



City of Westminster

19<sup>th</sup> September 2012

Le Palefco Limited  
(As Per the Company Officer)  
C/O Michael Filiou PLC  
Salisbury House  
81 High Street  
Potters Bar  
Hertfordshire  
EN6 5AS

Environmental Health Officer

Tel: [REDACTED]  
Fax: 020 7641 2941  
Textphone 0207 6418000

[REDACTED]@westminster.gov.uk

Ref: 09/051514/FOOD  
12/01727/HIN  
12/01728/HIN

Dear Sir/Madam,

**Food Safety Act 1990  
Food Hygiene (England) Regulations 2006  
Regulation (EC) No. 852/2004**

**Premises: Zorba's Greek Taverna, 35-36 Leinster Terrace London W2 3ET**

I refer to my visit with [REDACTED] to the above premises on the 31<sup>st</sup> August 2012 when [REDACTED] accompanied us, at the time of our visit there was no food safety management/HACCP in place, the kitchen was in need of a deep clean and pest issues were still evident which you were advised to address in [REDACTED] previous letter dated the 25<sup>th</sup> June 2012.

As a result of these non compliances, poor cleaning standards and pest issues observed at the restaurant. I am enclosing *two* hygiene improvement notices that have been issued because of contraventions of regulations made under the above legislation.

The notices describe what is wrong, why it is wrong, and specifies the measures that must be taken to remedy the contraventions. If you wish to carry out alternative remedial measures, of at least equivalent effect to those specified on the notice, you are requested to discuss any alternative proposals with me before carrying out the work.

The notices also specify the period of time within which you must complete the remedial measures. Any request for an extension of the time limit should be made in writing before the expiry date of that notice. I must point out that you are legally obliged to comply with the improvement notice and that failure to do so will generally be dealt with by prosecution.

**Premises Management Department, Commercial Environment, 5<sup>th</sup> Floor East  
City Hall, 64 Victoria Street, London, SW1E 6QP  
www.westminster.gov.uk**

You do however have the right to appeal against service of these notices. The limit for the appeal is (a) one month from the date the notice was served, or period specified in the improvement notice if that is shorter.

Any appeal must be lodged with one of the local Magistrates Court at 179- Marylebone Road, NW1 5QJ. You are requested to notify this department if an appeal is lodged.

You should read the notes on the back of the notice carefully. If you are not sure of your rights, or the implications of this notice, you may wish to seek legal advice. A full translation of the notice is available on request from this office.

The matter should also be addressed before the next visit to ensure full compliance with food hygiene legislation.

It is an offence not to comply with the hygiene improvement notice by the date stated.

If you require any further advice or information in the meantime, please do not hesitate to contact me on the above number, or my Manager, [REDACTED]

Yours sincerely

[REDACTED]  
Environmental Health Officer

C.C. [REDACTED]  
Food Business Operator,  
Zorba,  
35-36 Leinster Terrace  
London  
W2 3ET



**Schedule A – Food Safety****Food Hygiene (England) Regulations 2006  
Regulation (EC) No. 852/2004**

	<b>Action Necessary</b>	<b>Time Period for Compliance</b>
	<b>Food Safety Management System</b>	
1.	<p>I note that you are using the Safer Food Better Business pack. You have completed the colour-coded sections in the front of the pack to describe the safe methods; however practices that I witnessed on the day of the inspection would indicate that you are not following the controls specified.</p> <ul style="list-style-type: none"> <li>• There was an inadequate implementation of the Food Safety Management System.</li> <li>• The potential for cross contamination was present in the walk in chiller fridge where raw meat was left uncovered and observed sitting next to ready to eat dairy food items.</li> <li>• Poor hand washing practices were observed on the day of the inspection.</li> <li>• Poor cleaning practices in place throughout the premises in that there was a build up of grease and dirt throughout the kitchen.</li> <li>• Foodstuffs were observed left sitting to defrost at ambient temperature in the ground floor service kitchen.</li> <li>• Chopping Boards were worn and damaged.</li> </ul> <p>Please refresh yourself with the contents of the pack and the controls that should be in place.</p> <p><i>Regulation (EC) 852/2004 Article 5 para 1</i></p>	<p>Immediately/ Ongoing</p> <p><b>Subject to Attached HIN Ref No. 12/01728/HIN</b></p>
	<b>Hand Washing</b>	
2.	<p>It was noted that the wash hand basin was not in regular use. Regular hand washing is important for personal cleanliness. All staff should be reminded of the need for this prior to starting or returning to work, and specifically:</p>	<p>Immediately/ Ongoing</p>

