



contract with City Facilities Management Limited requires that refrigeration engineers inspect the freezer every month and complete a detailed health check refrigeration report.

In addition to scheduled monthly visits, an annual planned preventative maintenance/defrost/deep clean of the freezer is undertaken by City's engineers. Furthermore, City's engineers respond to any reactive jobs required by the store. That call out facility is available 24 hours a day, 365 days a year.

All of these arrangements were in place at the Barnsley store throughout 2011. The annual defrost/preventative maintenance visit took place on 7<sup>th</sup> January 2011 and a further defrost took place in May 2011. There were seven inspections between the scheduled defrost in January 2011 and the incident which brought about the prosecution in August 2011.

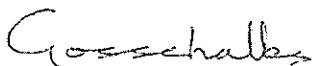
Asda pleaded guilty on the basis that City recorded an issue in April 2011 when its engineer noted snow and ice build up on the walls, ceilings and blowers. In July 2011, they noted the freezer was still icing up. This was not reported to Asda and the guilty plea to the Magistrates was on the basis that Asda accepted responsibility for the shortcomings of City and the local management team in relation to the condition of the freezer at the time of the incident.

There was no suggestion that this was a systemic problem in Asda's health and safety arrangements either generally or specifically in relation to the freezer. Asda fully cooperated in the investigation, indeed the investigation only took place as Asda reported the incident itself. The company offered a prompt guilty plea.

We would be grateful if you could confirm whether or not the information contained here is sufficient or whether or not this matter will be placed before the board for further consideration.

If you require the premises licence from us then please do not hesitate to contact us.

Yours faithfully



**GOSSCHALKS**