

**From:** Foi Enquiries  
**Sent:** 22 August 2018 12:48  
**To:** [REDACTED]  
**Subject:** EIR-18-1133 - Barburrito  
**Attachments:** V2 - Further Information - Right to Review & Appeal.pdf; EIR-18-1133 - Inspection Report\_03-04-18\_Redacted.pdf; EIR-18-1133 - Revisit Report\_3-7-18\_Redacted.pdf

Dear [REDACTED],

Thank you for your information request of 27 July 2018. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

**I am writing to request a copy of the food hygiene inspection report under The Freedom of Information Act / Environmental regulations.**

**Inspection date 3rd April 2018 – premises Barburrito Unit FS11, 30 Union Square, Guild Street Aberdeen.**

**Result – Improvement Required. I am interested to know if there was any temperature control issues raised which require improvement.**

Please see attached.

Please note that third party names and personal details, as well as the names of ACC Officers who are below Chief Officer level have been redacted (blacked out) from the attached documents. This is because ACC considers that this information is exempted 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 this part of your request under the terms of Regulation 11(2) in conjunction with Regulation 11(3)(a)(i) – Personal Information - of the EIRs.

In making this decision ACC considered the following points:

ACC is of the opinion that Regulation 11(2) applies to the information specified above as the information in question is personal information relating to living individuals, of which the applicant is not the data subject.

ACC is of the opinion that Regulation 11(3)(a)(i) applies, as we consider that disclosure of this information would be a breach of the 'lawfulness, fairness and transparency' principle. These individuals have not consented to the disclosure of this information and ACC does not consider that they would expect ACC to release this information about them into the public domain under the FOISA.

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 Feedback | Customer Experience

Aberdeen City Council, Business Hub 17, 3<sup>rd</sup> Floor North, Marischal College, Broad Street, Aberdeen, AB10 1AQ

Tel 03000 200 292

Email [foienquiries@aberdeencity.gov.uk](mailto:foienquiries@aberdeencity.gov.uk)

[www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

\*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).

Our Ref. 12334/██████████/FH/FS  
Your Ref. ██████████  
Contact ██████████  
Email Commercial@aberdeencity.gov.uk  
Direct Dial 01224 52██████████  
Direct Fax 01224 523887



**ABERDEEN**  
CITY COUNCIL

16<sup>th</sup> April 2018

Company Secretary  
Barburrito Ltd  
65 Deansgate  
MANCHESTER  
M3 2BW

Protective Services  
**Operations**  
Aberdeen City Council  
Business Hub 15  
Third Floor South  
Marischal College  
Broad Street  
Aberdeen AB10 1AB

Tel 03000 200 292  
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Dear Sir/Madam

**Food Safety Act 1990**  
**The Food Hygiene (Scotland) Regulations 2006**  
**Regulation (EC) 852/2004 on the Hygiene of Foodstuffs**  
**Food Information (Scotland) Regulations 2014**  
**Regulation (EU) 1169/2011 on the Provision of Food Information to Consumers**  
**The General Food Regulations 2004**  
**Barburrito, Unit FS 11, 30 Union Square, Guild Street, Aberdeen, AB11 5RG**

On 3<sup>rd</sup> April 2018 I visited your premises at the above address to carry out a routine food hygiene and food standards inspection. During the visit I also investigated a complaint received by this Service from a member of the public, concerning an alleged case of food poisoning after eating from the establishment. The enclosed report details requirements and recommendations made in respect of the above legislation. I trust that the points raised will receive your prompt attention.

In relation to the Food Hygiene Information Scheme I have assessed the hygiene conditions and procedures in place for food safety management within your business. As food hygiene contraventions were noted during this inspection an **'Improvement Required'** certificate is being issued to you at this time.

Although in this instance you have not attained a 'Pass' certificate, you do have the opportunity to do so, as follows: -

- Once your food business has fully dealt with all of the items detailed in the enclosed hygiene inspection report, please let us know and we will arrange to re-inspect your premises within seven days of your notification. Please contact the Commercial Team on 01224 523800 should you wish to arrange a re-inspection of your premises.

ROB POLKINGHORNE – CHIEF OPERATING OFFICER



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- Provided there is clear evidence that all items have been addressed and that compliance with the food hygiene regulations has been achieved we would be in a position to issue a 'Pass' certificate. However, if items of non-compliance are noted then the 'Improvement Required' status would remain.

