

From: [Foi Enquiries](#)
To: [REDACTED]
Subject: EIR-17-1551 - Food Hygiene Regulations 2006
Date: 15 November 2017 08:56:02
Attachments: [Further Information - Right to Review & Appeal.pdf](#)
[EIR-17-1551 - List of Food Notices.pdf](#)

Dear [REDACTED],

Thank you for your information request of 24 October 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

Food Hygiene (Scotland) Regulations 2006 - Regulation 6, Regulation 7, Regulation 8 and Regulation 9

We would be obliged if you can provide us with the following details in regards to notices/Orders that have been made by Aberdeen City Council under the legislation listed above:

• Notices or Orders that remain extant as at 24th October 2017

It is not possible to provide details of all extant notices as these may be subject to ongoing enforcement action including reports to the Procurator Fiscal

• Notices or Orders that have been complied with and have monies owed to Aberdeen City Council as at 24th October 2017

Not applicable.

• Notices or Orders that have invoices pending in respect of works carried out by or on behalf of Aberdeen City Council to resolve the matter as at 24th October 2017

Not applicable.

If it is not possible for the details of outstanding monies to be confirmed we would be obliged if you can provide us with the following details:

• all notices served or orders made by Aberdeen City Council, from 28th March 2017 to 24th October 2017 under the legislation listed above

Please find attached a list of relevant notices served and complied with within the period. Information on notices that have not been complied with have been excluded as these will be the subject of ongoing enforcement action including reports being submitted to the Procurator Fiscal. Information on notices served which have not yet expired have also been excluded as there is the potential for ongoing enforcement action including reports being submitted to the Procurator Fiscal.

When answering in the negative to any of the above, we would be obliged if you would confirm that you are doing so.

Wherever possible we would be grateful if the information could be prepared to include the following:

- reference numbers.

- **addresses of the subjects the actions are served over.**
- **summary descriptions of the nature of the works/contravention.**
- **relevant dates.**
- **status of the action.**
- **amounts owed to the council (when available).**

ACC is unable to provide you with information on ongoing enforcement notices as it is excepted from disclosure. In order to comply with its obligations under the terms of Regulation 13 of the EIRs, ACC hereby gives notice that we are refusing your request under the terms of Regulation 10(5)(b) – Course of Justice – of the EIRs.

In making this decision ACC considered the following points:

Where an officer has assessed that a business has not complied with enforcement notices, this is routinely reported to the Procurator Fiscal Service for consideration for prosecution. Therefore disclosure of notices that have not been complied with may impact upon the administration of justice. Notices which are still within the time period for compliance, may not be complied with and therefore disclosure may impact on the administration of justice as above.

An official appeals mechanism exists for enforcement notices. An appeal may result in the notice being overturned or amended. Disclosure of this information at this time may impact upon the actions of the Procurator Fiscal, on the defendant and upon the courts, causing harm to the judicial system and the ability for all parties to receive a fair trial.

The likelihood of these notices going to the Procurator Fiscal if not complied with is high. As such, the potential for harm to be caused by premature release is also high.

Whilst ACC recognises that releasing information regarding establishments that have not complied with enforcement notices may assist consumers making an informed choice of where to eat/buy food, information regarding non-compliant business is routinely published through the Food Hygiene Information Scheme, where non-compliant businesses are classified as 'Improvement Required'. Therefore information permitting consumers to make an informed choice is already available without the potential to impact on the administration of justice.

On this basis, ACC considers that information regarding ongoing enforcement notices is excepted from release into the public domain under the Environmental Information (Scotland) Regulations 2004 (EIRs).

We hope this helps with your request.

Yours sincerely,

Grant Webster
Information Compliance Officer

INFORMATION ABOUT THE HANDLING OF YOUR REQUEST

As the information which you requested is environmental information, as defined under

Regulation 2(1) of the Environmental Information (Scotland) Regulations 2004 (the EIRs), ACC considered that it was exempt from release through FOISA, and must therefore give you notice that we are refusing your request under Section 39(2) of FOISA (Freedom of Information (Scotland) Act 2002). However, you have a separate right to access the information which you have requested under Regulation 5 of the EIRs, under which ACC has handled your request. Please refer to the attached PDF for more information about your rights under the EIRs.

