee. She explained that Mr Betterton had been trading at the site for a 3 month trial period, over which time no complaints were received. He would now like consent for a full 12 months.

Mr Betterton (Applicant) attended the meeting and presented his case.

At this point the Sub Committee, accompanied by its Legal Advisor and Committee Secretary, withdrew to deliberate and make its decision in private.

Having taken into account all submissions, the Sub Committee then returned and announced its decision.

The Sub Committee resolved to GRANT a 12 month street trading consent, subject to the standard conditions applicable to street trading consents, with an operating time from 11.00 to 14.00 on Fridays.

A letter confirming the Sub Committee's decision will be sent to the applicant in due course.

75. APPLICATION FOR A NEW STREET TRADING SITE: MR ALAN JOYCE

The Head of Environmental Development submitted a report concerning an application for new street trading consent for 6 months outside Lloyds Bank, Cornmarket

The Licensing Officer presented the report to the Sub Committee. She explained that Mr Joyce had been trading on the site for a one month trial period, over

which time no complaints were received. He would now like consent for 6 months for the 2015 summer trading period.

Mr Joyce (applicant) attended the meeting and presented his case.

At this point the Sub Committee, accompanied by its Legal Advisor and Committee Secretary, withdrew to deliberate and make its decision in private.

Having taken into account all submissions, the Sub Committee then returned and announced its decision.

The Sub Committee resolved to GRANT the 6 month street trading consent, subject to the standard conditions applicable to street trading consents, with an operating time from 13.00 to 18.00 April to September 2015.

A letter confirming the sub-committee's decision will be sent to the applicant in due course.

76. APPLICATION FOR A NEW STREET TRADING SITE: MRS JULIA ATKINSON

The Head of Environmental Development submitted a report concerning an application for a new 12 month street trading consent outside the Carphone Warehouse on Cornmarket Street.

The Licensing Officer presented the report to the Sub Committee. She explained that Mrs Atkinson had been trading on a 3 month consent which had now expired. Over the three month trial period, no objections to the consent had been made.

Mrs Atkinson (applicant) attended the meeting and presented his case.

At this point the Sub Committee, accompanied by its Legal Advisor and Committee Secretary, withdrew to deliberate and make its decision in private.

Having taken into account all submissions, the Sub Committee then returned and announced its decision.

The Sub Committee resolved to GRANT the application for a 12 month street trading consent, subject to the standard conditions applicable to street trading consents, with an operating time from 11.00 to 18.00 Thursdays and Fridays.

A letter confirming the Sub-Committee's decision will be sent to the applicant in due course.

77. MINUTES

The Sub-Committee resolved to APPROVE the minutes of the meeting held on 13 August 2014 as a true and accurate record.

78. DATES OF FUTURE MEETINGS

The Sub-Committee NOTED the next meeting will be held on 8 December (if needed)

The meeting started at 5.15 pm and ended at 6.10 pm