



North Tyneside Council

Working in partnership with

**CAPITA**

Public Protection Services  
Environmental Health  
Quadrant East – 1st Floor  
The Silverlink North  
Cobalt Business Park  
North Tyneside  
NE27 0BY  
[www.northtyneside.gov.uk](http://www.northtyneside.gov.uk)

Spence Terrace Chinese Take-Away  
42 Spence Terrace  
North Shields  
Tyne And Wear  
NE29 0JE

Our Ref: TG/ 40760/0420/3/000

Your Ref:

Date: 9 April 2020

This matter is being dealt with by: Lee Wood

**Direct Line:** 0191 643 6636

**Fax:** 0191 643 2426

**Email:** [lee.wood@northtyneside.gov.uk](mailto:lee.wood@northtyneside.gov.uk)

Dear Sir/ Madam,

**Food Safety Act 1990**

**The Food Safety and Hygiene (England) Regulations 2013**

**Regulation (EC) No 852/2004 Hygiene of Foodstuffs**

**Regulation (EC) No 853/2004 Hygiene Rules for Food of Animal Origin**

**Re:**

I refer to my inspection of the above premise on the 19.3.20. Matters arising from my inspection were discussed with you at the time of visit.

Schedule A details the work needed to comply with the law. This work or work considered equally effective must be completed within 28 days unless otherwise specified in the schedule. Failure to comply with the requirements of Part A may result in further action by this Department to secure compliance.

Schedule B lists those matters which, though not legally required, are considered to be good working practice. You should view these recommendations as important guidance for developing safe, hygienic practices.

My next routine inspection of your premises will happen in approximately 6 months. I intend to carry out a revisit in order to check compliance with this letter. In the meantime a copy of this letter will be kept on file and referred to during the next routine inspection.

I ask that you let me know what action you have taken in respect of the matters raised in Schedule A in this report by completing the attached reply form and returning it in the enclosed pre-paid envelope.

**This letter also contains important information regarding the food hygiene rating for your business that will be published on the national Food Hygiene Rating website. The Food Hygiene Rating scheme helps consumers choose where to eat out or shop for food by giving them information about the hygiene standards in food outlets at the time they are inspected to check compliance with legal requirements. Details of how ratings are calculated are enclosed.**

The food hygiene rating for your business that will be published on the FSA National Food Hygiene Rating website ([food.gov.uk/ratings](http://food.gov.uk/ratings)), has been calculated from the risk assessment scores applied by the inspecting officer as set out below:

<b>Criteria assessed</b>	<b>Officer risk score (Food Law Code of Practice)</b>
Compliance with food hygiene and safety procedures	<b>15</b>
Compliance with structural requirements	<b>20</b>
Confidence in management/control procedures	<b>10</b>
<b>Total</b>	<b>45</b>
<b>FOOD HYGIENE RATING</b>	<b>1</b>

Rating	Descriptor	Officer Risk Score	Additional Scoring Factor
5	Very Good	0-15	No score greater than 5
4	Good	20	No score greater than 10
3	Generally Satisfactory	25-30	No score greater than 10
2	Improvement Required	35-40	No score greater than 15
1	Major Improvement Necessary	45-50	No score greater than 20
0	Urgent Improvement Necessary	>50	

A sticker showing your rating is enclosed. You can tell your customers how good your hygiene standards are by putting the sticker up in the window or on the door for display. If you do not have a suitable glass surface, you could fix the sticker onto a transparent surface before fixing that onto a wall or other surface. Please destroy the sticker showing your previous rating as only one rating – the most recent rating - should be displayed. To continue to display a previous rating may constitute an offence under the Consumer Protection from Unfair Trading Regulations 2008. Tampering with or misusing stickers or displaying an old rating on your menu with the intention to mislead the public or misrepresent the food business could also contravene trading standards law.

Your rating will also be published on the Food Standards Agency's website at [www.food.gov.uk/ratings](http://www.food.gov.uk/ratings) between two and four weeks from receiving this letter.

## Safeguards

If you think that the rating is wrong or unfair – in other words it does not reflect the hygiene standards at the time of your inspection – you have 21 days in which you can **appeal** against this. You should appeal in writing to the Lead Officer for Food, Colin Smith, using the address at the head of this letter, but I would recommend that you get in touch with me first so that I can help you to understand how your rating was worked out.

