

Response to Request for Information

Reference FOI 001304
Date 7 July 2017

Restaurants and Takeaways

Request:

Under the freedom of information act 2000 I request the following information:

1. The number of menu description* breaches / non compliance recorded at establishments such as restaurants and takeaways inspected in 2016/17 (to date), 2015/16, 2014/15 and 2013/14.
2. Details of the aforementioned establishments including their name and details of the breach / problems found.
 - a. If possible, please split these into which area of menu description rules was breached - i.e. was it mislabelled as home-made, vegetarian etc.
3. The number of establishments that failed to accurately declare food allergens on their menus (including risks of cross-contamination) in 2016/17 (to date), 2015/16, 2014/15 and 2013/14.
4. Details of the aforementioned establishments including their name and details of the breach / problems found.
5. The total number of establishments under your remit.

With reference to your above questions and following careful consideration, the Council regrets to inform you that it has decided not to disclose this information.

Information you have requested has been withheld from disclosure. The exemption engaged is Section 12 of the Freedom of Information Act 2000 (FOI).

Section 12 of the FOI exempts Public Authorities from providing information where the estimated cost of compliance exceeds the appropriate limit. Any estimate must be undertaken in accordance with the limits set in fees regulations made under Section 12 (5) of the FOI.

These Fees Regulations (SI 2004/3244 Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations) allow for a refusal where the cost of compliance, for local authorities such as the Council, would exceed £450. As a guide, staff time to identify and extract this information is charged at a rate of £25 per hour.

In summary to provide the information you have requested it would take us over 18 hours to compile as we do not record all of the above information in one central location and would therefore have to carry out a manual trawl to produce the detailed analysis you require. To provide the information requested will require reviewing each inspection within the specified time period. This will mean trawling through 6,000 interventions from 1 April 2013. It would then take approximately 30 minutes per intervention which equates to 3,000 hours:

Estimated Number of Manual Files	Estimated Minutes for Each File	Total Minutes	Total Hours	Charge Per Hour	Cost
6,000	30	180,000	3,000	£25.00	£75,000

In estimating the cost of complying with a request for information, an authority can only take into account any reasonable costs incurred in:

- “(a) determining whether it holds the information,*
- (b) locating the information, or a document which may contain the information,*
- (c) retrieving the information, or a document which may contain the information,*
and
- (d) extracting the information from a document containing it”.*

I would also advise that food establishments are not legally required to provide details of food allergies on their menus instead they have to be able to advise the customer if asked, which of the 14 allergens are in food. The Food Information Regulations came into force in 2014.