

Request:

Could you please email a copy of the food inspection report for Mahabharat restaurant Market Street, Hindley.

Response:

I can confirm that an officer visited Mahabharat Restaurant, 136 Market Street, Hindley, WN2 3AY on the 2nd August 2023 to carry out a routine food hygiene inspection. The business was rated ‘1’ under the food hygiene rating scheme.

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 (significantly varying record of compliance)
Food Hygiene Rating 1	<i>Intervention rating score-</i> <i>Food Hygiene rating-</i> (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 businesses that need 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

Following the food hygiene inspection on 2nd August 2023, the business requested a re-inspection. An officer visited on 26th September 2023 to re-inspect the business. The business was awarded '3' under the food hygiene rating scheme. Please see below food hygiene inspection report.

Maha and Bharat Ltd
 Mahabharat Restaurant
 136 Market Street
 Hindley
 Wigan
 WN2 3AY

Our Reference INU 52517
Your Reference
Please ask for [REDACTED]
Extension [REDACTED]
Direct Line [REDACTED]
Date 28 September 2023

Dear Sir / Madam

Food Safety Act 1990
Regulation (EC) No 852/2004 (retained EU law)
The Food Safety and Hygiene (England) Regulations 2013
Mahabharat Restaurant, 136 Market Street, Hindley, Wigan, WN2 3AY.

Wigan Council operates the National Food Hygiene Rating Scheme. Your rating reflects the standards of food hygiene I found on the date of inspection.

Sections 1 to 3 in the attached visit report require your attention to comply with the legislation quoted in the letter heading. Recommendations of good practice are identified separately; these do not contribute to your rating.

If you want to achieve a higher rating, you must make the improvements described and request a re-inspection.

Your business has been rated as follows:

Criteria Assessed	Intervention rating score
Compliance with food hygiene and safety procedures	10 (minor non-compliance)
Compliance with structural requirements	5 (high standards of compliance)
Confidence in management/control procedures	10 (satisfactory record of compliance)

Please reply to [REDACTED], Environmental Health
 Wigan Council, Places: Environment, Regulatory Services
 PO Box 100, Wigan, WN1 3DS
 Phone: [REDACTED]
www.wigan.gov.uk

<p>Food Hygiene Rating</p> 	<p><i>Intervention rating score-</i> <i>Food Hygiene rating-</i></p> <p>(Generally Satisfactory)</p>
---	---

Important notes for food business operator

- If you consider that the rating given is unjust, you may appeal this with the local authority lead officer for food or in his/her absence, by the designated deputy. The appeal must be made in writing within 21 days from the date of this letter; but I would recommend that you get in touch with me first so that I can help you to understand how your rating was worked out.
- A web link to information on the scheme including template forms for lodging an appeal, submitting a 'right to reply' and for requesting a re-rating or early publication is available at <https://www.wigan.gov.uk/foodhygienerating>
- There is a charge if you request a re-rating visit, with a view to giving you a new and higher food hygiene rating.
- Your rating will be published on the Food Standards Agency website at <http://ratings.food.gov.uk/> Ratings of 5 will be published approximately 2 weeks after your inspection; ratings of 0 – 4 will be published approximately 5 weeks after your inspection. You may request that a 0 – 4 rating is published before the end of the appeal period by submitting a request online at <https://www.wigan.gov.uk/foodhygienerating>
- You are encouraged to display the enclosed window sticker showing your rating in a prominent position so that it is clearly visible to members of the public.
- Please destroy the certificate/sticker for your previous rating. Only the most recent rating should be displayed. Continuing to display these may constitute an offence under Consumer Protection from Unfair trading Regulations 2008.

A copy of the Wigan Council's Enforcement Policy is available on request by telephoning the above number. It may also be accessed on the Council's Internet Site by entering the words 'Policies and Plans' in the search box.

Please note that, subject to the Data Protection Act, details of inspections may be divulged to members of the public under the Freedom of Information Act 2000.