If you have improved hygiene standards since your inspection, or if there were unusual circumstances at the time of the inspection that might have affected your food hygiene rating. You have a **'right to reply'** so that you can explain this to potential customers that look up your rating online.

If you make the improvements to hygiene standards that are highlighted in your inspection report, you can **request a re-visit** with a view to giving you a new and higher food hygiene rating. **There is a fee of £160 for a re-visit.**

More information about these safeguards and the template forms for lodging an appeal, 'right to reply' or requesting a revisit can be found on the FSA's website at: <http://www.food.gov.uk/multimedia/pdfs/enforcement/fhrssafeguards.pdf>

Should you wish to discuss this letter or need any further information or advice, please contact me on the above telephone number.

Please note that, subject to the General Data Protection Regulation, details of inspections may be divulged to members of the public under the Freedom of Information Act 2000.

Yours faithfully

Lee Wood  
Senior Environmental Health Technical Officer

## **SCHEDULE A – Legal Requirements**

**Address: New Spence Terrace Chinese Takeaway, 42 Spence Terrace, North Shields, NE29 0JE**

### **Confidence in management and control procedures:**

1. During the inspection of your premises it became clear that you have not provided adequate documentation in the following areas:
  - Possible food safety hazards that could be relevant to your business
  - Things that must be checked to ensure food is safe
  - Records of any important checks adapted to and relevant to your business on things like cleaning correct cooking, chilling of food or the prevention and cross contamination
  - Opening and Closing checks

In order to comply with this new requirement from 2006, I suggest that you follow the guidance issued by the Food Standards Agency Safer Food Better Business (England) which will guide you through how to comply and provide the necessary documentation. The Safer Food Better Business pack can be downloaded from the Food Standards Agency website at [www.foodstandards.gov.uk/foodindustry/hygiene/sfbb/](http://www.foodstandards.gov.uk/foodindustry/hygiene/sfbb/).

Please note that all future inspections will involve the examination of your paperwork to assess relevance and adequacy.

*Regulation (EC) 852/2004 Article 5 para 2 (g)*

2. When we discussed Allergens, you failed to recognise that certain dishes contained certain allergen ingredients. You need to make sure you know all the allergens in your dishes.  
Although you could verbally inform customers about which allergens are present in your menu items you may wish to consider the Food Standards Agency allergen matrix. This can be downloaded free of charge at:  
<https://www.food.gov.uk/sites/default/files/media/document/allergen-chart.pdf>

*Food Information Regulations 2014*

3. In our discussion on Allergens you were unaware that your curry powder contained certain allergens, you will need to make sure that you know all the allergens your dishes contain.

You need to examine your menu and identify whether any of the 14 legally recognised allergens are present in the foods you prepare and cook on the site. This information needs to be available upon request and you may find the Food Standards Agency's allergen matrix helpful to comply. Sauces, garnish, side orders, spreads, marinades and oils are included.

*Food Information Regulations 2014*

### **Compliance with food hygiene and safety procedures:**

4. Re-useable containers were still being stacked inside each other in a wet condition. This could provide ideal conditions for bacteria to multiply and could lead to contamination of any cooked/ready-to-eat food which may then be stored in the containers. Procedures must be reviewed to ensure that such containers undergo thorough cleaning/disinfection and that they are completely dry prior to storage.

*Regulation (EC) EC 852/2004 Annex II Chapter IX para 3*

5. Microbiological swabs and food samples were submitted for laboratory analysis on the 21.10.2019. The laboratory report for the food sampled namely; cooked char sui pork was unsatisfactory for aerobic colony count and enterobacteriaceae . Chilled fried rice was borderline for aerobic colony count and Enterobacteriaceae. In addition the analysis from the hygiene swab taken on the reusable plastic food container for storing prepared foods was unsatisfactory for enterobacteriaceae and E. Coli. The swab from the large fridge handle was unsatisfactory for enterobacteriaceae. Therefore review the cleaning and disinfection of food contact surfaces and remove worn reusable containers. At the time of the inspection there was a quantity of reusable containers worn around the edging and internally stained during the inspection. You need to implement a frequent stock rotation system in order to remove old containers that present a bacteriological risk as they can't be maintained in a clean condition.  
(*Regulation (EC) No 852/2004 Annex II Chapter IX Para 3*)

