



EAST CAMBRIDGESHIRE DISTRICT COUNCIL

THE GRANGE, NUTHOLT LANE,
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[REDACTED]
The Nyton
7 Barton Road
Ely
Cambridgeshire
CB7 4HZ

This matter is being dealt with by:

[REDACTED]
Telephone: 01353 665555
E-mail: [REDACTED]
My Ref: E0065/0007/1/001
Your ref

11th January 2019

Dear [REDACTED]

Food Safety Act 1990 (As Amended)

**General Food Regulations 2004; Food Safety and Hygiene (England) Regulations 2013
Regulation (EC) No 178/2002 and 852/2004**

Re: The Nyton 7 Barton Road Ely Cambridgeshire CB7 4HZ

I refer to my food hygiene inspection of the above premises carried out on the 11th January 2019. No food handling was taking place at the time of the inspection.

The matters detailed below require your attention. This letter confirms the things you need to do to comply with the law and the relevant legislation is listed under each item. Some items may be listed as recommendations and these are included to give you advice in support of your business, but they are not requirements in law.

Food hygiene and safety

1. There was food in the refrigerator in the kitchen by the wash hand basin that was not fit for consumption, namely a mouldy Yorkshire pudding (see photograph). There were two, small patches of white mould at the top of a jug of soup in the same fridge. It is an offence to have food "on the market" in that is unsafe, which includes food that is unfit for human consumption. Remove unfit food from your premises and put in place procedures to frequently check the safety of food in your possession so that unfit food is not stored in your food rooms.

Regulation (EU) 178/2002 Section 4 Article 14

You were found to have mouldy food in December 2012 which led to a prosecution.

You explained how the food was left- over from a function meal on Saturday 05 January 2019 (photograph of receipt attached) and that the food would not have been used. Saturday day dots had been applied to the containers food (Yorkshire puddings; gravy; home -made soup; cooked cauliflower in sauce; cooked peas; cooked carrots; roast potatoes) with a date of 07 Jan. You had told me that you keep left- overs for 3 to 4 and sometimes 5 days.

2. Food that has passed its use by date is deemed in law as unsafe and this is an offence. A number of items were found passed their use by dates including an open pot of double cream dated with the manufacturer's use by 08 January. There was a container of cooked rice in the fridge by the wash hand basin which did not have a date on it and you were unable to state when it was cooked. There were various home-cooked foods in the freezers without any date coding. Remove all food that has passed its use by date. Cease the practice of storing food passed its use by date. Put in

place procedures to frequently check the date coding of food in your possession and ensure the safety of food.

There were a number of foods that you had frozen which had passed their use by dates including a pack of sausages dated 06 January and another pack dated 24 August.

Cease the practice of freezing foods at the premises unless suitable date coding has been applied to demonstrate when the food was frozen, when defrosted and when it must be used by after defrosting (revising the original date as appropriate). This matter was drawn to your attention in my letter of 03 July 2017, the day of the that inspection.

Regulation (EU) 1169/2011 Article 24 (1) and Regulation (EC) 178/2002 Section 4 Article 14.

3. Numerous, open jars of sauces and condiments, such as whole grain mustard and mayonnaise were stored in the refrigerators without any date coding to state when they were opened. This is despite the manufacturers stating a life for the food after opening. If the food is stored passed the manufacturer's guidance, there is a risk of the food going mouldy or spoiling in other ways (taints etc). Ensure that you follow manufacturer's instruction on the storage of foods by applying a suitable date coding system, in order to protect the food from spoilage and unfitness. This matter was drawn to your attention in my letter of 03 July 2017.
Regulation (EU) 178/2002 Section 4 Article 14
4. Food must be protected from the risk of contamination. The left- over Yorkshire puddings were stored in a re-used, moulded, plastic container from raw, 5%, lean, minced beef (see photograph). The film lid from the raw meat was still partially attached to the container, demonstrating how the container could not have been thoroughly cleaned and disinfected before use. Store food in hygienic containers to protect the food from the risk of contamination. Mould spores move freely in the air and are liable to contaminate other food: This is another reason to remove mouldy food and left -overs from your refrigerators quickly (see above items).
Regulation 852/2004 Annex II Chapter IX Para 3
5. The same roll of cling film is used to cover raw food as well as ready- to- eat food. This presents risks of contamination. Keep a fresh roll of film for ready- to- eat food. Mark the rolls of film to indicate their use and keep the raw film separately from the film used for ready- to- eat foods.
Regulation 852/2004 Annex II Chapter IX Para 3
6. In the absence of manufacturer's instructions or scientific testing, it is recommended that a maximum of 3 days shelf life is used for foods removed from their original packaging or for home produced foods. On day 4 and later, visible mould growth may commence.