I would also advise you that as part of the Food Hygiene Information Scheme, Aberdeen City Council is now making all inspection reports available for viewing on the Council Website.

Yours faithfully

  
Environmental Health Officer

Enc

**As from the 1st January 2016 if your business produces more than 5kg of food waste per week you are required to separate this for recycling.**

**Advice on how to comply with this requirement can be obtained by contacting Aberdeen City Council Business Waste and Recycling Services on 08456 080919.**

**Alternatively, contact the Commercial Team at Environmental Health on 01224 523800.**

**Additionally, where food collections are available, it is illegal to dispose of food into a public drain or sewer, for example by using a macerator.**

<b>Name and Address of Premises:</b>	<b>Premises Type:</b> Restaurant
Barburrito Unit FS 11 30 Union Square Aberdeen AB11 5RG	<b>Date of Inspection:</b> 3 April 2018
	<b>Ref No:</b> 12334
	<b>Officer[s] Attended:</b> [REDACTED]
	<b>Person[s] Interviewed:</b> [REDACTED], staff members

### **FOOD HYGIENE INSPECTION - [See Schedule 1]**

<b>Areas, Procedures and Documents Inspected:</b>	<b>Areas not Inspected:</b>
All	N/A

### **FOOD STANDARDS INSPECTION - [See Schedule 2]**

<b>Areas, Procedures and Documents Inspected:</b>	<b>Areas not Inspected:</b>
All	N/A

### **Notes on Interpretation**

#### **Requirements:**

- 1) These items relate to matters that are required in terms of the above-mentioned legislation. In order to allow you to make informed choices each item below indicates:
  - a) What requirement has to be met
  - b) The respects in which it has not been met, and
  - c) Where appropriate a course of action which in my opinion would satisfy the requirement

In most cases there will be more than one course of action which could satisfy a given requirement. In these cases it is open to you to take any such other course of action which meets the requirements. It may be advisable to discuss alternative proposals with me so that I can advise you whether there are other requirements which might have to be taken into account when considering an alternative course of action.

Where the word **must** is used, it also indicates a requirement.

- 2) This is not a Notice requiring works to be carried out, however, any breach of a requirement could, at a future date, be the subject of an Improvement Notice. The purpose of this report is to advise you of such matters so that you can attend to them without the need for such Notices.
- 3) The items contained in the attached schedule[s] relate to matters as found at the time of inspection and cover[s] only the areas inspected. Where a practice, etc. is not explicitly mentioned in this report it should not be taken as an indication of compliance with any provision of the Food Safety Act or any regulations made under it.

## **SCHEDULE 1**

### **REPORT ON FOOD HYGIENE INSPECTION IN TERMS OF THE FOOD SAFETY ACT 1990, THE FOOD HYGIENE (SCOTLAND) REGULATIONS 2006, REGULATION (EC) 852/2004 ON THE HYGIENE OF FOODSTUFFS**

#### **Overview**

The purpose of a food hygiene inspection is to assess whether a business complies with food safety requirements. My assessment was based on a physical inspection of the premises, discussion with assistant manager [REDACTED] and staff members, as well as observations of food handling practices.

A review of your Food Safety Management System was also undertaken at the time of the inspection and highlighted a number of issues, which will require reviewing and updating. Issues were also found relating to cross-contamination, temperature control and cleaning which will require attention. All points are detailed further below.

#### **Items**

##### **1. Food Safety Management System:**

###### *Regulation (EC) 852/2004, Article 5*

All food businesses are required to put in place, implement and maintain a permanent Food Safety Management System based on HACCP (Hazard Analysis and Critical Control Point) principles. This requires you to identify the things in your day to day operation which might go wrong (hazards) which can result in food poisoning or food contamination, and put in place procedures to stop things going wrong (controls), for example monitoring of food temperatures. The rules you expect your staff to follow must be documented in detail.

Having reviewed your documented system on-site I noted that it contains discrepancies and conflicting information, while some hazards have not been properly assessed nor the necessary control measures identified. The following are some of the issues noted;

###### **1.1 Personal hygiene policy:**

Your personal hygiene policy states;

*'Where disposable gloves are in use, ensure they are changed or washed frequently to prevent cross-contamination'.*

This suggests staff are permitted to wear disposable gloves for numerous activities, provided they wash them in between. If this is the case it is not considered good practice and does not effectively manage the risk of cross-contamination.

