



22/07/2019

Mr Faisal Shahzd Gondal,  
Fresh Bite  
Green Street,  
Callan,  
Co. Kilkenny

**S. I No. 117 of 2010:  
EUROPEAN COMMUNITIES (OFFICIAL CONTROL OF FOODSTUFFS) REGULATIONS 2010  
CLOSURE ORDER**

To: Mr Faisal Shahzd Gondal, Fresh Bite Green Street, Callan, Co. Kilkenny

I, [REDACTED] being an authorised officer of the **Health Service Executive** under the Food Safety Authority of Ireland Act, 1998 and S. I. 117 of 2010, and in exercise of the powers conferred on me by Regulation 19 of S.I 117 of 2010, hereby direct that the food business cease operating or the premises be closed as specified in Part 1 of the Schedule be closed with immediate effect until the earliest of: -

- (i) an Order to contrary effect by a Court of competent jurisdiction; or
- (ii) further written direction by the **Health Service Executive**

I make this order being of the opinion that there is failure to comply with food legislation for the particular reasons set out in Part 2 of the Schedule and of the opinion that **all or part** of the food business to which the order relates should cease operating or **all or part** of the premises to which the order relates should be closed as specified in Part 1 of the Schedule.

**Schedule**

**Part 1 Food business/Premises**

The premises occupied by **Mr Faisal Shahzd Gondal** at **Green Street, Callan, Co. Kilkenny** and name trading as **Fresh Bite**

This closure order requires

*All the food business to cease operating*

**Part 2 Particular reasons for making of Order**

**REG 852/2004**

**Annex II Chapter I (1, 10); Chapter II (3); Chapter III (1); Chapter IV (5); Chapter V (1a)**

*Cleaning & Sanitation -*

*The level of cleaning was completely inadequate as evidenced by the following examples:*

- *There was a build-up of food waste and food residues on the walls and floors underneath and behind equipment.*
- *The shelving in the refrigerators had mould growth adhering to the surfaces.*
- *The external surfaces of cooking equipment, refrigerators, work surfaces had a film of grease and were stained with food residue.*
- *The internal surfaces of the extraction canopy were covered in a film of grease.*
- *The toilet bowls in the patrons and staff sanitary accommodation were filthy as were the hand wash sinks.*
- *The floor and walls of the food store were filthy with a large accumulation of dirt and cobwebs/spiders observed.*
- *There was a foul odour noted in the potato peeling area particularly at the manhole where the waste water is discharged.*
- *There was a large accumulation of potato debris/starch in a sieve placed in the manhole. This area was not cleaned on a regular basis.*

*The cleaning store was in a very poor state of repair with a foul smell evident. It is inadequate to store all the cleaning equipment necessary for cleaning the premises. The only mop and bucket used for cleaning the premises was stored in the rear yard at the time of inspection.*

#### **REG 852/2004**

***Chapter II Article 4 (3a,b,e 5); Article 5 (1, 2d, 4a-c); Annex II Chapter I (2d); Chapter III (2g); Chapter IV (7); Chapter V (2); Chapter XI (2)***

*Monitoring -*

*The monitoring records for refrigeration and freezer temperatures was filled in up to 31/07/19; the cooking, cooling and reheating temperatures were filled in until 29/07/19 and the cleaning records were filled in up to 21/07/19. The inspection was carried out on 20/07/19 so records were being filled in in advance with non-factual details.*

*There was no probe on site at the time of inspection.*

#### **REG 852/2004**

***Chapter I Article I (1d); Chapter II Article 5 (1, 2a)***

*Hazard Analysis Conducted -*

*There was no effective food safety management system in place for the food business at the time of inspection.*

#### **REG 852/2004**

***Annex II Chapter XII 1, 2, 3***

*Training and Supervision*

*There was no evidence available that staff were trained in basic food hygiene.*

*When questioned, staff members failed to demonstrate basic knowledge or competency in key food safety issues. A clear lack of understanding of basic food hygiene rules was evident.*

#### **REG 852/2004**

***Annex II Chapter I (2-10); Chapter II (1d, 2); Chapter III (1, 2a,g,h); Chapter IV (1); Chapter VI (3)***

*Layout & Design -*

*The premises shall be of adequate size for the intended volume and range of foodstuffs produced and catered for by the food business in order to allow safe practice in delivery, storage, handling, preparation and service of food.*

- *Foods were being washed in the wash up sink.*
- *There was no hand washing facilities in the food preparation area.*
- *Separate work surfaces/areas were not provided for the preparation of raw meats, vegetables, cooked meats.*
- *Cooked meats and rice were cooled at room temperature at the time of inspection on the drainer of the wash up sink. A separate area for cooling food was not provided.*

**REG 852/2004****Annex II Chapter I (2a-c); Chapter II (1a-f, 2); Chapter III (1, 2b); Chapter IV (1)****Structure -**

*The ceiling of the external storeroom is a felt and wooden finish and is not smooth and easily cleanable.*