	<ul style="list-style-type: none"> <li>• After using the toilet;</li> <li>• After handling rubbish;</li> <li>• After smoking;</li> <li>• After taking a break;</li> <li>• After handling raw food.</li> <li>•</li> </ul> <p><i>Regulation (EC) No 852/2004 Annex II Chapter VIII Para. 1</i></p>	
3.	<p>The wash hand basin in the ground floor service kitchen was being used to defrost frozen fish items. The basin must be emptied, kept clean and available for use at all times for washing hands.</p> <p><i>Regulation (EC) No 852/2004 Annex II Chapter I Para. 4</i></p>	Immediately/ Ongoing
	<b>Personal Hygiene</b>	
4.	<p>Clothing worn by the chef [REDACTED] working in the kitchen was dirty. You must ensure that all persons working in food handling areas wear suitable, clean and appropriate protective clothing.</p> <p><i>Regulation (EC) No 852/2004 Annex II Chapter VIII Para. 1</i></p>	Immediately/ Ongoing
	<b>Defrosting of Foodstuffs</b>	
5.	<p>Foods should be kept cool during defrosting to minimise the growth of harmful micro organisms.</p> <ul style="list-style-type: none"> <li>• At the time of my inspection I noted fresh fish left sitting at ambient temperature and frozen shrimp left defrost in the wash hand basin.</li> </ul> <p><i>Regulation (EC) No 852/2004 Annex II Chapter IX para 7</i></p>	Immediately/ Ongoing
	<b>Storage Practices</b>	
6.	<p>At the time of the visit, raw food, i.e raw joint of meat was stored next to ready to eat foods, i.e. dairy food items in the basement walk-in refrigerator. Any raw foods that may drip or fall into items below can result in cross contamination that could lead to food poisoning.</p> <p>You should reorganise your refrigerator and check your refrigerator regularly to ensure that food is kept covered and cooked/ready to eat foods are always stored separately and above any hazardous raw food items.</p> <p><i>Regulation (EC) No 852/2004 Annex II Chapter IX para 3</i></p>	Immediately/ Ongoing





7.	<p>Food including raw fish and raw meat being stored in the freezer units located in the ground floor and basement store areas were not properly wrapped to protect from the risk of contamination. In places the ice was stained with juices from raw fish. Defrost the freezer units. Thoroughly clean the freezers. Properly wrap all raw fish and meat in sealed plastic bags or containers to prevent contamination. Loose cling film is not sufficient.</p> <p><i>Regulation (EC) No 852/2004 Annex II Chapter IX para 3</i></p>	Immediately/ Ongoing
	<b>Unfit Food</b>	
8.	<p>A number of food items were found on the premises that were available for use that had gone mouldy and was not in a suitable state to be used. Items included various citrus fruits, red onions and other non distinguishable items. It is an offence to sell food which is unfit for human consumption. All food on your premises is deemed to be for sale unless it is clearly marked as being unfit and separated from other foods.</p> <p><i>Article 14(1) of (EC) 178/2002 creating an offence under reg.4 of the General Food Regulations 2004</i></p> <ul style="list-style-type: none"> <li>An adequate system of stock rotation must be introduced and implemented.</li> </ul>	Immediate and ongoing
	<b>Date Rotation</b>	
9.	<p>A carton of milk with a use by date of the 26<sup>th</sup> August 2012 was found on your premises. This item was five days past its use by date. The use-by date is the date until which the manufacturer of the food guarantees it is safe to eat. Food sold beyond its use-by date may be of poor quality or unfit. It is an offence to sell or expose for sale food with an expired use by date. You must check your stock daily and dispose of any out of date food.</p> <p><i>Food Labelling Regulations. Reg.44</i></p>	Immediate and ongoing

