

**From:** [Foi Enquiries](#)  
**To:** [REDACTED]  
**Subject:** FOI-17-0430 - Enforcement Records  
**Date:** 07 April 2017 15:24:20  
**Attachments:** [Further Information - Right to Review & Appeal.pdf](#)  
[EIR-17-0430 - Voluntary Closures.xlsx](#)

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Dear [REDACTED]

Thank you for your information request of 14 March 2017. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

**Under the Freedom of Information Act 2000, I would like to request access to data held by Aberdeen City on restaurants that have had certain enforcements carried out against them.**

**Based on the information published on the FSA website, it states that 15 establishment(s) were subject to the following from Jan 1st 2011 to December 30th 2016:**

- **Hygiene Emergency Prohibition Notices (HEPN)**

None

- **Hygiene Prohibition Orders (HPOs)**

None

- **Voluntary closures**

Please see the attached list. The grey fields relate to premises which have subsequently become vacant who are under new ownership since the voluntary closure was undertaken. Details of three establishments subject to ongoing enforcement action have been redacted.

ACC is unable to provide you with information relating to these three voluntary closures as this information is considered exempt from disclosure under Section 10 (5) (b) –The Course of Justice - Environmental Information (Scotland) Regulations 2004.

Reports relating to these voluntary closures have been submitted to the Procurator Fiscal in relation to the establishments and any disclosure of this information may impact upon the administration of justice.

I recognise that there is a public interest in the release of this information as it would allow the public to make informed choices before using certain

establishments; however it is not in the public interest for ACC to release information before investigations are concluded. If details of the closure were already in the public domain prior to any court proceedings then this has the potential to prejudice any case taken by the Procurator Fiscal.

Having considered both parts of the public interest test, I appreciate that there is a significant public interest in ensuring transparency and accountability of ACC's functions; however, this is overshadowed by the need to ensure that ongoing and future investigations are not impeded.

Information regarding non-compliant businesses 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.

- **Suspension/revocation of approval**

None

**We are interested in restaurant/cafe/canteens, pub/bar/nightclubs, takeaway/sandwich shops, and mobile caterers (and other catering premises) for which the above enforcement actions have been made between 2011 and 2016. We would like to request the following information for those:**

- **Local Authority Name**
- **Date (of the enforcement)**
- **Premise Name**
- **Premise Address**
- **Premise Postcode**
- **Premise Type**
- **Enforcement Type**
- **Enforcement Reason**

**If it is difficult to manipulate the data such that it fits with our requirements as stated above, we would be happy to receive it in the format in which you store the data. If the data you store does not extend to 2011, please provide the data for the years that are available.**

Please see attached spreadsheet –'Voluntary Closures'

We hope this helps with your request.

Yours sincerely,

Nicky Leiper  
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  
Communications and Promotion  
Office of Chief Executive  
Aberdeen City Council  
3rd Floor North  
Business Hub 17  
Marischal College  
Broad Street  
ABERDEEN AB10 1AQ

[foienquiries@aberdeencity.gov.uk](mailto:foienquiries@aberdeencity.gov.uk)  
01224 523827/523602

