



Derby City Council

Inspection Report: Yum Burger, 205 – 207 Normanton Road, Derby, DE23 6US

Date of Inspection: 15 May 2024

Schedule A (Legal Requirements)

Food Hygiene and Safety Procedures

Temperature requirements

1. I was disappointed to find that your fridges within the kitchen were operating at temperatures which were too high and would likely support the growth of food poisoning bacteria or the formation of toxins in high-risk foods.

The air temperature of the upright fridge was recorded at 14.1°C and food was measured to be 13.8°C. The air temperature of the fridge next to the sinks was measured to be 16.3°C and food was recorded to be 13.6°C. The air temperature of the fridge next to the griddle was recorded as 14.1°C.

High risk foods must not be stored at temperatures of 8°C or above, an air temperature of 5°C or below should achieve this.

I was also disappointed to find your walk-in freezer was not working correctly and was operating with an air temperature of 1.8°C, foods had started to defrost. The freezer next to your freezers was also not working and operating with an air temperature of 17.8°C, again foods had defrosted.

You must arrange for these refrigerators to be repaired or be replaced. You must ensure these fridges are not used until you are certain they are capable of keeping high risk foods at or below 8°C. You must also arrange for the freezers to be repaired. Foods which have started to defrost must not be re-frozen.

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

At the visit high risk foods in these chillers were either thrown away or moved to your walk-in chiller which was operating at a correct temperature. Despite this, food handlers made the decision to close so that the refrigerators and freezers could be repaired. I understand following my visit a refrigeration engineer has visited and re-gassed the units and you reopened later the same day. Despite this, at my revisit I was disappointed to find that two fridges were still not operating at temperatures which would keep high risk foods at 8°C or below, I understand you are waiting for your fridge engineer to return to carry out further works, but in the meantime you are operating using the 4 hour rule.

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You must ensure you have robust systems in place to ensure high risk foods are not left out of temperature control for more than a single period of up to 4 hours. Please see point 4 within Schedule B.

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2. Prepared salad was displayed at room temperature. You are reminded that high-risk foods intended to be served cold, can only be kept for service or on display for sale for up to 4 hours if the temperature of the food is above 8°C. After 4 hours, the food must be refrigerated until it is sold or served. The food must not be displayed again at room temperature.
Schedule 4, Paragraph 5(1), The Food Safety and Hygiene (England) Regulations 2013

E.coli Guidance

As you are handling raw meat and soiled vegetables as part of the business, you must ensure you are complying with the *E.coli* O157 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 and must be addressed:

3. You must ensure all reusable cloths are boil washed (at a temperature of 80°C or above) between uses to kill any harmful bacteria.
Assimilated Regulation (EC) No.852/2004, Annex II, Chapter IX, Paragraph 3
4. Identical containers were being used for raw and ready to eat foods. Once a container has been used to store raw meat it must not be used to store any ready to eat foods as it cannot be adequately cleaned, and heat sanitised. You will need to implement a system of identifying which containers are used for raw and which are suitable for ready to eat foods.
Assimilated Regulation (EC) No. 852/2004, Annex II, Chapter I, Paragraph 2(c)
5. As you do not have a dishwasher you cannot adequately heat disinfect equipment between uses. This means you must ensure that any utensils and equipment used for raw foods are stored separately from those used for ready to eat foods. At the time of my visit all your chopping boards were being stored in the same rack and all your knives were stored together on the same magnetic strip. These must be separated.
Assimilated Regulation (EC) No. 852/2004, Annex II, Chapter I, Paragraph 2(c)
6. It was noted that food handlers were not wearing any suitable and clean over-clothing. You must ensure that all persons working in food handling areas wear suitable, clean and where appropriate, protective clothing. As

discussed, you must ensure separate food aprons are being worn when breasting raw chicken, this apron must be stored separately.
Assimilated Regulation (EC) No. 852/2004, Annex II, Chapter VIII, Paragraph

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Structural Requirements

7. The following cleaning issues were identified during the inspection:

- There was dirt and debris at low levels throughout the kitchen, especially at wall floor junctions and behind equipment. Skirting boards were also dirty (see photos 13 and 14 within Schedule C).
- Equipment such as the sandwich press was filthy (see photograph 10), the motor to the drinks dispenser was dirty and dusty (see photograph 12), the internal surfaces of equipment such as fridges and freezers were dirty (see photograph 6).
- Paintwork throughout the kitchen was dirty, especially skirting boards and door frames, these need to be cleaned and repainted (see photographs 7 & 8).
- Hand contact points throughout were filthy, especially door handles, switches and equipment controls.
- There was a build up of grease to the rear yard (see photograph 15) as I understand you had tried to dispose of this down the outside drain. You must ensure that you dispose of grease correctly and not down the drain as this may cause blockages in the drainage system.

You will need to ensure these areas are given your attention and are cleaned. You must also ensure these areas are included within your cleaning schedule and that they are maintained in a clean condition.

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

I was disappointed that these issues were still outstanding at my revisit and had not been addressed.

8. The following structural defects were identified during the inspection which you will need to address:

- The tap to the sink was damaged and a repair had been attempted using cable ties, tape and a rubber glove which had started to go mouldy (see photograph 4). As this cannot be cleaned and sanitised, the tap must be repaired or be replaced. The tape must also be removed from the unit

where prepared salad is being stored as this cannot be cleaned or maintained in a clean condition.

- The sealant behind the wash basin was perished and was starting to go mouldy (see photograph 9). The sealant must be replaced with a suitable material, for example mastic to enable this to be adequately cleaned.