	<b>Cleaning</b>	
10.	<p>All areas where food is prepared and stored must be clean and capable of being kept clean. This is so that pests are not attracted into your premises and the risk of food being contaminated by dirt is minimised.</p> <p><i>This includes the ground floor kitchen and storage area and the basement storage area</i></p> <p><i>(Regulation (EC) No 852/2004 Annex II Chapter I Para 1)</i></p> <p><i>In particular in hard to reach areas of the kitchen paying particular attention to around the legs of equipment, under and behind equipment and under the double sinks.</i></p>	Immediate and ongoing
11.	<p>Hand contact surfaces throughout your premises were extremely dirty. Hand contact surfaces include all handles and plates on doors. Thoroughly clean all these surfaces to prevent cross contamination and maintain in a clean condition.</p> <p><i>(Regulation (EC) No. 852/2004 Annex II Chapter V, para.1)</i></p>	Immediately/ Ongoing
12.	<p>The tiled wall covering in the kitchen was dirty. Thoroughly clean the wall covering and maintain in a clean condition.</p> <p><i>(Regulation (EC) No 852/2004 Annex II Chapter I Para 1)</i></p>	Immediately/ Ongoing
13.	<p>The microwave in the cooking area was not clean. Thoroughly clean the microwave to minimise any risk of contamination of food</p> <p><i>(Regulation (EC) No 852/2004 Annex II Chapter V Para 1(a).)</i></p>	Immediately/ Ongoing
	<b>Pest Control</b>	
14.	<p>Food businesses must take all reasonable precautions to prevent food pests, namely rats, mice, cockroaches and flying insects gaining entry into food storage and preparation areas. This is to prevent the contamination of foodstuffs.</p> <p><i>Regulation (EC) No 852/2004 Annex II Chapter IX para 4</i></p>	<p>Immediately/ Ongoing</p> <p><b>Subject to attached HIN Ref No. 12/01727/HIN</b></p>
15.	<p>During the inspection cockroach activity was noted in the basement dry goods storage area. Appropriate treatment methods must be used to eliminate these pests.</p> <p><i>Regulation (EC) No 852/2004 Annex II Chapter IX para 4</i></p>	Immediately/ Ongoing





16.	<p>There were a number of mouse droppings in the dry goods store and in the staff changing facilities and office area in the basement. Thoroughly clean and where necessary disinfect this area ensuring that all droppings are removed. Ensure that the procedures you have in place are adequate to control pests. Once you have removed these droppings, please monitor as any mouse droppings will indicate current activity and suitable action should be taken.</p> <p><i>Regulation (EC) No 852/2004 Annex II, Chapter IX, Para (4)</i></p>	Immediately/ ongoing
<b>Structure and Repair</b>		
17.	<p>The tiled floor covering in the kitchen area in particular underneath the double sink unit was in a state of disrepair with missing, broken and damaged floor tiles, and exposed concrete. Renew or repair the floor covering and leave in a sound easy to clean condition.</p> <p><i>Regulation (EC) No 852/2004 Annex II Chapter II Para 1(a)</i></p>	1 month
18.	<p>The metal plate flooring panel in the basement preparation room was loose and lifting with the result that the floor surface underneath was very dirty and difficult to clean. The panel should be properly secured and sealed or removed and the floor surface finished with a durable, readily cleansable alternative, e.g. ceramic tiles to match the surrounding areas. Maintain the floor in a sound and clean condition.</p> <p><i>Regulation (EC) No 852/2004 Annex II Chapter II Para 1(a)</i></p>	1 month
19.	<p>The tiled wall covering in the kitchen was damaged and cracked. Repair the wall covering and leave in a sound easy to clean condition.</p> <p><i>Regulation (EC) No 852/2004 Annex II Chapter II Para. 1(b)</i></p>	1 month
<b>Ventilation</b>		
20.	<p>The extractor filters in the cooking area were in a dirty and greasy condition. They must be thoroughly cleaned and maintained in a clean condition.</p> <p><i>Regulation (EC) No 852/2004 Annex II Chapter I Para 1</i></p>	Immediately/ Ongoing

