



Derby City Council

[REDACTED]
#Spice
74 Vestry Road
Oakwood
Derby
DE21 2BN

Team	Food & Safety Team
Contact	[REDACTED]
Our ref	230620 SOR/HM
Email	[REDACTED]
Tel	[REDACTED]
Deaf people can text	07774 333 412
Date	20 June 2023

Dear [REDACTED]

Food Safety and Hygiene (England) Regulations 2013, Retained EC Regulation 852/2004 and Retained EC Regulation 178/2002

#Spice 74 Vestry Road Oakwood Derby DE21 2BN

I refer to my visit of the above premises on Tuesday 13 June 2023 and my discussions with [REDACTED], [REDACTED]. I also refer to our telephone conversation during the visit.

The purpose of my visit was to carry out a food hygiene inspection. I based my food hygiene inspection upon potential food poisoning hazards, contamination risks and control measures.

The following areas were inspected at the time of my visit:

- Kitchen
- Servery
- Rear Yard
- First floor storage/preparation areas
- Cold Room
- Toilet

Inspection Report

I have enclosed a copy of your inspection report. Schedule A lists legal requirements, which must be completed. Schedule B lists recommendations of good practice, intended to improve working practices. Schedule C includes photographs taken at the time of the inspection.

Continued

The Council House, Corporation Street, Derby, DE1 2FS
www.derby.gov.uk

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This inspection report contains only those issues identified at the time of the inspection. It is your responsibility to ensure that your business complies with all relevant legal requirements on an ongoing basis.

Food Hygiene Rating

Derby City Council operates the national Food Hygiene Rating Scheme.

Your rating has been calculated as follows, based on the standards found at the time of inspection:

Compliance with food hygiene and safety procedures	15
Compliance with structural requirements	15
Confidence in management/control procedures	20
Total score	50
Food hygiene rating	1 Major Improvement Necessary

Details of how your rating was calculated are contained on our website, www.derby.gov.uk/food-safeguards. Paper copies can be provided on request.

A sticker showing your rating is enclosed. Please destroy the sticker showing your previous rating as only 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.

Your rating will also be published on the Food Standards Agency's website at www.ratings.food.gov.uk approximately five weeks from receiving this letter. You may request that the rating is published before this time. A form to make the request is available on the Council's website, www.derby.gov.uk/food-safeguards.

Derby City Council is a public body for the purposes of the Freedom of Information Act 2000 and information may be disclosed in accordance with the provisions of that Act or its statutory Publication Scheme. Please note that regular requests are made to this Department for copies of the inspection letters relating to food premises that have been rated as a 0, 1 and 2 under the scheme.

Safeguards

Forms and further information is available on the Council's website, www.derby.gov.uk/food-safeguards. Paper copies of forms can be provided on request.

Continued

Appeal

If you feel that the rating is unjust you have 21 days to appeal. An appeal may be lodged by submitting a completed Business Appeal form.

I recommend that you contact me first so that I may explain your rating scores.

Re-score

If you make improvements, you can request a re-visit to generate a new food hygiene rating. There is a charge of £197 for each re-score visit. Payment must be made online at www.derby.gov.uk/food-pay and the Business Revisit Request form submitted.

Right to Reply

Your comments can be published online, alongside your rating, to explain unusual circumstances or action taken since the inspection. You must complete and return the 'Business Right to Reply' form.

You must implement the work relating to a change in working practices and cleaning immediately and all other items by 1 August 2023. I will revisit the premises after this time to check compliance.

Please contact me if you have any questions or concerns about your inspection report or about your food hygiene rating.

My manager, [REDACTED] would welcome any feedback about the inspection, please email [REDACTED]. Any information will be treated in confidence and used solely for performance monitoring and improving our services.

Data Protection

The Food and Safety Team is committed to protecting and respecting your privacy when you use our services. Please visit <https://www.derby.gov.uk/privacy-notice/> for further information. Printed copies are available on request.

If you choose to release your letter to others, please ensure that that name and contact details of the inspecting officer(s) is not disclosed to third parties without prior authorisation from the Council.

