

**From:** [Foi Enquiries](#)  
**To:** [REDACTED]  
**Subject:** EIR-17-0510 - Food Hygiene (Scotland) Regulations  
**Date:** 19 April 2017 09:28:01  
**Attachments:** [Further Information - Right to Review & Appeal.pdf](#)  
[EIR-17-0510 - Notices Served.pdf](#)

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Dear [REDACTED],

Thank you for your information request of 28 March 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 28th March 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 28th March 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 28th March 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 12th September 2016 to 28th March 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 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.

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.

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\*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)

**EIR-17-0510**

Notices served under Food Hygiene [Scotland] Regulations 2006 – Regulation 6 [for period 12<sup>th</sup> September 2016 to 28<sup>th</sup> March 2017]

Serial No	Name and Address	Contravention	Date Served	Date Expires	Disposal
HI/117/16/VDO	Lionels Takeaway 36 Bridge Street	Article 5	14/9/16	14/10/16	Ceased trading
HI/118/16/VDO	Lionels Takeaway 36 Bridge Street	Annex II Chap XII, Para 1	14/9/16	14/10/16	Ceased trading
HI/119/16/VDO	Lionels Takeaway 36 Bridge Street	Annex II Chap XII, Para 2	14/9/16	14/10/16	Ceased trading
HI/120/16/VDO	Lionels Takeaway 36 Bridge Street	Annex II Chap I, Para 1	14/9/16	14/10/16	Ceased trading
HI/121/16/VDO	Lionels Takeaway 36 Bridge Street	Annex II Chap I, Para 2 [c]	14/9/16	14/10/16	Ceased trading
HI/122/16/VDO	Chez Mo 137 Holburn Street	Article 5	15/9/16	13/10/16	Complied 17/10/16
HI/123/16/VDO	Chez Mo 137 Holburn Street	Annex II, Chap XII Para 1	15/9/16	13/10/16	Complied 17/10/16
HI/124/16/PGJ	New Spice of ASIA 63-65 John Street	Annex II, Chap I, Para 2 [a]	13/9/16	23/10/16	Complied 19/12/16
HI/128/16/NID	Ayisha Tandoori 27 Balnagask Road	Annex II Chapter II, Para 1	14/9/16	29/09/16	Complied 25/10/16
HI/130/16/PGJ	Keystore 18-20 Bedford Avenue	Article 5	19/9/16	23/10/16	Complied 19/12/16
HI/131/16/MU W	Northfield Community Centre	Article 5	27/9/16	25/10/16	Complied 25/10/16
HI/134/16/MU W	Royal Crown 9 Crombie Road	Article 5	29/9/16	27/10/16	Complied 26/10/16
HI/135/16/DKJ	Keystore Grampian Road	Article 5	11/10/16	10/11/16	Complied 7/11/16

HI/136/16/DKJ	Keystore Grampian Road	Annex II, Ch I,	11/10/16	5/12/16	Extension – HI/158/16/DKJ
HI/137/16/VDO	Ayaz 5 School Road	Article 5	11/10/16	11/11/16	Complied
HI/139/16/NID	Wonderful 493 George Street	Annex II Chapter 1 [3]	20/10/16	20/11/16	Complied 23/11/16
HI/140/16/NID	Wonderful 493 George Street	Annex II Chapter 1 [f]	20/10/16	20/11/16	Complied 23/11/16
HI/142/16/NID	Wonderful 493 George Street	Annex II Chapter XII Para 1	20/10/16	20/11/16	Complied 23/11/16
HI/143/16/NID	Asiana 699 Gt Northern Road	Article 5	20/10/16	20/11/16	Complied 12/1/17
HI/144/16/NID	Cjs Snack Bar York Place	Article 5	3/11/16	5/12/16	Complied 20/2/17
HI/146/16/VDO	Silk Road Chattan Place	Wash Hand Basin	25/10/16	5/12/16	Ceased Trading
HI/147/16/VDO	Silk Road Chattan Place	HACCP	25/10/16	5/12/16	Ceased Trading
HI/148/16/VDO	Silk Road Chattan Place	Training	25/10/16	5/12/16	Ceased Trading
HI/149/16/NID	Cjs Snack Bar York Place	Annex II Chapter XII Para 1	3/11/16	5/12/16	Complied 20/2/17
HI/150/16/VDO	Silk Road Chattan Place	Ceiling	25/10/16	5/12/16	Ceased Trading
HI/151/16/NID	Cjs Snack Bar York Place	Annex II Chapte V Para 1	3/11/16	5/12/16	Complied 20/2/17
HI/155/16/VDO	The Hub 12 St Swithin Steet	Article 5	28/11/16	13/01/17	Complied 20/1/17
HI/156/16/VDO	The Hub 12 St Swithin Steet	Annex II, Chapter I, Para 4	28/11/16	13/01/17	Complied 20/1/17
HI/157/16/VDO	The Hub 12 St Swithin Steet	Annex II, Chapt 1, Para 2	28/11/16	13/01/17	Room no longer in use
HI/158/16/DKJ	Key Store 11-13 Grampian Road	Annex II, Chapt I, Para [1]	5/12/16	31/1/17	Complied 31/1/17

HI/159/16/VDO	8848 Restaurant 347 Union Street	Article 5	16/12/16	31/1/17	Complied 7/2/17
HI/1/17/VDO	Fair Deal Foods Ltd 468a King Street	Article 5	26/1/17	1/3/17	Extension – HI/7/17/VDO
HI/2/17/VDO	Fair Deal Foods Ltd 468a King Street	Article 5	26/1/17	1/3/17	Extension – HI/8/17/VDO
HI/3/17/VDO	Bodrum Kebab & Pizza 42 Moir Green	Article 5	7/2/17	10/3/17	Complied 16/3/17
HI/4/17/MUW	Kordoba 311 George Street	Article 5	16/1/17	08/03/17	Complied 9/3/17
HI/5/17/PGJ	Crofters 77 Greenburn Drive	Article 5	3/3/17	02/04/17	Complied 5/4/17
HI/6/17/PGJ	Crofters 77 Greenburn Drive	Annex II, Chapter II, 1c	3/3/17	02/04/17	Complied 5/4/17
HI/7/17/VDO	Fair Deal Foods Ltd 486a King Street	Article 5	22/2/17	1/4/17	Complied 5/4/17
HI/8/17/VDO	Fair Deal Foods 2 Ltd 486a King Street	Article 5	22/2/17	1/4/17	Complied 5/4/17

Notices served under Food Hygiene [Scotland] Regulations 2006 – Regulation 7 [for period 12<sup>th</sup> September 2016 to 28<sup>th</sup> March 2017]

None

Notices served under Food Hygiene [Scotland] Regulations 2006 – Regulation 8 [for period 12<sup>th</sup> September 2016 to 28<sup>th</sup> March 2017]

None

Notices served under Food Hygiene [Scotland] Regulations 2006 – Regulation 9 [for period 12<sup>th</sup> September 2016 to 28<sup>th</sup> March 2017]

Serial No	Name and Address	Contravention	Date Served	Ran Withdrawal	Date Withdrawal Served
RAN/26/16/RUT	Saigon 29a Crown Terrace	Article 5	3/11/16	WRAN/26/16/	22/11/16
RAN/29/16/NID	Ninja Sushi 9 Glenbervie Road	Article 5	8/12/16	WRAN/29/16/NID	20/12/16