	Recommendations	
1.	I strongly recommend that you remove any obsolete items from the premises to facilitate cleaning and aid in pest control. This applies to both the ground floor and basement of the premises.	
2.	There was little evidence of an effective or consistent stock control system in operation at the premises. I recommend you introduce a system of date coding to ensure stock is rotated and used on a first in/first out basis. I noted that there were a number of food items in the chest freezer which were uncovered/not protected from risk of contamination, or not labelled. You should put in place a labelling/date coding system to ensure proper control over this practice.	
3.	The chest freezers in use in the basement had such a build up of ice present that they were unable to close and there were heavy containers on top of the units trying to keep the lids in place, the freezers should be defrosted at regular intervals to ensure that the equipment is operating correctly.	
4.	I recommend the missing diffusers to the light fitting in the premises are replaced.	





**The Food Hygiene (England) Regulations 2006  
Regulation 6**

**HYGIENE IMPROVEMENT NOTICE**

Reference Number: **12/01727/HIN**

To: **Le Palefco Limited**

At: **C/O Michael Filiou PLC, Sailsbury House, 81 High Street, Potters Bar, Herfordshire EN6 5AS**

- 1 I have reasonable grounds for believing that you are failing to comply with the Hygiene Regulations, in that:

**The pest control procedures** in connection with your food business:

at: **Zorba 35-36 Leinster Terrace London W2 3ET**

Do not meet the requirements of **Article 4(2), Annex II, Chapter IX, Paragraph 4 of Regulation (EC) No 852/2004** because:

During an inspection on **31<sup>st</sup> August 2012** it was noted that there were inadequate procedures in place to ensure that pests are controlled. In particular,

- There were mice faeces throughout the basement store area and staff changing area on lower levels.
- A live cockroach was seen on the floor in the basement store area.
- A dead cockroach was observed behind one of the chest freezers in the basement store area.
- Gaps around service pipes in the ceiling of the basement stores at ground floor level.

- 2 In my opinion, the following measures are needed for you to comply with the Hygiene Regulations:

**Put in place adequate procedures to control pests, this should involve:**

- a) A thorough survey of the premises to determine the pest access points and extent of the infestation; and
- b) Removal of pest harbourage, proofing works and baiting/eradication measures as identified by the survey.
- c) Removal of redundant equipment from the basement kitchen as this equipment can act as a point for pest harbourage.
- d) A thorough clean of all areas where food is prepared and stored to remove food spillage, which acts as a source of food for pests.

3 The measure or measures that will achieve the same effect must be taken by:

**17<sup>th</sup> October 2012**

4 It is an offence not to comply with this hygiene improvement notice by the date stated.

Signed: [REDACTED].....(Authorised Officer)

Name in capitals: [REDACTED]

**Environmental Health Officer**

Date: **19<sup>th</sup> September 2012**

**Address: Premises Management Department, 5<sup>th</sup> Floor, City Hall, 64 Victoria Street,  
London, SW1E 6QP**

**Tel: 020 7641 6059 Fax: 020 7641 2941**

**E-mail: [REDACTED]@westminster.gov.uk**

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.





## NOTES

1. In the opinion of the authorised officer you are not complying with the Hygiene Regulations as described in paragraph 2 of the notice. The work needed in the officer's opinion to put matters right is described and it must be finished by the date set.
2. You are responsible for ensuring that the work is carried out within the period specified, which must be at least 14 days from the date of the notice.
3. There are no specific provisions in the Food Hygiene (England) Regulations 2006 to extend the time limit on a hygiene Improvement Notice; however, local authorities will consider sympathetically any request for more time where there is a genuine reason. Such requests should be made in writing **before** the expiry date of the notice.
4. You have a right to carry out work that will achieve the same effect as that described in the notice. If you think that there is another equally effective way of complying with the law, you should first discuss it with the officer.

