



Derby City Council

C & A Inns Limited
9 Market Square
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MK11 1BE

**For the attention of – The Company
Secretary**

Team	Food and Safety
Contact	231009 EO/HM
Our ref	231006EJB The Shakespeare
Email	[REDACTED]@derby.gov.uk
Tel	01332 [REDACTED]
Deaf people can text	07774 333 412
Date	11 October 2023

Dear Sir/Madam

**Food Safety and Hygiene (England) Regulations 2013, Retained EC Regulation
852/2004 and Retained EC Regulation 178/2002
Health and Safety at Work etc. Act 1974 and Associated Regulations**

The Shakespeare 16 Sadler Gate Derby DE1 3NF

I refer to my visits of the above premises on 4 and 6 October and my discussions with [REDACTED] (General Manager) [REDACTED] (Executive Head Chef) and [REDACTED] (Deputy Manager). The purpose of my visit was to carry out a food hygiene inspection and health and safety inspection. I also revisited the premises on 10 October 2023, accompanied by [REDACTED] (Building Inspector).

I based my food hygiene inspection upon potential food poisoning hazards, contamination risks and control measures. The health and safety inspection was risk based, focused only on those risks highlighted nationally, or locally as a priority for your industry group, and general observation of your practices and procedures.

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

- Bar, Cellar and WCs
- Cocktail Bar and Outside Areas
- Kitchen, Smoking Area, x 2 Upstairs Kitchens
- Office

Inspection Report

I have enclosed a copy of your inspection report.

All works must be completed, except for recommendations of good practice, which are intended to improve working practices. These are clearly identified separately in the report.

Continued

Communities and Place, The Council House, Corporation Street, Derby, DE1 2FS
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

I realise you will be disappointed with the above rating, but your rating is based on what was observed at the time of my inspection. I did try and engage with you prior to opening. An email was sent on 5 September 2023, requesting you to register and contact me for pre-opening advice, however this offer of help was not taken up. I also advised [REDACTED] (Star Pubs) you had not registered on 22 September 2023, [REDACTED] assured me you had extensive experience and all requirements would have been considered and implemented.

For your information many matters were dealt with at the time of my revisit on 6 October 2023.

For your information I have referred my concerns with regards to fire safety (flat roof fire exit, proximity of smoker/BBQ to the wooden Kitchen, the use of charcoal/wood inside the Kitchen, unavailable fire risk assessments etc.) to Derbyshire Fire and Rescue Services.

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 (or inaccurate) rating may constitute an offence under the Consumer Protection from Unfair Trading Regulations 2008.

Continued

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

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 **4 January 2023**. I will revisit after this time to ensure all works have been completed.

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] [@derby.gov.uk](mailto:[REDACTED]@derby.gov.uk). Any information will be treated in confidence and used solely for performance monitoring and improving our services.

Continued

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



Premises' Sticker (to cc)
Derby City Controlling '*E. coli* O157' Leaflet (to cc)
Derby City SFBB '*E. coli* O157' Insert (to cc)
Audit Sheet (to cc)
Food Allergen Information and Controls for Caterers (to cc)

Copy to: [REDACTED] General Manager, The Shakespeare, 16 Sadler Gate,
Derby, DE1 3NF

Email cc: [REDACTED]

Inspection Report: The Shakespeare 16 Sadler Gate Derby DE1 3NF

Date of Inspection: 4 and 6 October 2023

Food Hygiene and Safety Procedures

At the time of my visit on 4 October 2023, I discussed your food safety controls in detail, and although some of your procedures were satisfactory there were some uncontrolled hazards which require urgently addressing. For your information some of these items had been resolved at my revisit on 6 October 2023.

1. There were some significant issues with stock rotation and storage at the time of my inspection. The following foods made on the premises had exceeded your internal use by dates (indicated in brackets):

- Broccoli (x 3 tubs) (01/10/23)
- Lemons (03/10/23)
- Gem lettuce (03/10/23)
- Tomatoes (03/10/23)
- Mac and cheese (x 9 tubs) (03/10/23)
- Chicken (03/10/23)
- Ribs (03/10/23)
- Pumpkin (03/10/23)
- Garlic Butter (03/10/23)
- Brownies (x 2 tubs) (03/10/23)

In addition, I left your Executive Chef to complete checks of your raw meat fridge and pizza topping fridge. I did note there were also many out of date items in these units.

You must implement the system you have set up to ensure food items are used within their shelf life. You must check your goods daily to ensure efficient stock rotation and ensure that all foods are removed after their given 'use by' date. I also remind you product instructions for storage must be followed, as I noted a partially used container of mayonnaise at room temperature despite clear storage instructions that it must be refrigerated after opening.

Retained Regulation (EC) No. 852/2004, Article 5, Article of Regulation 178/2002

Recommendation 1

You need to reconsider shelf life for all your food products, as clearly some low risk items can have a longer shelf life than 3 days (day of preparation + 2 days). This should be documented and be clear for all staff to follow.

