

**Regulation (EC) No 852/2004**  
**Food Safety and Hygiene (England) Regulations 2013**  
**Premises: The Bay Horse Inn, Winton, Kirkby Stephen CA17 4HS**

Your Reference: [REDACTED]  
Our Reference: [REDACTED]  
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Date: 30 May 2019

  
**Eden**  
**District Council**  
Mansion House, Penrith, Cumbria CA1 1YG  
Tel: 01768 817817

[REDACTED]  
The Bay Horse Inn  
Winton  
Kirkby Stephen  
CA17 4HS

Dear [REDACTED]

**Regulation (EC) No 852/2004**  
**Food Safety and Hygiene (England) Regulations 2013**  
**Premises: The Bay Horse Inn, Winton, Kirkby Stephen, CA17 4HS**

I refer to the routine food hygiene inspection that I carried out at the above premises on 20 May and subsequent revisits on 21, 23 and 30 May 2019. The matters on the attached schedule require attention. Schedule A details the work needed to comply with the law and is identified as falling into the following areas:

- Food hygiene and safety procedures
- Structural
- Confidence in management/control procedures

If applicable, Schedule B lists those matters, which though not legally required, are considered to be good working practice. You should view these recommendations as important guidance for developing safe, hygienic practices.

The Council uses a nationally agreed Code of Practice to decide the frequency of all planned food safety inspections. The Code is based on several factors including the type of foods which are handled at your premises, your level of compliance with food hygiene law and the Council's confidence in your management and control systems. Using this Code, your premises have been rated as risk category B which means your next programmed inspection will be in twelve months time.

The Council operates the Food Hygiene Rating Scheme, which is designed to help consumers choose where to eat out or shop for food. It does this by giving them information about the hygiene standards in food outlets at the time they are inspected to check compliance with legal requirements. Details of how the ratings are calculated are enclosed.

On the basis of the standards found at the inspection, your rating has been calculated as follows:

Compliance with food hygiene and safety procedures	10
Compliance with structural requirements	20
Confidence in management/control procedures	20

[www.eden.gov.uk](http://www.eden.gov.uk)

**Robert Docherty**  
Assistant Director Community Services



Total Score	50
Highest (this means poorest) individual score	20
Food Hygiene Rating	1

Although certificates are no longer issued, a sticker showing your rating is enclosed. You are encouraged to display the sticker so that it is visible to customers from outside your premises, for example, in a window or at the entrance to your premises.

You should remove and destroy the sticker and certificate issued previously as only the most recent rating should be displayed. To continue to display a previous rating may constitute an offence under the Consumer Protection from Unfair Trading Regulations 2008.

Your rating will also be published on the Food Standards Agency (FSA) website at [www.food.gov.uk/ratings](http://www.food.gov.uk/ratings) between two and five weeks from receiving this letter.

#### **What options are available once you have been given your Food Hygiene Rating?**

**You can lodge an appeal** if you think the rating is wrong or unfair, in that it does not reflect the hygiene standards at the time of your inspection. You have **21 days (including weekends and bank holidays) from the date of notification** in which to appeal. However, I would suggest that you contact me initially to allow me to explain how the rating has been determined.

**You have a right to reply** if you have improved hygiene standards since your inspection or there were unusual circumstances at the time of the inspection and you want to explain this to your customers.

**You can request a revisit** with a view to improving the rating if you make improvements to the legal requirements raised in the inspection report at your last inspection.

Further information of the Food Hygiene Rating Scheme including how to appeal, submitting a right to reply and requesting a revisit is available on the following websites:

Eden District Council

[www.eden.gov.uk/health/food-safety/national-food-hygiene-rating-scheme/](http://www.eden.gov.uk/health/food-safety/national-food-hygiene-rating-scheme/)

Food Standards Agency


[www.food.gov.uk](http://www.food.gov.uk)

You can also contact the Food, Health and Safety Team by telephoning (01768) 212491 or by email at [foodratings@eden.gov.uk](mailto:foodratings@eden.gov.uk)

Should you require any further clarification, please do not hesitate to contact me on the telephone number given at the top of this letter.

The Council is currently undertaking a customer satisfaction survey of the inspection service. The results so far have been beneficial and have enabled the Council to amend the service provided. Even if you have previously completed a survey form it is still valuable to receive your views via this questionnaire in the pre-paid envelope provided. Your assistance is appreciated.