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

Date	Business Name	Address 1	Address 2	Address 3	Post Code	Premises Type	Enforcement Type	Reason for Closure
14/07/2011	Slow Boat	138-140 Hardgate		Aberdeen	AB11 6YU	Take-away	Voluntary Closure	Cross contamination risks and no hot water
16/09/2011	Ammu's Kitchen	Garthdee Road	Garthdee	Aberdeen	AB10 7AP	Pub/Club	Voluntary Closure	Mouse infestation
09/12/2011	Imagine	25 Windmill Brae		Aberdeen	AB11 6HU	Take-away	Voluntary Closure	Closed for the evening and was permitted to open later the same evening after 3 hrs of intensive cleaning, clearing access to the wash hand basin and removal of the imminent risks to health (cross contamination)
18/05/2012	Tastie Tattie	22 Upperkirkgate		Aberdeen	AB10 1BA	Take-away	Voluntary Closure	Electricity supply and no hot water
24/05/2012	Chinese Garden	175 Victoria Road	Torry	Aberdeen	AB11 9ND	Take-away	Voluntary Closure	No hot water
02/07/2012	Premier Stores	121-123 Oldcroft Place	Stockethill	Aberdeen	AB16 5BX	Retail Shop	Voluntary Closure	No electricity
09/10/2012	Fusion	105 Rousay Drive		Aberdeen	AB15 6LT	Take-away	Voluntary Closure	Cross contamination risks
16/10/2012	Ninety Nine Bar	1 Back Wynd		Aberdeen	AB10 1JN	Pub/Club	Voluntary Closure	Poor hygiene
22/11/2012	Mama's Place	Unit 30-32 New Market	Market Street	Aberdeen		Restaurant/Cafe/Canteen	Voluntary Closure	Cross contamination risks
24/11/2012	Baburchee	9 Chapel Street		Aberdeen	AB10 1SQ	Take-away	Voluntary Closure	No hot water
21/12/2012	New Spice of Asia	489 George Street		Aberdeen	AB25 3YB	Retail Shop	Voluntary Closure	Mouse infestation
04/11/2014	Wee China	Unit 1 Cove Shopping Centre	Loirston Avenue, Cove	Aberdeen	AB12 3HE	Take-away	Voluntary Closure	Cross contamination risks
04/12/2014	Juice Master	Union Square	Guild Square	Aberdeen	AB11 5RG	Retail Shop	Voluntary Closure	No hot water
08/12/2014	Monkey House	1 Union Terrace		Aberdeen	AB10 1JB	Pub/Club	Voluntary Closure	Cleanliness, cross contamination, training, out of date products, food temp, broken equipment
28/01/2015	Shalimar Tandoori	649 King Street		Aberdeen	AB24 1SB	Take-away	Voluntary Closure	Cleaning and cross contamination
19/02/2015	Belmont Kebab & Pizza	5 Belmont Street		Aberdeen	AB10 1JR	Take-away	Voluntary Closure	Pest activity, fat faeces found, inadequate cleaning
27/04/2015	Campus/Garage	Windmill Brae		Aberdeen	AB11 6HU	Pub/Club	Voluntary Closure	No hot water, cross contamination
30/04/2015	Somebody Cares/Beans & Bygones	Hazledene Road		Aberdeen	AB15 8QU	Restaurant/Cafe/Canteen	Voluntary Closure	Mouse infestation
02/06/2015	Uncle Sabino's	9a Little Belmont Street		Aberdeen	AB10 1JG	Take-away	Voluntary Closure	Cleanliness, cross contamination
24/06/2015	Fantasy Wok	Unit 1 Jesmond Drive	Bridge of Don	Aberdeen	AB22 8UR	Take-away	Voluntary Closure	Mouse infestation
26/10/2015	Grosik European Mini Market	530-532 George Street		Aberdeen	AB25 3XL	Retail Shop	Voluntary Closure	Active rat infestation
02/06/2016	Café Creo	13 Smithfield Road		Aberdeen	AB24 4NR	Restaurant/Cafe/Canteen	Voluntary Closure	Active cockroach infestation
30/06/2016	Bigos Polish Cuisine	27-29 Union Terrace		Aberdeen	AB10 1NN	Restaurant/Cafe/Canteen	Voluntary Closure	No running hot water + non Gas Safe Registered Engineer to work on gas boiler
10/08/2016	Happy Uncle Takeaway	367 North Deeside Road	Cults	Aberdeen	AB15 9SX	Take-away	Voluntary Closure	Cross contamination; inadequate separation; lack of cleaning; inadequate temperature control and no comprehension by staff of food safety controls

Date	Busainess Name	Address 1	Address 2	Address 3	Post Code	Premises Type	Enforcement Type	Reason for Closure
06/09/2016	The Flying Wok	Denmore Place		Aberdeen	AB10 1AB	Mobile food unit	Voluntary Closure	No hot water; no temp monitoring/recording; rice left at ambient for uncontrolled period of time; inadequate temp control; premises dirty and no comprehension of food safety controls
08/09/2016	The Sushi Box	Unit F6 Aberdeen Market	8-10 Market Street,	Aberdeen	AB11 5PA	Take-away	Voluntary Closure	No water at whb
10/10/2016	Khyber Pass	143 Spital		Aberdeen	AB24 3HX	Take-away	Voluntary Closure	Poor knowledge of cleaning and cross contamination control
20/10/2016	The Donian	158 Gallowgate		Aberdeen	AB25 1DT	Take-away	Voluntary Closure	Risk of cross contamination between raw and ready-to-eat foods
30/11/2016	Noors Grill	615 Great Northern Road		Aberdeen	AB24 2DB	Take-away	Voluntary Closure	Cross contamination