Structure

7. All articles, fittings and equipment with which food comes into contact are to be effectively cleaned and disinfected. There was no sanitiser made up ready for use and you were unable to show me the empty, spray containers used for the purpose. You had concentrated sanitiser available, but were unable to tell me the contact time for the chemicals (it was not listed on the labels). If suitable disinfectant is not available or, if the disinfectant is not made up to the correct concentration or the disinfectant is not left on a surface for the time period stated by the manufacturer, articles, fittings and equipment cannot be effectively disinfected. Ensure that the manufacturer's advice for the product is followed to ensure effective disinfection.
Further, the probe wipes that you told me you used with your temperature probe consisted of an empty container that went out of code in 2017. Probes must be thoroughly cleaned and disinfected before each use.
Regulation 852/2004 Annex II Chapter V Para 1 (a)
8. Food equipment must be in good order and repair to minimise any risk of contamination. The chopping boards were scored and the surfaces "furry". Replace the damaged chopping boards (see photograph of a green chopping board).
Regulation 852/2004 Annex II Chapter V Para 1 (b)

9. Food equipment must be kept clean. The probe thermometer was not clean. The two upright freezers (numbers 4 and 5) were not clean and the edge of the to the fridge by the wash hand basin was not clean. Defrost and clean the freezers and clean the fridge and clean them at a suitable frequency to maintain their cleanliness.
Regulation 852/2004 Annex II Chapter V Para 1 (a)
10. Food premises must be kept clean. The premises was generally clean however, the floor and wall surfaces aside and behind the cooker required cleaning (see photograph).
Regulation 852/2004 Annex II Chapter 1 Para 1
11. Food premises must have adequate lighting. The level of lighting in the room used to store the upright freezers (numbers 4 and 5) was inadequate in that it was too dark to see into the freezers and read the labelling on the food inside. Replace the defective light fitting above the fridges to provide adequate lighting.
Regulation 852/2004 Annex II Chapter 1 Para 7
12. It is recommended that you use a powerful torch to check for pests on a frequent basis. Your Safer Food Better Business pack says that you do this daily and if this is not the case, the wording must be changed so that the book reflects your practices.

Confidence in management/control procedures

13. You showed me the diary (monitoring) sheets for the Safer Food Better Business catering pack for 2018 and earlier years, however, you were unable to find the actual system including the Safe Methods. You are required to implement a documented system and ensure that the hazard of your food business are effectively managed. That mouldy food and food passed its use by date was found on your premises was an example of how the food business was not effectively managed and this is reflected in your hygiene rating. That you were unable to locate the pack and that the daily diary sheets had not been completed since December 2018 also demonstrated that a written system was not in use.
Out of code mixer drinks were found in your bar (identified before see letter of 03 July 2017) including Schweppes Bitter Lemon dated best before November 2017 and an open bottle of lime cordial best before a date in 2009, that the manufacturer states should be used within weeks of opening. You must ensure that you have effective systems of stock rotation as part of your food safety management system.
You must ensure that what your written system says is what you do in practice. Revise your documented, food safety management systems to ensure the safety of food and ensure that food handling and waiting staff are suitably trained in its use.
Regulation 852/2004 Article 5
14. It is recommended that you download and use the revised Food Standards Agency Safer Food Better Business pack (released in 2016) in order to undertake and to be able to demonstrate a comprehensive review of your food safety management system.

Any legal requirements relating to cleaning, temperature control and practices require your attention immediately. Other items (such as light fitting replacement and general repairs) should be completed within the next two months.

A re-visit will take place in approximately two weeks when it is expected that all legal requirements will have been attended to. Should you fail to attend to these items within this period formal action will be considered. Please be aware that your business will not be issued with a new food hygiene rating after this re-visit. **If you want to make an appointment for this revisit, please contact me within the next 10 days.**

Your Food Hygiene Rating

Confidence in management/ control procedures	30
Compliance with food hygiene and safety procedures	20
Compliance with structural requirements	5
Food hygiene rating	0
URGENT IMPROVEMENT NECESSARY	

Please find enclosed your sticker for display. Your rating will be published after the appeal period of 21 days or if you have not appealed, within 28 days of your receiving your rating at www.food.gov.uk/ratings.

Please remove and destroy any existing certificate and stickers on display. Continuation to display old stickers and certificates can constitute an offence under Trading Standards legislation. Stickers and certificates remain the property of the local authority and all rights are reserved.

If you consider that the rating given is unjust, you may appeal by submitting the appropriate appeal form to the Senior Environmental Health Officer (Commercial) within 21 days of the day you are informed of your rating.

A web link to information on the scheme including template forms for lodging an appeal, 'right to reply' or requesting a re-visit (re-rating visit) is available at <http://www.eastcambs.gov.uk/food-safety/national-food-hygiene-rating-scheme>

Note: From 01 April 2018 re-rating visits will no longer be free. You will be charged a fee of £130.00 before the re rating visit.

Should you require any further information or advice or wish to discuss these matters, please do not hesitate to contact me on the details at the head of this letter. If you have any comments regarding the inspection or advice issued, please contact [REDACTED] Environmental Services Manager, on 01353 665555.

Yours sincerely

[REDACTED]

Enclosure: window sticker and 4 photographs