Yours sincerely

  
District Environmental Health Officer (Environmental Services)

### **Schedule of Works**

**Premises:** The Bay Horse Inn, Winton, Kirkby Stephen, CA17 4HS

**Date of Inspection:** 20 May 2019

**Officer:** [REDACTED]

### **Schedule A**

The following items of work are **LEGAL REQUIREMENTS** and **MUST** be complied with:

(items to be identified as food hygiene and safety procedures, structural, confidence in management/control procedures)

#### Food Hygiene and Safety Procedures

1. Food businesses must take all reasonable precautions to prevent food pests, namely rats, mice, cockroaches and flying insects gaining entry into food storage and preparation areas. This is to prevent the contamination of foodstuffs.

*Regulation (EC) No 852/2004 Annex II Chapter IX para 4*

2. During the inspection mouse droppings were noted in the lower kitchen and storage areas. Appropriate treatment methods must be used to eliminate these pests.

*Regulation (EC) No 852/2004 Annex II Chapter IX para 4*

3. It is noted there is a substantial gap beneath the back outer door providing possible easy access for pests.

Any gaps and holes to external doors, windows, pipes, drains etc. must be filled or covered with a solid, durable material in order to minimise pest entry points into food preparation and storage areas.

*Regulation (EC) No 852/2004 Annex II Chapter IX para 4*

4. Further to the inspection on 20 May 2019 you got a pest controller out to treat for the mice found within the premises. Consideration must be given to setting up a regular pest control contract particularly if mouse droppings continue to be found within the kitchens. You must carry out regular, thorough checks for evidence of pests and keep a record of these checks on the premises particularly if you have no pest control contract and associated records.

*Regulation (EC) No 852/2004 Annex II Chapter IX para 4*



5. As a food business serving loose food there is now a legal requirement for you to be able to inform your customers if the food you supply contains any of the following 14 ingredients which may cause allergic reactions: celery, cereals containing gluten, crustaceans, eggs, fish, lupin, milk, molluscs, mustard, nuts (almond, brazil, walnuts, cashews, pecans, pistachio, macadamia, hazelnuts and Queensland nuts), peanuts, sesame seeds, soya and sulphur dioxide.

The information can be supplied in a number of ways including on the menu, on a board or verbally by an appropriate member of staff. The chefs matrix and notice can also be used to assist in complying with this requirement. More detailed information, including on line training can be found on the Food Standards Agency website

<http://www.food.gov.uk/business-industry/allergy-guide/allergen-resources>

As discussed during the inspection you must improve your controls in relation to allergen control as a lot of dry ingredients were noted throughout the storage area. Should a customer have an acute allergy to a certain ingredient you must be certain that the dish you prepare is fully clear of the allergen in question. The use of sealed containers was discussed and would better control items such as flours etc particularly gluten free flour.

#### *Food Information Regulations 2014*

If you require any further advice on this aspect, please contact Cumbria Trading Standards on 01539 713594.

6. The current guidance regarding Ecoli 0157 is provided for your information / reference and you should ensure that you and all catering staff are aware of and have due regard to the contents of the document.

#### *Regulation (EC) 852/2004 Annex II Chapter IX Para 3*

7. To prevent cross contamination food containers must not be stacked with the underside of one container in contact with foods in the containers below. Reorganise refrigerators so that all foods are stored in a safe manner.

#### *Regulation (EC) No 852/2004 Annex II Chapter IX para 3*

8. At the time of the visit food was being stored on the floor of the outer storage area. Open food must not be placed on the floor in an area where it may become contaminated particularly in the presence of rodents. Ensure all foods are stored off the floor and away from possible sources of contamination.

#### *Regulation (EC) No 852/2004 Annex II Chapter IX para 3*

9. The walk in chiller was found to be particularly full with a lot of food containers stacked on top of one another. It was also noted that some containers were undated particularly on the floor below shelving, therefore it was unclear the precise stock rotation system in place. During a revisit on 30 May it was noted the walk in chiller was still very full and cluttered. You must reorganise the walk in chiller and ensure all foods are covered to

prevent contamination and ensure foods are placed on shelves and away from foot level where possible contamination could occur.