Information Compliance Team
Customer Service
Corporate Governance
Aberdeen City Council
3rd Floor North
Business Hub 17
Marischal College
Broad Street
ABERDEEN AB10 1AQ

foienquiries@aberdeencity.gov.uk

Tel 03000 200 292

*03000 numbers are free to call if you have 'free minutes' included in your mobile call plan.
Calls from BT landlines will be charged at the local call rate of 10.24p per minute (the same as 01224s).

www.aberdeencity.gov.uk

EIR-17-1551**Notices served under Food Hygiene [Scotland] Regulations 2006 – Regulation 6 [for period 28th March to 24th October 2017]**

Serial Number	Name	Address	Contravention	Date Served	Expiry Date	Disposal	Disposal Date
HI/10/17/CEB	3 STAR FISH BAR	Unit 3	Article 5	30-Mar-17	29-Jun-17	Complied	26-Jun-17
HI/15/17/MUW	MASTRICK FISH BAR	5 Greenfern Place	Article 5	31-Mar-17	02-May-17	Complied	03-May-17
HI/16/17/PGJ	JON'S KITCHEN	Constitution Street	Article 5	07-Apr-17	07-May-17	Complied	24-Apr-17
HI/19/17/VDO	SIZZLERS	50 Guild Street	Annex II, Chapter II, Paragraph 1[b]	12-Apr-17	26-May-17	Complied	31-May-17
HI21/17/VDO	MONSOONA	20 Bridge Street	Annex II, Chapter II, Para 1[b]	13-Apr-17	31-May-17	Complied	06-Jun-17
HI22/17/VDO	MONSOONA	20 Bridge Street	Annex II, Chapter II, Para 1[c]	13-Apr-17	31-May-17	Complied	06-Jun-17
HI/28/17/NID	PEKING GARDEN	489 Great Northern Road	Article 5	27-Apr-17	26-May-17	Complied	05-Jul-17
HI/29/17/NID	PEKING GARDEN	489 Great Northern Road	Annex II, Chapter IX, Para 4	27-Apr-17	26-May-17	Complied	05-Jul-17
HI/33/17/MUW	SLOW BOAT	138-140 Hardgate	Article 5	23-May-17	13-Jun-17	Complied	13-Jun-17
HI/31/17/ALI	JUMBO TAKEAWAY	13 Stocket Parade	Annex II, Chapter V, Paragraph 1	27-May-17	10-Jul-17	Complied	02-Aug-17
HI/32/17/ALI	JUMBO TAKEAWAY	13 Stocket Parade	Annex II, Chapter V, Paragraph 1	27-May-17	10-Jul-17	Complied	02-Aug-17
HI/38/17/VDO	LA LOMBARDA	2-8 King Street	Annex II, Chapter XII, Paragraph 1	01-Jun-17	30-Jun-17	Complied	05-Jul-17
HI/40/17/PGJ	NOORS GRILL	615 Great Northern Road	Article 5	01-Jun-17	02-Jul-17	Complied	03-Aug-17
HI/41/17/PGJ	NOORS GRILL	615 Great Northern Road	Annex II, Chapter I, Para 3	01-Jun-17	27-Aug-17	Complied	03-Aug-17
HI/39/17/VDO	LA LOMBARDA	2-8 King Street	Annex II, Chapter I, Para 5	01-Jun-17	31-Aug-17	Complied	05-Jul-17
HIN/AMU/050617/1	PROMENADE CAFE	Esplanade	Article 5	15-Jun-17	07-Jul-17	Complied	20-Jul-17
HIN/AMU/050617/2	PROMENADE CAFE	Esplanade	Article 5	15-Jun-17	07-Jul-17	Complied	20-Jul-17