*A large number of floor and wall tiles are missing or defective in the food store.*

*The ceiling in the potato peeling/chipping area is made of plywood which was damp and defective.*

*The walls in the potato peeling/chipping area are of white plastic cladding which was not properly affixed and uneven concrete wall. This area was extremely damp with mould evident throughout this area.*

*There were missing wall and floor tiles in the food preparation area behind and underneath cooking equipment and the sink units.*

*The floor tiles do not extend to the adjoining wall leaving large gaps where dirt can accumulate.*

*The ceiling in the staff toilet was damaged with flaking paint evident.*

**REG 852/2004****Annex II Chapter 1(1); Chapter II (1a,b,f, 3) Chapter III (1, 2b); Chapter IV (1); Chapter VI (2)****Maintenance**

*There was an accumulation of waste and miscellaneous items such as a mattress, empty oil drums, barrels of waste oil in the rear yard of the premises at the time of inspection.*

*There was a large quantity of grease at the base of the waste bins. This area had not been cleaned for an extended period of time. There was heavy overgrowth at the side of the external shed used as a food store and at the rear lane leading to the premises.*

*The support table underneath the hot holding unit was rotting and defective.*

*The surface of the food storage shelf in the servery area was of damaged cardboard and adhesive tape.*

**REG 852/2004****Annex II Chapter 1 (2d, 3, 4, 5); Chapter II (2); Chapter III (2a,c,d,f,g); Chapter IV (4, 7); Chapter V (1a-d, 2, 3); Chapter VI (2); Chapter IX (2)****Equipment -**

*The handles and the lids of both chest freezers in the food store were broken and defective.*

*The colour coded chopping boards were badly scored and marked.*

*The washing machine is located in the food store with food containers stored on top of it.*

**REG 852/2004****Annex II Chapter I (3-8); Chapter II (2,3); Chapter III (2e); Chapter VII (1a, 2, 3, 6)****Services -**

*There was a foul smell in the potato peeling area as inadequate ventilation was not provided in this area.*

*There was no means of ventilation in the external food store. There was insufficient fresh air intake into the kitchen/food preparation area.*

**REG 852/2004****Annex II Chapter VIII (1, 2)****Personal Hygiene -**

*The water at the wash hand basin was not of an adequate temperature to wash hands effectively under running hot water. There was no hot water at the wash hand basin in the food worker sanitary accommodation.*

**REG 852/2004****Chapter I Article 1 (1c); Chapter II Article 4 (3b,c,d); Article 5 (1, 2d,e); Annex II Chapter I (2d); Chapter III (2g); Chapter IV (7); Chapter IX (2, 3, 5)****Food Storage -**

*Food storage containers in use at the time of inspection were black bins for flour and toy storage boxes for rice and other dried foods. Foods were stored in the freezer in torn plastic bags.*

*Pizza boxes were stored on the landing of the upstairs accommodation.*

**REG 852/2004****Annex II Chapter III (2f); Chapter VI (1, 3, 4)****Waste Management**

*Food waste was stored in unsuitable bins in the kitchen.*

**REG 178/2002**

**Article 18 (1-5)**

**Traceability -**

*There was no traceability of products within the premises. Decanted foods were not labelled with traceability information. Cooked foods were not date labelled making it impossible to ascertain when they were cooked.*

**REG 852/2004**

**Chapter II Article 5 (1, 2a-g); Annex II Chapter I (2c); Chapter II (1d); Chapter III (1); Chapter VI (3); Chapter IX (4)**

**Pest Control Procedures -**

*The chain link pest proof door screening was held opened at the back door at the time of inspection and was not in place to prevent pests gaining access to the premises.*

*The roof on the external food store and potato peeling area is corrugated steel with ridges evident along the roof surface. The roof is not pest proof as some opening were evident.*

***Risk: The lack of adequate facilities, cleaning, storage conditions, staff training, documented procedures and record keeping resulted in unhygienic and unsafe practices which may lead to contamination of foodstuffs giving rise to an unacceptable risk to consumer safety.***

*Dated this day: 22/07/2019*

*Signed:*

*Authorised Officer*

*duly authorised by **Health Service Executive** for purposes of Regulation 19 of S. I. 117 of 2010.*

*Note:* *Under Regulation 19(5) of S.I. No. 117 of 2010, a person who is aggrieved by a Closure Order may, within the period of seven days beginning on the day on which the Closure Order is served on him or her, appeal against the Order to a Judge of the District Court in the District Court District in which the Order was served. Under Regulation 19(6) a person who appeals against a closure order or who applies for a direction suspending the application of the closure order under paragraph (4) shall at the same time notify the Authority or official agency of the appeal or the application and the grounds for the appeal or the application and the Authority or official agency shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal or the application.*