### **Compliance with structural requirements:**

6. Areas of the food premises and items of equipment were not kept clean indicating the absence of a proper cleaning schedule.
7. Areas of the premises were not well maintained leading to a risk of physical contamination of food. Please give the kitchen a thorough clean.
8. The cleaning materials available on the premises did not include suitable food-safe sanitisers/disinfectants for effective cleaning of food contact surfaces.
9. It was noted that the wash hand basin in the kitchen 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:
  - (a) After using the toilet;
  - (b) After handling rubbish;
  - (c) After smoking;
  - (d) After taking a break;
  - (e) After handling raw food.
  - (f) Before handling open ready-to-eat foods.

*(Regulation (EC) No 852/2004 Annex II Chapter VIII Para. 1)*

10. The standard of cleaning to the structure of the food rooms including the work surfaces was generally poor. A thorough deep clean (and disinfection) is required. All areas must be maintained in a clean condition. *(Regulation (EC) No 852/2004 Annex II Chapter VI Para 1.)*
11. The cleaning materials available on the premises did not include suitable food-safe sanitisers/disinfectants for effective cleaning of food contact surfaces.
12. The floor in the kitchen was not kept clean in that it was dirty and greasy especially at floor/wall junctions and behind or below equipment. Thoroughly clean the floor and maintain in a clean condition. *(Regulation (EC) No 852/2004 Annex II Chapter I Para 1)*
13. The wall covering in the kitchen was not kept clean in that it was dirty and greasy. Thoroughly clean the wall covering and maintain in a clean condition. *[(Regulation (EC) No 852/2004 Annex II Chapter I Para. 1)]*
14. The wash hand basin in the kitchen was obstructed by cooking utensils. Ensure that wash hand basins are kept free from obstruction so that they are available for immediate use at all times that food handling operations are taking place. *(Regulation (EC) No 852/2004 Annex II Chapter I Para. 4*
15. The Fridge in the kitchen was not kept clean in that inside was dirty. Thoroughly clean the fridge to minimise any risk of contamination of food and maintain in a clean condition. *(Regulation (EC) No 852/2004 Annex II Chapter V Para 1(a).)*
16. The wooden chopping block in the kitchen has deteriorated and can no longer be thoroughly cleaned and disinfected. Repair or renew the wooden chopping block to allow it to be thoroughly cleaned and disinfected. *(Regulation (EC) No 852/2004 Annex II Chapter V Para 1(a).)*
17. 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. *(Regulation (EC) No 852/2004 Annex II Chapter I Para 1)*
18. Remove the cardboard on the floor in the kitchen area. It can not be kept clean and harbours dirt and bacteria. *(Regulation (EC) No 852/2004 Annex II Chapter VI Para 1.)*
19. Equipment, namely plastic storage containers was damaged such that pieces could break off and contaminate food.  
Replace the defective equipment to prevent contamination of food.  
Equipment which comes into contact with food must be in such good order and repair as to minimise any risk of contamination of food.  
*(Regulation (EC) No 852/2004 Annex II Chapter V*

### **Other legal requirements:**

20. When we discussed Allergens, you failed to recognise that certain dishes contained certain allergen ingredients. You need to make sure you know all the allergens in your dishes.

Although you could verbally inform customers about which allergens are present in your menu items you may wish to consider the Food Standards Agency allergen matrix. This can be downloaded free of charge at:

<https://www.food.gov.uk/sites/default/files/media/document/allergen-chart.pdf>

*Food Information Regulations 2014*

21. In our discussion on Allergens you were unaware that your curry powder contained certain allergens, you will need to make sure that you know all the allergens your dishes contain.

You need to examine your menu and identify whether any of the 14 legally recognised allergens are present in the foods you prepare and cook on the site. This information needs to be available upon request and you may find the Food Standards Agency's allergen matrix helpful to comply. Sauces, garnish, side orders, spreads, marinades and oils are included.