Yours sincerely

[REDACTED]

Senior Environmental Health Officer

Continued

Encls: Inspection Report - Schedules A, B and C
Premises' Sticker
Derby City Controlling '*E.coli* O157' Leaflet
Derby City Council E Coli Check sheet
Monthly Hygiene Checklist
GM Oils Poster
Food Allergen Information and Controls for Caterers

Copy to:



Inspection Report: #Spice 74 Vestry Road Oakwood Derby DE21 2BN

Date of Inspection: 13 June 2023

Schedule A (Legal Requirements)

Food Hygiene and Safety Procedures

This part of your inspection examines your food handling practices and procedures and temperature control. I examined the operations you carry out within your business and the controls you have in place to ensure food safety, for example your contamination controls and compliance with the *E.coli* guidance. As a result of my visit, you score a 15 in this area which I believe is fair and reflective of the issues found. This means there are some major non-compliances with statutory obligations and that more work is required to prevent fall in standards.

Hand Washing

Effective hand washing is fundamental to prevent cross contamination and to maintain good food hygiene controls. The following issues were identified in relation to hand washing during my visit and must be addressed:

1. The location of the wash hand basin in the cooking area made it difficult for food handlers to access it to wash their hands, consequently staff were found washing their hands at the kitchen sink, posing a risk of contamination. The wash basin must be moved to a more suitable location, i.e. near the sink area or provide an additional wash basin near the sink area which is accessible by all.
Retained Regulation (EC) No. 852/2004, Annex II, Chapter IX, Paragraph 3
2. The wash basin upstairs was obstructed with rubber gloves and a plastic bowl and there was no soap or hand drying facilities up here. As you prepare salad items up here, you must ensure the wash basin is kept clear and that you have soap and hand drying facilities.
Retained Regulation (EC) No. 852/2004, Annex II, Chapter I, Paragraph 4
3. I observed the gentleman who works behind the servery counter handle a raw burger and then go to undertake other tasks without washing his hands, posing a risk of cross contamination. He only washed them because I prompted him. Food handlers need reminding and re-training on the importance of regular hand washing, particularly:
 - After using the toilet
 - After handling rubbish
 - After smoking
 - After taking a break
 - After handling raw food, to prevent cross contamination.*Retained Regulation (EC) No. 852/2004, Annex II, Chapter VIII, Paragraph 1*

Continued

Protective Clothing

4. Upon my arrival one of the chefs was having a cigarette outside, in his apron, posing a risk of contamination. Food handlers can have cigarette breaks but they must ensure food safety is not compromised by removing their protective clothing. Upon returning to the kitchen, hands must be washed and their protective clothing/apron, put back on.
Retained Regulation (EC) No. 852/2004, Annex II, Chapter VIII, Paragraph 1
5. The gentleman working in the servery area was preparing and cooking food but was not wearing any protective clothing. You cannot cook and prepare foods in the clothes you come to work in and must wear appropriate protective clothing such as an apron or work t-shirt.
Retained Regulation (EC) No. 852/2004, Annex II, Chapter VIII, Paragraph 1
6. The chef/delivery driver returned from a delivery and would have started to cook without putting on an apron if I had not prompted him. He then proceeded to put on a dirty apron. Protective clothing must be clean and washed daily on a hot wash cycle.
Retained Regulation (EC) No. 852/2004, Annex II, Chapter VIII, Paragraph 1

E.coli Guidance / Cross contamination

As you are handling raw meat and soiled salad items (lettuce and onion) as part of the business you must ensure you are complying with the *E.coli* O157 guidance. Whilst you had attempted to separate out the preparation of raw and ready to eat foods, there were still some cross contamination issues, and areas where you were not complying with the guidance. I have enclosed a leaflet to provide you with further information in relation to the guidance, along with an *E.coli* check sheet so you can carry out your own audit to ensure you have implemented procedures.