1. Contd.

Gloves are never a substitute for effective hand washing. If staff are required to wear disposable gloves in their work duties, then you must ensure they undertake regular handwashing and the gloves are changed after each use.

1.2 Sanitiser:

There appears to be some confusion regarding the contact time required for the disinfectant in use; *Suma Bac D10*. Your food safety management system states in numerous sections that the contact time is 30 seconds, except in the section, '*Contamination of food by dirty structure and equipment*' which states the maximum contact time is 30 minutes.

When I asked a staff member I was informed the contact time was one minute, while the image on the trigger spray bottles in use suggests the contact time is 5 minutes.

This product complies with British Standard BS EN 1276, meaning it can reduce a range of harmful bacteria, including E. coli O157, to acceptable levels, provided it is used in accordance with the manufacturer's instructions.

Therefore, to effectively manage the risk of cross-contamination you must ensure you documented system contains the correct information and all staff are familiar with the manufacturers' instructions for application, dilution rate and contact time.

1.3 Preparation of ready-to-eat vegetables and salad items:

Your vegetable washing policy states all vegetables must be washed prior to use, except onions. The policy states that the reason for not washing onions is because, '*...the skins are removed*'. Instead, they are peeled and chopped on separate designated chopping boards.

Due to growth in soil, fruit and vegetables, especially root crops like onions, can become contaminated by E. coli O157 and other bacteria. This contamination can then be easily transmitted from the skin / surface onto the vegetable when topping / tailing and peeling it, being transmitted either via the knife, hands or board on which it is chopped. Therefore, all vegetables, unless purchased ready to eat, should be considered contaminated until they undergo a process such as cooking or thorough washing.

To effectively manage this risk, you must ensure appropriate control measures are implemented and all staff are trained and conversant with these procedures when preparing onions intended to be eaten raw:

- Top, tail and peel unwashed onion on the designated blue chopping board using a designated knife within a designated area.
- Once peeled, place onion into a colander and wash thoroughly under clean running water, to remove any contamination that may have occurred while being peeled.

1. Contd.

- Once washed the onion would be considered ready-to-eat, therefore final preparation should be carried out on the designated green chopping board with a clean knife within a clean area of the kitchen.

1.4 Shelf life:

There are inconsistencies amongst the shelf lives applied to food. Your stock rotation controls state that foods prepared on-site are given a three-day shelf life, i.e. date of production plus two, however foods that have been defrosted under refrigeration can be given a six-day shelf life once defrosted, i.e. day of defrosting plus five.

Freezing food is not considered a “kill step” for bacteria, as the cold temperature does not destroy any bacteria present, but merely inhibits growth. Therefore, applying extended shelf lives to food once they have defrosted could provide the opportunity for pathogenic growth. Furthermore, having separate shelf lives for fresh and defrosted foods could also lead to confusion, especially if after defrosting the product becomes confused with similar items that have not been frozen.

Stock control is important; if high risk foods are kept too long even in favourable conditions, harmful bacteria may multiply. You must therefore review the shelf lives you apply to foods to ensure food remains safe. I **strongly recommend** that you assign a 3-day shelf life to foods, i.e. date of production plus two additional days. For prepacked foods that have been opened you should follow the manufacturers’ instructions.

1.5 Ambient storage of foods:

In relation to the ambient storage of foods, such as salsa, slaw and guacamole, a number of issues were noted;

- To control the risk of bacterial growth foods such as cheese, sour cream and slaw are to be stored at ambient temperature for a maximum of 4 hours as they are considered “high risk”. However, guacamole is allowed 6 hours as it is considered “low risk”, while there is no maximum time period for salsa being held at ambient temperature.

Please could you clarify, with evidence, why your guacamole and salsa are considered low-risk.

- Also, your ambient hold log contains a contradictory statement, for although guacamole should only be given a maximum 6 hours at ambient temperature, the log it also states that, ‘*Low risk products (salsa, guac) can be extended to the next day, 2pm only*’.
- Clarification is also required for the following statement, ‘*The ambient counter must be stocked up throughout the night, making our products more visually appealing to the customers*’. This statement suggests that the containers within the ambient food counter are kept “topped up”

1. Contd.

throughout the night; if this is the case it would contradict your “4-hour rule” for foods already within the containers when they are being replenished.