*Food Information Regulations 2014*

### **SCHEDULE B – Recommendations**

1. It is recommended that foods, especially meat and poultry, are always wrapped before placing in a freezer to prevent deterioration of the surface through 'freezer burn' and to prevent potential contamination of other foods.
2. It is recommended that foods in dry storage are kept in covered containers or enclosed wrappings to avoid possible physical contamination including infestation by pests and prevent spillages which could attract pests.
3. All food should be kept covered when stored in the fridge to prevent any possible risk of contamination. Food should be properly wrapped or stored in clean, lidded, washable containers.
4. I recommend you provide a thermometer in all chilled and frozen storage units and regularly check the temperatures remain at or below 8°C for chilled foods and around -18°C for frozen foods.
5. I recommend you make regular checks of your equipment for storing cold foods to ensure it is working correctly and you keep a written record of your checks. You can use the thermometer built into the equipment but this will only measure the air temperature at a single point in the unit, not the temperature of the food

6. It is advisable to use alternative equipment such as an independent thermometer or probe thermometer. Probe thermometers can be used to check both hot and cold temperatures and will measure both air and food temperatures.
7. It is recommended that high risk foods requiring cooking through to the centre should be probed on an occasional basis where standard recipes and quantities are used. For new or changed recipes it is suggested that initially one item from each batch is probed. In all cases however you must take care that probe thermometers do not contaminate or taint the food being probed. Make sure probes are kept clean and disinfected before use with ready to eat food otherwise probed food must be discarded. Where antibacterial wipes are used, these must be suitable for use with food.
8. Please note that probe thermometers should be checked regularly for accuracy. As a helpful reference in doing your own checks; pure water and ice mixture should measure between  $-1^{\circ}\text{C}$  and  $+1^{\circ}\text{C}$ , and pure boiling water should measure between  $99^{\circ}\text{C}$  and  $101^{\circ}\text{C}$ . If your thermometer appears not to be working correctly it should be replaced or sent for service. For further advice refer to the manufacturer's instructions.
9. It is essential to use the correct cleaning materials.

Detergents or Degreasers are required to clean items or areas which are greasy or oily. These materials do not kill bacteria.

Disinfectants should be used on surfaces which come into contact with food or hands, and must be of a 'food safe' type. They kill bacteria but do not have cleaning properties. It is important to clean items or areas with detergent before using disinfectants.

Sanitisers are chemicals which have detergent and disinfectant properties. When used in food preparation areas they must be of a 'food safe' variety.

For advice on the most appropriate materials for your needs I would recommend that you contact your supplier.

10. Care must be taken with the use of cleaning materials. The manufacturer's instructions must always be followed.

*Detergent:* A chemical (e.g. washing-up liquid) used to remove grease, dirt and food.

*Dilution rate:* Most cleaning chemicals are concentrated, so you need to add water to dilute them before they can be used. It is important to follow the manufacturer's instructions on how much water to use with the chemical. This is the 'dilution rate'. If you add too much or too little water, then the cleaning chemical might not work effectively.

*Disinfectant:* A chemical that kills bacteria. Check that surfaces are clean of grease, dirt and food before you use a disinfectant.

*Contact time:* This is how long a cleaning chemical needs to be left on the item you are cleaning. It is important to follow the manufacturer's instructions on contact time for the chemical to work effectively.

*Sanitiser:* A two-in-one product that acts as a detergent and a disinfectant. If you use a sanitiser, make sure you follow the instructions.



11. Wash and disinfect fridges regularly at a time when they do not contain much food. Transfer food to another fridge or a safe cold area and keep it covered.
12. To clean a fridge thoroughly, you should take out all the food and keep it cold somewhere else. If food is left out at room temperature, bacteria could grow.

**Environment & Leisure**

North Tyneside Council  
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Environmental Health  
Quadrant (East) – 1<sup>st</sup> Floor  
Silverlink North  
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NE27 0BY  
[www.northtyneside.gov.uk](http://www.northtyneside.gov.uk)

CONFIRMATION OF ACTION TAKEN

<b>Item Number</b>	<b>Action Taken</b>	<b>Date</b>
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Signed:	
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Print Name:	
Date:	

*F.A.O.; Food Safety Team, Environmental Health, North Tyneside Council*

**FAILURE TO COMPLETE AND RETURN THIS FORM TO THE ADDRESS STATED ABOVE  
MAY RESULT IN A REVISIT TO YOUR PREMISE.**