The following issues were identified which will need your attention:

7. I asked a food handler to show me what he would use to clean food and hand contact surfaces and was initially shown a bottle of Dettol spray which is not suitable for commercial businesses. Eventually I was shown two bottles of Entire Pro Sanitiser which meets BS EN 1276. You must take the Dettol spray bottles home so that they cannot accidentally be used by food handlers for the cleaning of food and hand contact surfaces as they do not meet the required British Standard for cleaning.
8. I was concerned to establish that food handlers are washing raw meat in a colander at the sink prior to cutting and marinading it. This creates a risk of harmful bacteria spreading onto surfaces and then onto other foods. There is no benefit to washing raw meat, it is thorough cooking that makes meat safe to eat and will evaporate the blood and kill bacteria down to a safe level.

Continued

You must not wash raw meat, as it is unnecessary and creates a risk of cross contamination.

Retained Regulation (EC) No.852/2004, Annex II, Chapter IX, Paragraph 3

9. Whilst you had a separate raw meat knife which was stored separately you must ensure you have separate knives for the preparation of ready to eat foods such as salad. I found your green (salad) chopping board upstairs but could not find any other knives. You must remember that equipment that comes into contact with ready to eat foods must be clean and maintained in a clean condition as the foods they come into contact with are not going to be cooked prior to being eaten.

Retained Regulation (EC) No.852/2004, Annex II, Chapter IX, Paragraph 3

10. Raw shell eggs were found stored on the top shelf of your kitchen fridge amongst ready to eat foods. You must ensure there is clear separation between raw and ready to eat foods in your fridges and freezers. Raw foods must be stored separately and below ready to eat foods.

Retained Regulation (EC) No. 852/2004, Annex II, Chapter IX, Paragraph 3

11. The same tongs were being used to handle raw and cooked shish meat at the grill in the servery area, posing a risk of cross contamination. You must ensure you have separate and clearly identifiable serving tongs for placing raw shish onto the grill and taking cooked shish off. These tongs must be sported separately so that they cannot come into contact with each other.

Retained Regulation (EC) No. 852/2004, Annex II, Chapter IX, Paragraph 3

12. Upon my arrival at the premises there were dirty sponges and a scourer in the kitchen sink, and I was concerned about the use of the sink area which is used to wash raw meat and equipment that comes into contact with raw and ready to eat foods.

You must stop washing raw meat (as pointed out in item 8 above) and you must put controls in place to ensure that equipment which comes into contact with raw foods (chopping boards, knives and storage buckets etc.) are washed separately using a separate and clearly identifiable sponge that cannot come into contact with equipment used to prepare ready to eat foods. The sink and surrounding area including the taps must be cleaned and disinfected using a two stage clean after washing raw equipment.

Retained Regulation (EC) No. 852/2004, Annex II, Chapter IX, Paragraph 3

Continued

Physical Contamination

13. The structure and level of cleaning throughout the kitchen was poor (please see points below) which could result in contamination of your food. I understand following our telephone conversation that it is your intention to close the business for a couple of weeks to carry out a refurbishment and undertake structural improvements.

Retained Regulation (EC) No. 852/2004, Annex II, Chapter I, Paragraph 1

Risks of Microbial Growth

14. Your display fridge was not working properly, and it was disappointing that the food handlers had not picked up on this issue at the start of the evening. At the time of my visit, I found the temperature of cooked meat stored in the display fridge to be 22°C, posing a risk of microbial growth. Consequently, the cooked meat pizza toppings were voluntarily thrown away. Whilst I appreciate you had an engineer visit and repair the unit the following the day, you must ensure that whoever is in charge of the business checks equipment is working at the start of the evening and take appropriate action to ensure food safety. I remind you that fridges must be capable of storing high risk foods at 8°C or below. For further guidance on this, please see recommendation 1 in Schule B below.

Schedule 4, Paragraph 2(1), The Food Safety and Hygiene (England) Regulations 2013

15. None of the prepared/cooked foods stored in your refrigerators were date labelled. Current Government guidance states that the shelf life of cooked/prepared food should not exceed 48 hours. Therefore, food cooked or prepared on a Monday should either be used or thrown away by the end of Wednesday. You must introduce a labelling system as detailed in the SFBB pack to ensure this can be followed.