The above subparagraphs are merely examples of the issues noted. You must therefore consider the matters raised and review your system, ensuring all relevant hazards have been identified and assessed, the necessary control measures implemented, and the information included within the system accurately reflects the practices and procedures of the business.

Timescale: 4 weeks

2. **2-stage clean and disinfection:**

*Regulation (EC) 852/2004, Article 5*

*Regulation (EC) 852/2004, Annex II, Chapter XII, Paragraph 1*

During the inspection I asked a member of staff to explain how surfaces are cleaned using the 2-stage clean and disinfection procedure and was informed that the following process is applied;

- The surface is sprayed with *Sumabac D10* and wiped clean
- Once cleaned, another piece of paper towel is used to dry the surface.

All food handlers engaged in a food business are required to be either supervised, instructed and/or trained in food hygiene matters to a level appropriate to their work activity. In this respect staff should at least be instructed and have an appreciation of the importance of any control measures identified by your Food Safety Management System for which they are responsible.

Your cross-contamination control procedure states that a 2-stage clean and disinfection of food contact surfaces must take place. Therefore, in accordance with your own documented system, you must ensure all staff are trained and conversant with this procedure;

- Stage 1: This involves the physical removal of visible dirt, food particles and debris from surfaces and equipment using a detergent or degreaser, followed by a thorough rinse to ensure the removal of all residues from the surface.
- Stage 2: This involves the use of a disinfectant or sanitiser compliant with either British Standard BS EN 1276 or BS EN 13697, following the manufacturer’s instructions for its dilution rate and contact time. Disinfectants will not be effective if used on dirty surfaces, or if applied at the incorrect dilution or for the insufficient contact time or the incorrect temperature.

Timescale: Immediately

### 3. Temperature Control:

a) Monitoring and recording of "Ambient" temperatures:

*Regulation (EC) 852/29004, Article 5*

A review of temperature logs highlighted that staff are not adhering to the control measure of storing foods for a maximum of 4 hours at ambient temperature. For example, on Wednesday 28<sup>th</sup> March 2018 sour cream was stored for 4hrs10min, while slaw was stored for 5hrs. Similarly, on Thursday 29<sup>th</sup> March 2018 slaw was stored for 4hrs 18mins.

Storing high-risk foods at ambient temperature for extended periods of time will encourage the growth of pathogenic bacteria; you've identified as part of your food safety management system that a maximum period of 4 hours is implemented to control this risk.

Therefore, in accordance with your own documented food safety management system you must ensure all high-risk foods are stored at ambient temperature for a maximum of 4 hours. Furthermore, all staff must be trained and conversant with this control measure.

Timescale: Immediately

b) Calibration of thermometers:

*Regulation (EC) 852/2004, Article 5*

I discussed with [REDACTED] the calibration of probe thermometers and was informed that they are calibrated weekly using calibration plugs. However, when I asked how often the plugs were themselves calibrated, [REDACTED] did not know if they had ever taken place.

Without calibrating the in-house calibration equipment, you would not be able to determine if they are correctly working, which in turn would make it difficult to ascertain the accuracy of your probe thermometers.

You must therefore ensure that if calibration plugs are used to check the accuracy of your probe thermometers then they are calibrated / maintained in accordance with manufacturers' instructions.

Timescale: Immediately

### 4. Cleanliness:

*Regulation (EC) 852/2004, Annex II, Chapter I, Paragraph 1*  
*Regulation (EC) 852/2004, Annex V, Chapter V, Paragraph 1*

At the time of the inspection the level of cleanliness was poor in the following areas;

**4.** Contd.

- The floor of your walk-in chiller was littered with dirt and food debris.
- I was informed that one of your oven's door seals is not fully intact, resulting in condensation and grease leaking onto the floor when in use. The assistant manager informed me that a replacement seal has been ordered, however at the time of the inspection an area of flooring directly below the oven was heavily stained.
- Hand contact areas such as doors, fridge doors, handles, light switches and contact surfaces were soiled throughout.

Food premises are to be kept clean. You must therefore undertake a thorough deep clean of the aforementioned areas and ensure the premises remains in a clean and hygienic condition thereafter.