HIN/AMU/050617/3	PROMENADE CAFE	Esplanade	Article 4, para 2 with ref to Annex II, Chap V, para 1[b]	15-Jun-17	07-Jul-17	Complied	20-Jul-17
HIN/VDO/270617/05	CAFE 100	100 Holburn Street	Annex II, Chapter XII, Para 1	28-Jun-17	30-Jul-17	Complied	03-Aug-17
HIN/VDO/270617/06	CAFE 100	100 Holburn Street	Annex II, Chapter II, Para 1[f]	28-Jun-17	30-Jul-17	Complied	03-Aug-17
HIN/NID/020617/1	CUP	9 Little Belmont Street	Regulation [EC] 852/2004, Annex II, Chapter I, Paragraph 2 [05-Jul-17	31-Jul-17	Complied	22-Aug-17
HIN/NID/020617/2	CUP	9 Little Belmont Street	Regulation [EC] 852/2004, Annex II, Chapter II, Para 1 [f]	05-Jul-17	04-Aug-17	Complied	22-Aug-17
HIN/NID/020617/3	CUP	9 Little Belmont Street	Regulation [EC] 852/2004, Annex II, Chapter I, Para 2 [b]	05-Jul-17	14-Aug-17	Complied	22-Aug-17
HIN/ALI/220617/1	NEW BLUE SPICES	493 Great Northern Road	Article 5	14-Jul-17	08-Sep-17	Complied	02-Aug-17
HIN/PGJ/260717/2	CHALMERS BAKERY LTD	13 Auchmill Road	Annex II, Chapter V, para 1[c]	02-Aug-17	03-Sep-17	Complied	20-Sep-17
HIN/ALI/070717/2	R S McCOLL	5 Byron Square	Annex II, Chapter II, Para 1a	08-Aug-17	22-Aug-17	Complied	29-Sep-17
HI/MUW/080817/1	AJ'S PIZZA AND PASTA	554 George Street	Article 5	15-Aug-17	12-Sep-17	Complied	06-Sep-17
HIN/SFB/160817/2	MORRISONS	215 King Street	Article 5, 1	22-Aug-17	08-Sep-17	Complied	12-Sep-17
HIN/ALI/070917/1	R S McCOLL	5 Byron Square	Annex II Chapter 1, Para 4	08-Sep-17	28-Sep-17	Complied	29-Sep-17
HIN/HBR/24072017/04	GRUB @ THE HUB	Aberdeen Energy Park	Annex II, Chapter XII, Paragraph 1	19-Sep-17	04-Oct-17	Complied	09-Oct-17
HIN/HBR/24072017/03	GRUB @ THE HUB	Aberdeen Energy Park	Article 5	19-Sep-17	04-Oct-17	Complied	09-Oct-17
HI/17/17/AMU	CURRY LOUNGE	Loirston Avenue	Article 5	04-Apr-17	16-May-17	Ceased Trading before Expiry	08-Nov-17
HI/18/17/AMU	CURRY LOUNGE	Loirston Avenue	Article 4, para 2 - Annex II, Ch XII, Para 1	04-Apr-17	16-May-17	Ceased Trading before Expiry	08-Nov-17
HIN/30/17/NID	WONDERFUL	493 George Street	Article 5	25-Apr-17	27-Apr-17	Ceased Trading before Expiry	31-May-17
HI/9/17/NID	WONDERFUL	493 George Street	Article 5	27-Apr-17	26-May-17	Ceased Trading before Expiry	31-May-17
HI20/17/VDO	MONSOONA	20 Bridge Street	Article 5	13-Apr-17	31-May-17	Complied	06-Jun-17