Yours faithfully

[Redacted Signature]

[Redacted Name]

ENVIRONMENTAL HEALTH OFFICER

Food business establishment/food premises intervention report

Trading name and address of the business:	Mahabharat Restaurant 136 Market Street Hindley Wigan WN2 3AY
Registered and/or Head Office address (if different):	As above
Name of the food business operator/food business proprietor:	Maha and Bharat Ltd
Type of business:	Indian restaurant with take away service.
Name(s) of person(s) seen and/or interviewed:	██████████ ██████████ ██████████
Date, time, and type of intervention visit	26 September 2023 – 5.45pm Unannounced food safety inspection following a request for a revisit.
Areas inspected/audited:	Kitchen and store areas WC Bar
Documents and/or other records examined (to be specified):	Safer Food Better Business file Pest control file
Samples taken (to be specified):	No samples taken.

**Priority actions/improvements necessary to improve your rating & comply with the law.
(to comply with the law)**

<p>1. Compliance with food hygiene and safety procedures</p> <ul style="list-style-type: none"> The same cutting board is used to prepare washed and unwashed salad. This presents a risk of contamination. As you do not have a dish washer, you must ensure that a separate cutting is used to prepare washed and unwashed fruit / salad / vegetables. Although you have a disinfectant in use, this was only being used in a single stage clean. As explained, this will only clean and not disinfect the surface.
--

You must ensure that a 2-stage clean is implemented with immediate effect.

See the safe system left with you at the time of my inspection “Avoiding Cross Contamination by E.Coli”

- There was half a side of salmon stored in the fridge with an expired use by date of 19 September 2023. The use-by date is the date until which the manufacturer of the food guarantees it is safe to eat. Food sold beyond its use-by date may be of poor quality or unfit. It is an offence to sell or expose for sale food with an expired use by date. You must check your stock daily and dispose of any out-of-date food. The salmon was disposed of at the time of my visit.
- There were several sirloin steaks in the freezer with expired use by dates of 14th, 25th, and 26th August 2023. If you freeze any items on site, you must ensure that you label them with the date you freeze them.

2. Compliance with structure requirements

- There was a small amount of debris under the sink units, cooking range, and the fridge and freezer near the sinks. You should clean these areas and maintain in a clean condition.

There was a huge improvement to the standard of cleaning and the condition of the structure from my previous visit.

3. Confidence in management / control procedures

- There was a Safer Food Better Business file in use, and all the opening and closing checks were up to date.

However, the 4 weekly review was not being completed and not all the staff have read through the safe methods and completed the staff training record.

You should ensure these are completed.

- There was half a side of salmon in the fridge with an expired use by date of 19th September 2023. This was disappointing as any out-of-date food should be identified and disposed of as part of your closing checks.
- It was clear during the visit that a lot of work has been put in to improve the cleaning, structure and food handling practices. However, although the staff have received additional training, you need to improve the supervision. From two of the areas highlighted in the first section of the letter in relation to separate cutting boards for washed and unwashed salad items, and an effective two stage clean there were still concerns. I appreciate that when [REDACTED] [REDACTED] came the staff explained the process, but when I asked for a demonstration with the help of [REDACTED] [REDACTED] for translation the correct procedure was not correct.

In addition, you may wish to consider the following recommendations of good practice. *

The Food Information to Consumers (FIC) Regulation 1169/2011

- An allergen symbol system is included within your menu; however, I had the following concerns.
 - The type of cereal was not documented.
 - The type of nut was not stated.
 - Nuts and peanuts had the same symbol.
 - Cross contamination had not been considered.





You should review the allergen information you provide to ensure the type of nut and type of cereal are included. This information must be reviewed regularly to ensure it is accurate and up to date.

- Once you have checked all the meals on your menu to identify the allergens contained, you must also consider your handling practices.

You must look in detail at handling practices and procedures for preparing foods specifically for customers with allergies.

Cross-contamination of foods with allergens (i.e., the unintended inclusion of an allergen in food) could occur at any stage. Small amounts of allergen in food could cause severe reactions and could be fatal.

Therefore, you must complete the allergen risk assessment left with you at the time of my visit.

Food Hygiene Rating Score	
Signed by:	
Name in capitals:	
Designation of inspecting officer:	Environmental Health Officer/Public Protection Officer
Contact details of senior officer in case of dispute:	 Public Protection Manager 