*Regulation (EC) No 852/2004 Annex II Chapter IX paras 2&3*

10. The walk in freezer was noted to be particularly full and untidy. You must reorganise the freezer ensuring that all foods are fully covered to avoid possible contamination and ensure cling film is not shedding leading to possible contamination upon defrost.

*Regulation (EC) No 852/2004 Annex II Chapter IX paras 2&3*

Structural and Cleaning Requirements

11. The standard of cleaning on this inspection was noted to be poor and the kitchen, lower kitchen and associated storage areas were noted to require a thorough deep clean. Many areas were identified to you on the revisit on 21 May 2019.

*Regulation (EC) No 852/2004 Annex II Chapter I para 1*

12. The following areas require cleaning:

- Floors particularly wall to floor junctions
- Behind and beneath all larger pieces of equipment
- Beneath the cooking range
- Work surfaces
- Hot cupboard in the lower kitchen
- Ovens in the lower kitchen
- Ventilation in the lower kitchen
- Ceiling surfaces
- Wall surfaces to lower kitchen
- Shelf unit to lower kitchen
- Walk in chiller
- Walk in freezer
- Storage room housing the walk in chiller
- Outer storage area housing the walk in freezer
- Dry ingredient storage area
- Hand contact surfaces and door fronts to refrigerators and freezers

This list is by no means exhaustive and may not include all areas requiring deep cleaned. The whole kitchen and associated preparation, storage and washing up areas must be deep cleaned and left in a sound and clean condition and all areas must be maintained in a clean condition at all times.

*Regulation (EC) No 852/2004 Annex II Chapter I para I*

13. There was an excessive accumulation of refuse and recycling in the outer storage room. This must be cleared immediately and arrangements made to prevent food waste and other refuse accumulating in the future.

*Regulation (EC) No 852/2004 Annex II Chapter VI, para.1*

14. The lino floor covering in the lower kitchen was torn in many places. Renew or repair the floor covering and leave in a sound easy to clean condition.

*Regulation (EC) No 852/2004 Annex II Chapter II Para. 1(a))*

15. The painted wall covering in the lower kitchen was chipped in places particularly behind the hot cupboard trolley. Renew or repair the wall covering and leave in a sound easy to clean condition.

*Regulation (EC) No 852/2004 Annex II Chapter II Para. 1(b)*

16. As discussed during the inspection and revisits there is a lot of obsolete and disused equipment which is leading to clutter in the outer storage area and walk in chiller room. Clutter and obsolete equipment harbours dirt and bacteria and leads to areas being untidy and unclean. You should declutter all areas and ensure only usable equipment is stored so that the harbourage of dirt can be minimised and to make all areas sound and in a clean condition.

*Regulation (EC) No 852/2004 Annex II Chapter I para I*

#### Control Procedures

17. At the time of the visit on 21 May 2019 I reviewed your food safety management system and associated daily monitoring records.

Although you are still completing the daily records I would suggest this system is fully reviewed particularly in relation to the control measures outlined in the HACCP plans. It is important that you are signing off daily records fully confirming that all cleaning and appropriate checks are in place and carried out within the premises and based on the conditions found during this inspection I would suggest a review of all systems is required.

During the revisit on 30 May I viewed the updated cleaning schedule and rota which should aid cleaning tasks within the kitchen. However, based on our discussions during this visit regarding cleaning areas ensure these are included in the schedule.

Compliance with your food safety management systems will be reviewed on your next routine inspection.

*Regulation (EC) 853/2004 Article 5 para 1*

#### **Schedule of Works**

**Premises:** The Bay Horse Inn, Winton, Kirkby Stephen, CA17 4HS

**Date of Inspection:** 20 May 2019

**Officer:** [REDACTED]

#### **Schedule B**

**The following items of work are not legal requirements but are RECOMMENDATIONS consistent with good practice in a premises of this type:**

1. All food should be kept covered when stored in the fridge to prevent any possible risk of contamination. Food should be properly wrapped or stored in clean, lidded, washable containers.
2. At the time of inspection dry ingredients were being stored in open packets. Where possible all foodstuffs should be transferred into lidded containers after opening or the packaging should be folded over and sealed to prevent contamination. This will also protect food from insects/pests and reduce food spillage which might attract pests.