Retained Regulation (EC) No. 852/2004 Article 5

Structural Requirements

This part of your inspection looks at the structural condition of the establishment including cleanliness, layout, condition of structure, lighting, ventilation, facilities etc. As a result of my visit, you score a 15 in this area which I believe is fair and reflective of the issues found. This again means there are some major non-compliances with statutory obligations and that more work required to prevent fall in standards.

16. Although food preparation surfaces were clean, cleaning to wall surfaces, windowsills used to store equipment, shelving, hand contact points such as fridge handles, switches etc. were poor. Photographs of the poor standards of cleaning can be found in Schedule C. These issues must be addressed, and the premises maintained in a clean condition going forward.

Retained Regulation (EC) No. 852/2004, Annex II, Chapter I, Paragraph 1

Continued

17. The structural condition of the premises was found to be poor, and the following issues identified which need to be addressed:

- There was a gap at the wall/floor junction to the right of the sink area and daylight could be seen as the other side of this cladding was a rotten external door. This door needs repairing/replacing or bricking up and the gap between the cladding and the floor sealed to deny pests access to the premises.
- The back door was rotten and ill fitting. Even when closed and locked there were gaps which could allow mice into the premises. This back door needs repairing/replacing to remove these gaps.
- Wall surfaces throughout the kitchen were dirty and there was a damaged piece of plastic cladding between the sink and the back door area which requires repairing/replacing.
- Wall surfaces up the stairs and in storage rooms were dirty and require cleaning/repainting. Storage areas were cluttered and in need of organising.
- The kitchen ceiling was in a poor condition with cracks and parts taped up. It was also very smoke stained indicating that there may be a problem with your extract ventilation system.
- The high-level shelving in the kitchen above the raw meat preparation area was warped and in a poor condition, it was also lined with cardboard which is absorbent and not capable of being wiped clean. Cardboard is not acceptable to be used as a covering.
- The door frame to the dry storage cupboard was dirty, the floor between the kitchen and this cupboard was also dirty and there were bare wooden shelves in this cupboard which again were lined with greasy cardboard which is not capable of being wiped clean.
- The windows and windowsills in the kitchen were dirty and in a poor condition. As the sills are used for storage, they must be maintained in a clean sound condition.
- The floor paint to the first-floor preparation area was wearing off and requires resealing or replacing so the floor can be cleaned and maintained in a clean condition.
- The floor to the cold room entrance was lifting trapping dirt and needs repairing/replacing.

Continued

- There were bare wooden edges to the work surface in the first-floor preparation area. Bare wood cannot be kept clean. You need to seal these edges or fit edging strips.

Regulation (EC) No. 852/2004, Annex II, Chapter II, Paragraph 1

I appreciate that you have plans to improve the structure of the premises. Please keep me informed on these plans and I look forward to seeing improvements at my revisit in August.

Confidence in Management/Control Procedures

This part of your inspection is about assessing your management systems. It looks at your food safety procedures and how well they are being implemented along with training and my judgement about how well standards are likely to be maintained in the future. Given the non-compliances above and that you received a 10 for Confidence in Management at the last inspection and standards have deteriorated, you have scored a 20 in this area (there is no score of 15 for Confidence in Management). This means there is a varying record of compliance, with insufficient food safety knowledge and understanding. Unsatisfactory progress has been made in terms of developing and implementing food safety management procedures since the last intervention rating. The following issues now need urgently addressing.

18. There were some potentially uncontrolled hazards seen, as detailed under the heading of 'Food Hygiene and Safety Procedures' and 'Structural Requirements' above. This leads me to believe there is insufficient food safety knowledge and understanding within the business along with a poor appreciation of hazards, risks and control measures.

You must put in place effective controls for these hazards identified above, as well as including these controls into your documented food safety management procedures, ensure staff are fully trained in these control measures and undertake monitoring.

Regulation (EC) No. 852/2004 Article 5

19. As discussed, you are required to have a written food safety management system.

For this purpose, you must:

- Identify relevant hazards and any associated checks or procedures in your business that are needed to make certain that the food you produce is safe.
- Put in place practices and procedures that would control potential problems.
- Document the above and maintain monitoring records.