Continued

2. By virtue of your menu, there is extensive handling of raw (meat and soiled vegetables) and Ready-to-Eat (RTE) food items at your premises. I have serious concerns about your ability to protect RTE foods from any risk of contamination throughout your handling processes, in that:

- Dettol was in use at the time of my first visit. This was not suitable because it does not meet the BS EN Standard, or equivalent. At the time of my revisit, you had changed it to a product that meets with the BS EN 1276. **You must ensure it is used in accordance with the manufacturer's instructions.**
- Positively, your Executive Chef had realised the Kitchen was too small for the amount of raw meat you were handling. [REDACTED] was rubbing meats, making burgers, storing raw meat etc. in the old second floor Kitchen. However, this was structurally unsound, was riddled with mouse droppings (suspected to be old) and extensive proofing works were needed. **It was agreed to not use this area until you are satisfied it is clean, free from mouse activity and meets some minimum structural standards.**
- Raw meats/soiled vegetables still need to be handled in the new outside Kitchen, but there was no designated raw meat handling area. Packs of wrapped bacon were stored on your pizza counter top and soiled vegetables were being prepared on your service pass. At my revisit raw mince was being defrosted in your food sink (used for raw and RTE foods) and this was not transferred to your new designated raw meat handling area, I suspect because it is too small. In addition, the apron used for raw meat handling was a wipeable type and was stored next to clean equipment whilst not in use. The drawer under your raw meat handling area contained clean utensils, potentially at risk of cross contamination. **You need to consider every stage of raw and RTE food handling and ensure any risk of contamination is managed. I have enclosed some E.coli O157 documents to help you with this.**

Retained Regulation (EC) 852/2004, Annex II, Chapter IX, Paragraph 3

Recommendation 2

As your new Kitchen is too small for the menu you want to provide, I recommend a separate handling area should be provided for all raw meat and vegetables (that are going to be cooked preparation). I would suggest one of the two upstairs Kitchens is structurally maintained, with separate hand and equipment washing facilities would be beneficial. In addition, bulk raw meat refrigerated storage facilities should be provided.

Continued

In addition, a separate (and large enough) raw meat decanting/handling/defrosting area should be provided in your new Kitchen.

Until you have carried out the structural works required to be able to safely operate from upstairs you should revisit your menu and consider whether the Kitchen is capable of providing the foods you want to offer safely.

The charcoal pizza oven (used for Vegan foods only) should be removed to free up some work top space for plating up etc. (and I have health and safety concerns with its use).

3. I found several dirty re-useable tea towels on food preparation surfaces. These cloths were removed by your Executive Chef at the time of my visit. **If you insist on using re-useable cloths for anything, then they must be in good condition, cleaned and boil washed/dried after use. You must also ensure if they are used on surfaces used for raw meat and soiled vegetables that they are then not used on surfaces used to handle ready-to-eat foods.**
Retained Regulation (EC) 852/2004, Annex II, Chapter IX, Paragraph 3

Recommendation 3

I would only use disposable cloths for wiping surfaces. Tea towels/grill cloths should be used for hot pan/plate handling. They must be kept clean and maintained in good condition.

4. At present due to the condition of the old second floor Kitchen, your Manager agreed to store lemons/limes in the Cellar. **As part of your Cellar is damp and hard to clean, you must ensure they are stored in a way where they are not exposed to any contamination risk, as these are RTE drink garnishes.**
Retained Regulation (EC) 852/2004, Annex II, Chapter IX, Paragraph 3

Recommendation 4

Lidded plastic storage boxes are recommended.

Structural Requirements

5. At the time of my visit, I noted the following matters in the old second floor Kitchen:
- it was being used for raw preparation, storage of raw meat and lemons/limes;
 - it was dirty;
 - there was blood spillages at bottom of all the refrigerators;
 - there were mouse droppings at all wall to floor junctions (I suspect to be old activity);

Continued

- you had already had a pest control visit and [REDACTED] had not been in this area. I acknowledge [REDACTED] attended site on 6 October 2023;
- extensive proofing works are needed; and
- if you wish to continue to use this area as a food handling area some structural repairs will be needed.



The works required to this area, will depend on what you intend to use it for as part of your business in the future. I can discuss this at my revisit, however, in general the area will require cleaning, proofing and being free of pest activity.

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

Recommendation 5

Advice will be provided at my revisit of structural requirements should you wish to use this as a food preparation room. Alternatively, please get in touch for advice.

