

**PROSECUTION OF MR PARVAIZ MOHAMMED OF THE SHALIMAR BALTI RESTAURANT,
NEWCASTLE-UNDER-LYME FOR NON-COMPLIANCE WITH THE FOOD SAFETY ACT 1990,
FOOD HYGIENE (ENGLAND) REGULATIONS 2006 AND REGULATION (EC) 852/2004**

Submitted by: Head of Environmental Health Services

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Purpose of the Report

To advise the Committee of the outcome of legal proceedings against Mr Parvaiz Mohammed of the Shalimar Balti Restaurant following a routine Food Hygiene inspection which revealed contraventions of food safety legislation.

Recommendations

That the report be received.

Reasons

To ensure that public health is protected.
To provide a deterrent to other poor performing businesses.
To improve and maintain hygiene standards in the future.

1. Background

- 1.1 On 17 May 2011, a routine food hygiene inspection was carried out of the Shalimar Balti Restaurant in Newcastle under Lyme. During the inspection a number of serious hygiene issues were identified. Due to the seriousness of these matters works were required and a revisit was undertaken on 18 May 2011. The works had not been completed and Mr Parvaiz Mohammed and two of his staff were obstructive and abusive to authorised officers.

2. Issues

- 2.1 Following an appearance at Fenton Magistrates Court on 24 February 2012, Mr Parvaiz Mohammed pleaded guilty to 6 offences, details as follows:

Obstruction of authorised officers undertaking their statutory duties. Regulation 15, Food Hygiene (England) Regulations 2006 – fined £500

Failure to develop and maintain a food safety management system. Regulation (EC) 852/2004, Article 5 – fined £800

failure to improve Food Hygiene Training/Experience of Food handlers within the Food Business. Regulation (EC) 852/2004, Article 4(2), Annex II, Chapter XII – fined £800

Failure to thoroughly clean the premises. Regulation (EC) No 852/2004, Article 4(2), Annex II, Chapter I para 1 – fined £800

Failure to thoroughly clean equipment coming into contact with food. Regulation (EC) No 852/2004, Article 4(2), Chapter V para 1(a) – fined £800

Miscellaneous items, including paint and cleaning chemicals, stored in close proximity to foodstuffs in the cellar. Regulation (EC) No 852/2004, Article 4(2), Chapter IX paras 2 and 3 – fined £800

Mr Parvaiz Mohammed was also ordered to pay £1000 costs and a £15 victim surcharge. The total fine was £5515.

3. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

Creating a cleaner, safer and sustainable Borough.

- The community is not put at risk from poor hygiene standards in food premises.

4. **Legal and Statutory Implications**

The Food Hygiene (England) Regulations 2006 and Regulation (EC) 852/2004 of the European Parliament place duties on the Council and provide powers.

5. **Financial and Resource Implications**

- 5.1 The Court awarded the Council costs of £1000.

6. **Current Position**

- 6.1 An inspection of the Shalimar Balti Restaurant was undertaken on 2 November 2011, further works were required and three Hygiene Improvement Notices were served. A further visit was made on 1 February 2012. The officers noted that an improvement in standards had been achieved, that the food handlers had been trained and that the three Hygiene Improvement Notices had been complied with.