Whilst I appreciate you had a bespoke food safety management system written by a consultant, this did not reflect the activities being undertaken such as the washing and cutting of raw meat.

Continued

You also had a copy of the pack developed by the Food Standards Agency called "Safer Food, Better Business" (SFBB), but this had not been filled in.

There were no monitoring records on site to show that you were monitoring any food hazards such as temperature records and when we spoke about this on the telephone you told me these were in your car. There is no reason for you to take monitoring records home with you. They relate to the business and must be kept here for officers from this Department to see upon request.

You must ensure that the safe methods in the SFBB pack are completed to reflect the controls implemented within your business and ensure that all food handlers are trained on this pack, the procedures you expect them to follow, and the monitoring records you expect them to keep.

Regulation (EC) No. 852/2004 Article 5

20. The law requires all food handlers to be given appropriate instruction and/or training. The actual level of instruction will depend on the duties the food handler is carrying out. You do not appear to be satisfying these criteria at the present time as highlighted in the issues found at my inspection. You must ensure that all food handlers engaged in your food business are supervised, instructed and/or trained in food hygiene matters to a level appropriate to their work activity. For further guidance on this please see point 2 in Schedule B below.

Retained Regulation (EC) No. 852/2004, Annex II, Chapter XII, Paragraph 1

Allergens

21. Although you have had a visit from Trading Standards to help you with your allergen information in November 2021, your information was still not complete and up to date.

As you are aware, allergy labelling rules require food businesses like you that provide non-pre-packed foods or loose foods to identify any allergenic ingredients. There are 14 listed allergens that need to be considered and you will have to supply information for every item on your menu that contains any of these 14 allergenic ingredients. Further guidance for businesses on meeting this legal requirement can be found at <http://www.food.gov.uk/business-industry/allergy-guide>.

I look forward to reviewing this completed work with you at my next visit. Until you are confident you can guarantee food does not contain an allergen you must not provide allergen free food. If this information is not complete by my next visit, I will have to pass this information back on to our Trading Standards Team who may revisit and look at serving an Improvement Notice on you for this.

Regulation 5, The Food Information Regulations 2014

Continued

22. There is now new legislation in place which requires foods such as sauces that are prepared and packaged in advance of a customer's order to be labelled with the name of the product, a full list of ingredients and any allergens present emphasised within the list. To avoid having to label these I suggest you tub them up to order. If you decide to have labels made, please contact me for further advice prior to having them printed.

Regulation 5A, The Food Information (Amendment) (England) Regulations 2014

Genetically Modified Ingredients

23. As you use KTC Oil which contains genetically modified soya, then you must display the poster enclosed in your customer area. Alternatively, you could change the oil you use. Rapeseed oil does not contain any genetically modified ingredients.

If you are to continue using this KTC oil, you must also remember to include it in your allergen matrix as anything which you cook or use this oil in will contain Soya, which is a food allergen.

The Genetically Modified Organisms (Traceability and Labelling) (England) Regulations 2004

Schedule B (Recommendations)

1. For accurate temperature monitoring, I recommend you place a block of lard or jelly in each refrigerator labelled 'For food testing purposes - do not eat' and probe this on a daily basis to ensure that foods are kept at, or below 8°C. You should monitor and record the temperature daily to demonstrate this.
2. You should consider contacting a food hygiene consultant/trainer to carry out on site specific food hygiene training appropriate to the nature of your business for you and all food handlers. Alternatively, all food handlers within the business should undertake level 2 food hygiene training.
3. To ensure you are fully compliant with the latest E.coli controls I enclose an E.coli Check sheet for you to complete and follow. For information this guidance can be found on the Food Standards Agency website.
<http://www.food.gov.uk/foodindustry/guidancenotes/hygguid/ecoliguide>
4. You should contact The Meat Centre to enquire about getting your meat pre-cut/marinated to minimise the amount of raw meat preparation you have to do, thus minimising food safety risks.