Confidence in Management/Control Procedures

6. Although a previous Kitchen Manager (subsequently has left the employment of your company) had completed most of the safe methods in your 'Safer Food, Better Business' (SFBB) pack, the following leads me to believe you are not implementing a robust documented food safety management system.
 - the uncontrolled hazards seen at the time of my visit are listed under '**Food Hygiene and Safety Procedures**' above;

Continued

- as listed in '**Structural Requirements**' above, the fact you would use a Kitchen for food preparation without cleaning it or noticing there were mice droppings in it;
- you had a pest control visit your premises to proactively treat for pests and not direct them to the Kitchen stated above;
- only temperature monitoring records were up to date. Your cooking/cooling logs were only completed the previous week prior to my visits;
- although there was a SFBB pack, this was not directed to your staff by yourselves as the Food Business Operator;
- your Deputy Manager, had started preparing a HACCP for site, so I am confused what your system is;
- many of the matters I noted would have been addressed prior to my visit, if you had systematically assessed the hazards and implemented robust controls prior to trading;
- no separate hazard assessment and implementation of controls had been completed for the control of *E.coli* O157; and
- no separate hazard assessment and implementation of controls had been completed for the use of your smoker;

You must ensure you have a robust documented food safety management system to control food safety, which is implemented. Staff must also be supervised, instructed and/or trained in its implementation.

In addition, you must also undertake some verification/audit checks to ensure that your documented food safety system is being followed by your staff.

Your food safety management system should also include your controls for the prevention of *E. coli* O157 cross contamination.

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

Recommendation 6

I have enclosed some additional information to help you with this. You may also wish to consider using Safe Catering, rather than SFBB, as I feel it is better structured for your type of catering operation. The link is provided below:
[Safe catering | Food Standards Agency](#)

Allergens

7. I did not have the opportunity of discussing this fully at the time of my visits. I will ensure this is discussed fully at my revisit.

Continued

8. **I remind you businesses like you that provide non-pre-packed foods or loose foods must identify any allergenic ingredients. You need look at items on your menu and identify the allergenic ingredients present in everything you sell so that you have information available to advise your customers.**
Regulation 5, The Food Information Regulations 2014
9. In addition, if you are to serve food to customers with allergens, then you must also look in detail at handling practices and procedures to ensure that you cannot accidentally cross contaminate allergen free foods with allergenic ingredients.

You must:

- **Raise staff awareness about allergens in foods; how cross contamination can happen and how it must be avoided.**
- **Look at all stages of storing, handling, preparing, and serving ‘allergy-free’ food to see where cross-contamination could occur.**
- **Prevent cross contamination, by such things as separation of allergenic ingredients, separate preparation areas, thorough cleaning practices, effective hand washing practices etc.**
- **Develop a written procedure for how you will deal with customer requests to provide ‘allergy-free’ foods.**
- **Train staff in safe practices and procedures to prevent cross contamination.**

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

Recommendations 7 and 8

I have enclosed some additional information to help you with this. Free online allergen training can be obtained at: <https://allergytraining.food.gov.uk/>

Health and Safety

At the time of my visit, you were due a health and safety inspection. However, with central government’s relaxation of health and safety enforcement, this authority is only undertaking inspections of high-risk premises (which you are not). However, I did note the following:

10. **The Management of Health and Safety at Work Regulations 1999 require you to make a suitable and sufficient assessment of the risks to the health and safety of employees and anyone else who may be affected by your work activity. As you have more than five employees you must record your risk assessments. They must highlight all hazards associated with your business, the risks they present and the controls necessary to prevent the risk occurring.**

Continued

You also need to ensure that the controls identified are also put in place.

At the time of my visit, the following would indicate to me, you have not made suitable and sufficient assessment of the risks to the health and safety:

- I understand Heineken had completed a risk assessment, but neither of your managers could locate this. However, I would point out Heineken are the landlord and not the duty holder for the operation of this premises. I imagine what Heineken have produced is a 'hand over pack' for your use.
- I understand you run over 40 pubs and I am therefore surprised why you do not have standard health and safety documentation, which is then bespoke adjusted for the local circumstances in each of your individual premises.
- I have serious concerns about access to the flat roof, plastic sheeted smoking shelter roofing and atrium glazing. There is a potential risk of injury from falling. During my revisit on 10 October 2023, my Building Control colleague shared my concerns.
- There was a leak at the entrance of the premises at my first visit, although this appeared to have been rectified at my second visit.
- Your manager could not provide me with any gas/electrical maintenance certification, a copy of a premise asbestos survey or Fire Safety Risk Assessments.
- Charcoal was being used in a pizza oven in your kitchen, and there was no certification to verify this was suitable and managed the risk of carbon monoxide poisoning/fire.
- You are smoking meat at the premises, but you had not considered the health and safety implications of this, especially as the smoker/BBQ was in close proximity to a wooden structure.
- No COSHH risk assessment had been completed.

NB. This is not an exhaustive list and should be expanded on to include any other risks also associated with your business.

I fully appreciate you have only been open a few weeks, but these assessments (like the Food Safety Management assessment mentioned in Item 6 above) should have been completed prior to opening to ensure controls are in place to ensure the health and safety of your staff and other persons using your premises.

The Health and Safety at Work etc. Act 1974, Section 2 and 3

The Management of Health and Safety at Work Regulations 1999, Regulation 3

Recommendation 9

I am aware Heineken Company/Star Pubs use the services of Shield Safety to support them with health and safety matters. Being a tenant of theirs I would recommend you get in touch with your contact at Heineken/Star Pubs to see if you can access their support. I am aware they have a Safety Advice Line, Software and carry out audits.