## YOUR RIGHT OF APPEAL

5. In accordance with Regulation 20 of The Food Hygiene (England) Regulations 2006, if you disagree with all or part of this notice, you can appeal to the Magistrates' Court which are situated at 179-181 Marylebone Road, NW1 5QJ and 70 Horseferry Road, SW1 2AX. You must appeal within one calendar month of the date of the notice or the period ending with the date stated in paragraph 4 of the notice, whichever ends earlier.
6. If you decide to appeal, the time set out in the notice is suspended and you do not have to carry out the work described until the appeal is heard. However, if you are not complying with the Regulations mentioned in the notice, you may still be prosecuted for failure to comply with those Regulations.
7. When the appeal is heard, the Magistrates' Court may confirm, cancel or vary the notice.

<b>WARNING</b>
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### ***FAILURE TO COMPLY WITH THIS NOTICE IS AN OFFENCE***

Offenders are liable to be fined and/or imprisoned for up to 2 years.



**The Food Hygiene (England) Regulations 2006 –  
Regulation 6**

**HYGIENE IMPROVEMENT NOTICE**

**Reference Number:** 12/01728/HIN

**To:** Le Palefco Limited (As Per the Company Officer)

**At:** C/O Michael Filiou PLC, Sailsbury House, 81 High Street, Potters Bar, Herfordshire EN6 5AS

1. I have reasonable grounds for believing that you are failing to comply with the Hygiene Regulations, in that:

**The Food Safety Procedures** in connection with your food business:

**Zroba**

**at: 35-36 Leinster Terrace London W2 3ET**

Do not meet the requirements **Article 5(1) of Regulation (EC) No 852/2004** because:

The food safety procedures in place were not adequate. The following matters discovered at a visit of the business on **31<sup>st</sup> August 2012** caused particular concern in that:

- There was an inadequate implementation of the Food Safety Management System.
- The potential for cross contamination was present in the walk in chiller fridge where raw meat was left uncovered and observed sitting next to ready to eat dairy food items.
- Poor hand washing practices were observed on the day of the inspection.
- Poor cleaning practices in place throughout the premises in that there was a build up of grease and dirt throughout the kitchen.
- Foodstuffs were observed left sitting to defrost at ambient temperature in the ground floor service kitchen.
- Chopping Boards were worn and damaged.

2. In my opinion, the following measures are needed for you to comply with the Hygiene Regulations:

- a) Identify any hazards that must be prevented, eliminated, or reduced to acceptable levels;
- b) identify the critical control points at the step or steps at which control is essential to prevent or eliminate a hazard or reduce it to acceptable levels;



- c) establish critical limits at critical control points which separate acceptability from unacceptability for the prevention, elimination or reduction of identified hazards;
- d) establish and implement effective monitoring procedures at critical control points;
- e) establish corrective actions when monitoring indicates that a critical control point is not under control;
- f) establish procedures, which shall be carried out regularly to verify that the measures outlined in paragraphs a to e are working effectively;
- g) establish documents and records commensurate with the nature and size of the food business to demonstrate the effective application of the measures outlined in paragraphs a to g.

4. The measure or measures that will achieve the same effect must be taken by:

**17<sup>th</sup> October 2012**

5. It is an offence not to comply with this hygiene improvement notice by the date stated.

Signed: ..... (Authorised Officer)

Name in capitals: .....

Date: 19<sup>th</sup> September 2012

**Address: Premises Management Department, 5<sup>th</sup> Floor, City Hall, 64 Victoria Street, London, SW1E 6QP**

**Tel: ..... Fax: 020 7641 2941**

**E-mail: .....@westminster.gov.uk**

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice, you may want to seek legal advice.



## NOTES

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2. You are responsible for ensuring that the work is carried out within the period specified, which must be at least 14 days from the date of the notice.
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4. You have a right to carry out work that will achieve the same effect as that described in the notice. If you think that there is another equally effective way of complying with the law, you should first discuss it with the officer.

## YOUR RIGHT OF APPEAL

5. In accordance with Regulation 20 of The Food Hygiene (England) Regulations 2006, if you disagree with all or part of this notice, you can appeal to the Magistrates' Court which are situated at 179-181 Marylebone Road, NW1 5QJ and 70 Horseferry Road, SW1 2AX. You must appeal within one calendar month of the date of the notice or the period ending with the date stated in paragraph 4 of the notice, whichever ends earlier.
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