

Request:

I can see from reviewing the FSA website that the restaurant shown below has been assessed by your Food Safety Officer during May 2023. Could you provide me a copy of your Food Standard Officers report?

Raj Gate Indian Restaurant
 391 Orrell Road
 Orrell
 Wigan
 WN5 8QZ

Response:

I can confirm that an officer visited The Raj Gate to carry out a routine food hygiene inspection on the 9 May 2023. The outcome of this inspection was a Food Hygiene Rating of 1, (Major Improvement Necessary). (Please note - It has recently been re inspected and a new rating is to be published soon.)

The specific criteria assessed is summarised in the table below:

Criteria Assessed	Intervention rating score
Compliance with food hygiene and safety procedures	15 (major non-compliance)
Compliance with structural requirements	15 (major non-compliance)
Confidence in management/control procedures	20 (Varying compliance)
Food Hygiene Rating	1 (Major Improvement necessary)

I am unable to release the detail of the report you have requested as it is exempt under Section 30 (1)(b) of the FOI Act which states that:

Information held by a public authority is exempt information if it has at any time been held by the authority for the purposes of:

- Any investigation which is conducted by the authority and in the circumstances may lead to a decision by the authority to institute criminal proceedings which the authority has power to conduct.

This exemption is subject to a "public interest test". This has been considered and concluded that as the information could still be referred to in any future proceedings, disclosing the information could potentially prejudice any future investigations.

Our public interest argument is as follows:

Public interest arguments in favour of maintaining the exemption:

The information contained within the food hygiene inspection report could be considered in determining whether or not legal proceedings against the business should be instigated.

The information would form part of any prosecution file. Premature disclosure of this information could compromise the proceedings and prejudice the right to a fair trial.

Public interest arguments in favour of disclosure:

Disclosure would promote transparency and accountability in how the council carries out its regulatory function. Such transparency could help to improve food hygiene standards by promoting good practice and highlighting business that

need to make to make improvements. It may also improve the standards of inspections and decisions taken by the council.

Disclosure of information about businesses which do not meet the required standards enables the public to decide whether or not to use their services.

Balance of the public interest arguments:

The Food Hygiene Rating Scheme provides the public with information about the hygiene standards in food premises. The rating is publicly available and therefore, to an extent, allows the public to make informed choices. This reduces the case for disclosure. We are therefore of the view that, in this case, the public interest falls in favour of maintaining the exemption.