

<p>To: ENVIRONMENTAL SERVICES COMMITTEE</p> <hr/> <p>From: DIRECTOR OF ENVIRONMENTAL SERVICES</p> <hr/> <p>Date: 16th February, 1998. Ref: RR/MC</p>	<p>Subject: Food Safety (General Food Hygiene) Regulations 1995 Health and Safety at Work etc Act 1974 Case against Mohammed Arshad t/a Minhaaj Cuisine 123 Graham Street Airdrie</p>
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PROPOSED DECISION

To note the report.

REPORT

1. The Department found it necessary to report Mr. Mohammed Arshad, proprietor of the food business trading as Minhaaj Cuisine, 123 Graham Street, Airdrie, to the Procurator Fiscal with a view to legal proceedings being instituted in respect of contraventions of the Food Safety (General Food Hygiene) Regulations 1995 and the Health and Safety at Work etc. Act, 1974.
2. During a routine inspection of the above restaurant by Environmental Health Officers on 28th February, 1997, a number of contraventions of the Food Safety (General Food Hygiene) Regulations, 1995 were found. In addition the officers found it necessary to serve two Prohibition Notices in terms of Section 22 of the Health and Safety at Work etc. Act, 1974, one prohibiting the use of a combination gas boiler which was damaged and in a dangerous condition and the other in relation to an incorrectly wired electrical plug.

The service of the notices resulted in there being no adequate supply of hot water for the washing of equipment, utensils and hand washing.

When the manager of the business was advised by the officers that they proposed to take action for the immediate closure of the premises in terms of Section 12 of the Food Safety Act, 1990, due to the unsatisfactory conditions in the premises and the absence of an adequate hot water supply, he voluntarily agreed to close the restaurant immediately with the result that a number of diners already in the premises were asked to leave.

The restaurant remained closed until 2nd March, 1997, when Environmental Health Officers re-inspected the premises and were satisfied that sufficient measures had been taken to ensure that the condition of the premises no longer involved an imminent risk of injury to health.

3. The case was heard at Airdrie Sheriff Court on 13th October, 1997 and the following penalties were imposed:-

Mohammed/...

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Contraventions of:

Mohammed Arshad,
Trading as
Minhaaj Cuisine,
123 Graham Street,
Airdrie.

1. Regulation 4[1] of the Food Safety (General Food Hygiene) Regulations 1995 regarding failure to ensure that the preparation, processing, storing, handling and offering for sale of food was carried out in a hygienic way in that the premises were dirty, equipment with which food came into contact was dirty, food was exposed to the risk of contamination and employees did not maintain a high degree of personal cleanliness.

Accused pled guilty and was fined £250.

2. Section 2[2][a] of the Health and Safety at Work etc. Act, 1974, regarding failure to ensure the provision and maintenance of plant that is, so far as is reasonably practicable, safe and without risks to health, in that a combination gas boiler was damaged and in an apparently dangerous condition and electrical equipment was incorrectly wired.

Accused pled guilty and was find £500.

M. Kenzie h. Hattay