Continued

5. You should complete all temperature monitoring (refrigeration, core cooking temperatures and hot hold temperatures) and record these daily. I remind you that fridges should keep food at 8°C and below, foods must be cooked to 75°C and above and kept hot at 63°C and above.
6. Probe thermometers should be checked regularly (monthly) for accuracy. As a helpful reference in doing your own checks, tap water and ice mixture should measure between -1°C to +1°C, and boiling water should measure between 99°C and 101°C. If your thermometer appears not be working correctly it should be replaced or sent for a service. For further advice refer to the manufacturer's instructions. I strongly recommend these checks are recorded.
7. Free online allergen training can be obtained at:
<https://allergytraining.food.gov.uk/>

Multilingual allergen advice is available at:

<https://www.tradingstandards.uk/practitioners/food-allergen-resource>

Schedule C – Photographs



Photo 1 – Dirty sponge and scourer in sink.



Photo 2 – Mouldy sealant to sink and hand soap at sink.



Photo 3 – Mouldy plastic partition wall surface to left of sink.



Photo 4 – Dirty open window and window bars in kitchen. Windowsill below this used for storage.



Photo 5 – dirty windowsill used to store food storage containers and equipment for assembling a kebab.



Photo 6 – dirty draining rack above sink



Photo 7 – Dirty windowsill area lined with paper and used as shelf for storage.



Photo 8 – Bare wooden shelving in dry cupboard off kitchen lined with dirty cardboard.



Photo 9 – Dirty door frame to dry cupboard off kitchen.



Photo 10 – Dirty, damaged smoke-stained kitchen ceiling.



Photo 11 – Dirty, damaged smoke-stained kitchen ceiling.



Photo 12 – Dirty food storage container.



Photo 13 – Raw eggs stored on top shelf of fridge.



Photo 14 – Warped shelving lined with dirty cardboard and dirty wall surfaces.



Photo 15 – Dirty damaged kitchen wall by sink area.



Photo 16 – Dirty wall surface adjacent to raw meat cutting area.



Photo 17 – gap between floor and cladding in the sink area which could allow mice into the business. A rotten wooden door is external to this area with gaps.



Photo 18 – rotten wooden door on the exterior of the cladded area to Photo 17.



Photo 19 – missing external drain cover.



Photo 20 – Dirt to wall surfaces and underside of sink area.



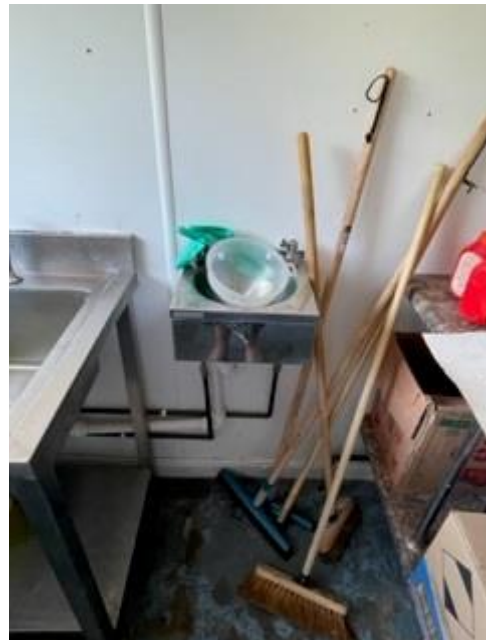
Photo 21 – Dirty wash basin area – poorly fitted cladding which traps dirt.



Photo 22 - Dirty rotten/ill fitting back door. When locked there are gaps which could allow mice into the business.



Photo 23 – rotten back door, gaps which could allow mice ingress.



Photos 24 – obstructed wash basin in first floor preparation area. No soap or a hygienic means of drying hands.



Photo 25 – Paint wearing off floor surface in first floor preparation area.



Photo 26 – Paint wearing off floor surface in first floor preparation area



Photo 27 – Paint wearing off floor surface in first floor preparation area



Photo 28 - Damage to floor covering in cold room, trapping dirt and debris.



Photo 29 – Dirty hand contact points to cold room door.



Photo 30 – Bare wooden edges to work surface.



Photo 31 – Dirty light switch



Photo 32 – Dirty switch to instantaneous hot water heater in the toilet.