Timescale: Immediately

## **SCHEDULE 2**

### **REPORT ON THE FOOD STANDARDS INSPECTION IN TERMS THE FOOD SAFETY ACT 1990, FOOD INFORMATION (SCOTLAND) REGULATIONS 2014, REGULATION (EU) 1169/2011 ON THE PROVISION OF FOOD INFORMATION TO CONSUMERS AND GENERAL FOOD REGULATIONS 2004**

#### **Overview**

A food standards inspection was also carried out in order to establish whether the legal requirements covering quality, composition a, labelling, presentation and advertising of food and / or materials in contact with food is being met. All items checked were satisfactory at the time of the inspection.

Protective Services  
**Operations**  
Aberdeen City Council  
Business Hub 15  
Third Floor South  
Marischal College  
Broad Street  
Aberdeen AB10 1AB

**FOOD HYGIENE/FOOD STANDARDS REPLY SLIP**

**Note:-** If you do not agree with the **requirements** set out in the report then please refer to the covering letter and leaflet entitled Food Law Inspections and Your Business, which will explain what to do and who to contact.

If you do accept the **requirements** set out in the report, please help us by completing this reply slip.

**Report Reference** 12334/████████/██/██/██

**Date of Inspection:** 3 April 2018

**Name of Inspecting Officer:** ██████████

**Address of Premises:** Barburrito, Unit FS 11, 30 Union Square, Guild Street, Aberdeen, AB11 5RG

I accept the requirements set out in the report.  Yes  No\* (Please tick)

\*If you have ticked No, and wish to discuss timescales to complete the required actions, please detail the items below and I will contact you.

If there are other aspects of the report that you would like to discuss, please do not hesitate to contact me, or my line manager ██████████

I feel that the compliance timescales for the following items are too short and wish to propose alternative dates for completion.

Item No.	My proposed date for completion	Comments

Name ..... Telephone no .....

Signature ..... Date .....

\* This reply only relates to **requirements** and not to recommendations



ABERDEEN  
CITY COUNCIL

# ENVIRONMENTAL HEALTH

Protective Services  
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## VISIT REPORT

Page 1 of 2

Name of Business BARBURITO Date 03/07/18  
Address Union Square, Guild St., Aberdeen Time - Start 1100 Finish 12:15  
Postcode AB11 5RG Proprietor BARBURITO LTD

During a visit made today at the above premises in terms of the:-

Regulation (CE) 853/2004; Food Hygiene (Scotland) Regulations 2006

the following items were discussed/found to require particular attention. Should you wish to discuss any point listed below or require further advice, please contact:-

[Redacted] on 01224 52 [Redacted]

I revisited today following my inspection of the premises on 03/04/18. The purpose of this report was to assess compliance with the matters raised in my warning letter. At the time of this report:

- Staff demonstrated to me the implemented method for preparing onions (i.e. top, tail on blue board, wash under water, slice using slicer).
- I've also been informed that all onions, regardless of being cooked or not, now undergo a washing process.
- Staff were able to correctly demonstrate a 2 stage clean and disinfection process.

You should realise that the duty to ensure compliance with the legislation lies with the person having control of the business. The Inspection Report is intended to highlight general areas of concern rather than be an exhaustive list of contraventions.

N.B. If you are not the person having control of the premises, please ensure that this report is conveyed to the appropriate person as soon as possible.

Signature of Recipient [Redacted] Signature of Inspector [Redacted]  
 Name and Title [Block Letters] [Redacted] Designation EHO  
 Designation STORE MANAGER

**VISIT REPORT [continued]**

Name of Business BARBURRITO

Date 03/07/18

- In relation to the monitoring and recording of ambient temperatures, I noted a new log has been introduced, which covers all food stored at ambient. However, there appears to be some issues;

• On Friday 01/06 a thermometer was placed on the line at 1315 and again at 1922, exceeding the 6 hours

• On Friday 08/06 a log was placed on the line at 1257. The next entry states "Ran out" given no indication of whether the 4 hour rule was applied.

• The same applies to Sat 09/06; a log was put on the line at 1600. The next entry again states "Ran out", which provides no indication as to whether the log was stored for a maximum 4 hours.

• On Friday 10/06 a thermometer and probe were placed on the line at 1257 and 1450 respectively. The next entry for a thermometer states "finished" with no further details. There is no indication as to whether the max 6 hours has been applied.

- I also noted new collection logs have been purchased to collaborate the monitors.

- In relation to your food safety management system, I did not review the system on-site. Please send a copy of the most recent food safety management system to [redacted] by [redacted] @ [redacted].

Signature of Recipient

[redacted]

Signature of Inspector

[redacted]