HIN/VDO/270617/04	CAFE 100	100 Holburn Street	Article 5	28-Jun-17	30-Jul-17	Complied	03-Aug-17
HI/34/17/VDO	CAFE 100	100 Holburn Street	Article 5	23-May-17	30-Jun-17	Extended	28-Jun-17
HI/35/17/VDO	CAFE 100	100 Holburn Street	Article 4, para 2 with ref to Annex II, Chapter XII, para 1	23-May-17	30-Jun-17	Extended	28-Jun-17
HI/36/17/VDO	CAFE 100	100 Holburn Street	Annex II, Chapter II, Para 1[f]	23-May-17	30-Jun-17	Extended	28-Jun-17
HIN/VDO/210617/01	CUMIN TANDOORI / TIGERS BAR	401-405 Union Street	Annex II, Chapter IX, Para 4	17-Jul-17	31-Aug-17	Extended	31-Aug-17
HIN/VDO/210617/02	CUMIN TANDOORI / TIGERS BAR	401-405 Union Street	Article 4, Para 2 with ref to Annex II, Chapter XII, para 1	17-Jul-17	31-Aug-17	Extended	31-Aug-17
HIN/VDO/210617/03	CUMIN TANDOORI / TIGERS BAR	401-405 Union Street	Annex II, Chapter IX, Para 4	17-Jul-17	31-Aug-17	Extended	31-Aug-17
HIN/VDO/210617/04	CUMIN TANDOORI / TIGERS BAR	401-405 Union Street	Article 5	17-Jul-17	31-Aug-17	Extended	31-Aug-17
HIN/VDO/210617/05	CUMIN TANDOORI / TIGERS BAR	401-405 Union Street	Article 5	17-Jul-17	31-Aug-17	Extended	31-Aug-17
HIN/VDO/210617/06	CUMIN TANDOORI / TIGERS BAR	401-405 Union Street	Article 4, Para 2 with ref to Annex II, Chapter XII, para 1	17-Jul-17	31-Aug-17	Extended	31-Aug-17
HIN/HBR/24072017/02	GRUB @ THE HUB	Aberdeen Energy Park	Annex II, Chapter XII, Paragraph 1	07-Aug-17	18-Sep-17	Extended	19-Sep-17
HIN/HBR/24072017/01	GRUB @ THE HUB	Aberdeen Energy Park	Article 5	07-Aug-17	18-Sep-17	Extended	19-Sep-17
HIN/ALI/070717/1	R S McCOLL	5 Byron Square	Annexe II, Chapter 1, Para 4	08-Aug-17	22-Aug-17	Extended	08-Sep-17
HIN/AMU/280717/1	NORTHERN HOTEL	1-3 Great Northern Road	Article 4, Para 2 ref to Annex II, Chapter XII, Paragraph 1	16-Aug-17	20-Sep-17	Extended	19-Sep-17
HI23/17/VDO	MONSOONA	20 Bridge Street	Annex II, Chapter I, Para 2[b]	13-Apr-17	31-May-17	Complied	06-Jun-17
HI/24/17/VDO	MONSOONA	20 Bridge Street	Annex II, Chapter I, Para 2[c]	13-Apr-17	31-May-17	Complied	06-Jun-17
HI/25/17/VDO	MONSOONA	20 Bridge Street	Annex II, Chapter V, Para 1[c]	13-Apr-17	31-May-17	Complied	06-Jun-17
HI/26/17/VDO	MONSOONA	20 Bridge Street	Annex II, Chapter V, Para 1[c]	13-Apr-17	31-May-17	Complied	06-Jun-17
HI/27/17/VDO	MONSOONA	20 Bridge Street	Annex II, Chapter V, Para 1[c]	13-Apr-17	31-May-17	Complied	06-Jun-17