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- The floor covering was starting to come away from the wall resulting in dirt becoming trapped (see photograph 13 and 14). This will need to be resealed.
- The step from the pot wash area into the rear yard was damaged. This needs to be repaired.
- There were gaps around the door to the walk-in chiller. This could allow pest access into the chiller but could also allow cold air to escape which could result in increasing chiller temperatures resulting in the unit having to work harder. The seal will need to be repaired to reduce the gaps.
- The chiller floor needs to be cleaned and repainted so that it can be maintained in a clean condition.
- The light in the storage area behind the server was not working meaning this area was dark. The light needs to be repaired or be replaced.

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

9. The filters were missing from their position in the canopy (see photograph 11). Appropriate filters must be installed immediately to reduce nuisance from odours and avoid grease accumulating in inaccessible parts of the ducting which could pose a fire hazard.

Assimilated Regulation (EC) No. 852/2004, Annex II, Chapter I, Paragraph 5

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

10. You must not use cardboard to line shelves and surfaces next to your frying equipment as it cannot be kept clean and will shed particles. You must also stop using cardboard to cover windows as again this cannot be cleaned.

Assimilated Regulation (EC) No. 852/2004, Annex II, Chapter I, Paragraph 2(b)

Confidence in Management/Control Procedures

11. 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.

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The easiest way to comply with this requirement would be to obtain a Safer Food Better Business pack, a pack which has been created by the Food Standards Agency to help caterers comply with this Legal Requirement. You must ensure you complete the safe methods at the front of the pack to reflect the controls you have implemented within your business and train all food handlers in relation to the pack. The pack can either be downloaded and printed from the Food Standards Agency Website at https://www.food.gov.uk/sites/default/files/media/document/sfbb-caterers-pack-fixed_0_3.pdf or you can purchase a copy from the council for £20 at www.derby.gov.uk/food-pay

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

12. There were some potentially uncontrolled hazards seen, as detailed under the heading of 'food hygiene and safety procedures' and 'Structural Requirements' above indicating you had not implemented any food hygiene procedures. You must put in place effective controls for these hazards 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. You must ensure your HACCP procedures control all food hazards.
Regulation (EC) No. 852/2004 Article 5
13. You must implement a procedure to check your refrigeration equipment is working correctly. Although the displays of the units were showing high temperatures, I was told by food handlers that the displays were faulty, but the fridges were working. When I asked how they had checked the temperatures as there were no thermometers in the fridges, I was told fridge temperatures had not been checked. As discussed, you can check the temperature of the fridges by placing an independent thermometer in the fridge to check the air temperature, a temperature of 5°C or below should keep high risk foods at 8°C or below. Alternatively, you can place a food simulant such as a block of butter or jelly labelled for testing purposes into the fridges and probe this to ensure it is below 8 °C.
Assimilated Regulation (EC) No. 852/2004 Article 5

Whilst you had started to keep records at my revisit, no temperatures had been checked or recorded since 23 May 2024. I remind you that these records will help to

form your due diligence defence in the event of a problem and any missing records could weaken this defence.

14. Although food handlers were completing a diary sheet to say opening and closing checks were being completed, there was no record as to what these checks involved and when asked food handlers were not confident in what they were checking. You must ensure food handlers are aware of what they need to be checking as part of their opening and closing checks.
Assimilated Regulation (EC) No. 852/2004 Article 5

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Health and Safety

The health and safety inspection was risk based, focusing only on those risks highlighted nationally, or locally as a priority for your industry group, plus any matters of evident concern noted during the visit. You must, however, ensure you manage all risks associated with your business.

I enclose a factsheet to remind your responsibilities under health and safety law

We are currently reminding businesses of their duty to manage asbestos and ensure work on fragile roofs is undertaken safely. I enclose two leaflets produced by the Health and Safety Executive that simply inform you of the duties placed on you as business owner - ***'Fragile Roofs – Safe Working Practices and Managing Asbestos in Buildings'***.

The following matters were identified during the visit which require your attention:

- The fire alarm was hanging off the wall exposing the external wires. There was also a plug socket in the kitchen which had scorch marks.

You will need to ensure all electrical circuits and appliances are maintained in a safe condition. To achieve this programme of preventative maintenance must be set up to identify and remedy defects before they can cause danger. Visual checks should be undertaken regularly, and any defects promptly rectified. In addition, the electrical installation and appliances should be checked at intervals recommended by a competent electrician. The fixed installation should be inspected and tested in accordance with the current Institute of Electrical Engineers (IEE) Wiring Regulations. Earthed portable appliances used on the premises should be tested. The date of the test, description of the appliance, electrician's comments and next test date should be recorded.
Regulation 4, Electricity at Work Regulations 1989

You must also ensure the fire alarm system is still working correctly.

- You must arrange for the old CO² cylinders to be removed from the rear yard. You must also ensure the cylinders in the storage area are restrained (chained).

Schedule B (Recommendations)

1. I would recommend you use a ready to use antibacterial cleaner rather than a product which requires dilution. This would remove any risk of the product being diluted incorrectly.

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2. I would strongly recommend you record your temperature checks (fridge checks, hot hold temperature checks etc.) in writing as these will help to form your due diligence defence in the event of a problem.
3. I understand you use an infra-red gun to check temperatures of food, as well as carrying out visual checks. I would strongly recommend you do not rely on the infra-red gun to check temperatures of cooked and hot hold foods as this will only measure the surface temperature whereas you need to be checking the core temperature of foods.
4. I would recommend you keep documented records showing how long foods have been kept outside of temperature control to show you are operating within the 4 hour rule.