HI/37/17/VDO	CAFE 100	100 Holburn Street	Annex II, Chapter I, Para 5	23-May-17	21-Aug-17	Complied	03-Aug-17
HI/SFB/010617/01	BAGUETTE EXPRESS	191 George Street	Annex II, Chapter XII, Para 1	07-Jun-17	01-Aug-17	Complied	10-Oct-17
HIN/ERD/020617/01	GOLDEN CROWN	150 Crown Street	Regulation [EC] 852/2004 - Article 5	08-Jun-17	11-Jul-17	Complied	31-Aug-17
HIN/PGJ/080617/1	RAJ SPICE	Burnside Drive	Article 5	14-Jun-17	16-Jul-17	Changed Ownership before Expiry	29-Aug-17
HIN/PGJ/080617/2	RAJ SPICE	Burnside Drive	Article 5	14-Jun-17	16-Jul-17	Changed Ownership before Expiry	29-Aug-17
HIN/PGJ/260717/1	CHALMERS BAKERY LTD	13 Auchmill Road	Article 5	02-Aug-17	03-Sep-17	Complied	12-Oct-17
HIN/PGJ/220817/1	RAJ SPICE	Burnside Drive	Article 5	29-Aug-17	24-Sep-17	Complied	05-Oct-17
HIN/PGJ/220817/2	RAJ SPICE	Burnside Drive	Annex II, Chapter V, Paragraph 1[c]	29-Aug-17	24-Sep-17	Complied	05-Oct-17
HIN/PGJ/080917/1	SEABANK HOUSE LTD	57 Dee Street	Article 5	19-Sep-17	15-Oct-17	Complied	07-Nov-17
HIN/ALI/031017/1	NEW BLUE SPICES	493 Great Northern Road	Annex II, Chapter 1	11-Oct-17	23-Oct-17	Complied	03-Nov-17
HIN/ALI/031017/2	NEW BLUE SPICES	493 Great Northern Road	Article 5	11-Oct-17	23-Oct-17	Complied	03-Nov-17

Notices served under Food Hygiene [Scotland] Regulations 2006 – Regulation 7 [for period 28th March to 24th October 2017]

None

Notices served under Food Hygiene [Scotland] Regulations 2006 – Regulation 8 [for period 28th March to 24th October 2017]

None

Notices served under Food Hygiene [Scotland] Regulations 2006 – Regulation 9 [for period 28th March to 24th October 2017]

Serial Number	Name	Address	Contravention	Date Served	Expiry Date	Disposal	Disposal Date
RAN/12/17/AMU	CURRY LOUNGE	Loirston Avenue	Article 5	04-Apr-17	N/A	Withdrawn	06-Apr-17
RAN/1/17/NID	CUMIN TANDOORI / TIGERS BAR	401-405 Union Street	Article 5 - HACCP	06-Apr-17	N/A	Withdrawn	10-Apr-17
RAN/SFB/060617/01	CAFE SERDAR	155 Union Street	Inadequate facilities for hand washing, equipment washing	06-Jun-17	N/A	Ceased Trading	08-Jun-17
RAN/NID/190617/01	GORAL POLISH SHOP	19 Summerhill Court	Regulation [EC] 852/2004 - Article 5	19-Jun-17	N/A	Withdrawn	20-Jun-17
RAN/DKJ/220617/1	GRANDHOLM MINI MARKET	Grandholm Crescent	Article 5 - HACCP	23-Jun-17	N/A	Withdrawn	09-Nov-17
RAN/DKJ/220617/3	GRANDHOLM MINI MARKET	Grandholm Crescent	Article 5 - HACCP	23-Jun-17	N/A	Withdrawn	09-Nov-17
RAN/DKJ/220617/2	GRANDHOLM MINI MARKET	Grandholm Crescent	Article 5 - HACCP	23-Jun-17	N/A	Withdrawn	09-Nov-17
RAN/SFB/110717/1	THE WIG	55-56 Castle Street	Annex II, Chapter I, Para 2[c]	12-Jul-17	N/A	Withdrawn	14-Jul-17
RAN/SFB/110717/2	THE WIG	55-56 Castle Street	Annex II, Chapter I, Para 2[c]	12-Jul-17	N/A	Withdrawn	14-Jul-17
RAN/CRB/090817/1	K S STORE	67-69 Victoria Road	Article 5	09-Aug-17	N/A	Withdrawn	10-Aug-17
NID/240817/1	LIGHT OF BENGAL	13 Rose Street	Article 5	24-Aug-17	N/A	Withdrawn	29-Aug-17
RAN/NID/280917/01	UNCLE SABINO'S	9a Little Belmont Street	Annex II, Chapter I, Para 4 and Chapter II, Para 2	28-Sep-17	N/A	Withdrawn	02-Oct-17