

QLDC Council
26 November 2015

Report for Agenda Item: 11

Department: Finance & Regulatory

Review of the Queenstown Lakes District Council Food Safety Grading Bylaw 2011

Purpose

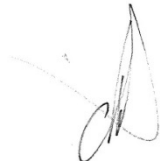
To consider a proposed new Food Grading Bylaw and to initiate consultation.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** the proposed Queenstown Lakes District Food Grading Bylaw 2016 and commence public consultation.
3. **Appoint** three Councillors [to be named] to participate in a hearing panel to consider and hear submissions on the proposed Queenstown Lakes District Food Grading Bylaw.

Prepared by:



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11/11/2015

Reviewed and Authorised by:



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11/11/2015

Background

- 1 In July 2011 Council adopted the current Food Safety Bylaw 2011 http://www.qldc.govt.nz/assets/OldImages/Files/2011_Full_Council_Agenda_s/27_September_2011/4_-_Food_safety_bylaw.pdf to enable Council's Environmental Health Officers ("EHOs") to grade food premises according to their compliance with six food hygiene practice criteria (personal hygiene practices, temperature control, food protection, cleaning and sanitising, the structure and the level of training.)

- 2 On 6 June 2014 the Food Act (“the Act”) gained royal assent, with a three year implementation from 1 March 2016. This new legislation requires any Food Grading Bylaws to be consistent with the Act.
- 3 A review of Council’s current Food Safety Grading Bylaw has been undertaken to remove aspects that are now included in the legislation, but retains the ability to grade a premises in order to inform the wider community of the levels of food safety practices and legislative compliance.

Comment

- 4 The Act requires Council to review any food bylaws and revoke or amend them to remove any inconsistencies e.g. the ability to close a food premises.
- 5 The Local Government Act 2002 (“LGA”) requires Council to determine the issues that need to be addressed and whether a bylaw is the most appropriate way of addressing the issues.
- 6 The issues identified are :
 - a) Without a bylaw the community will be unaware of the level of the food safety practices and legislative compliance within a food premises;
 - b) The community will not be able to make informed decisions as to where to dine; and
 - c) There will be no way to ensure or require that a grading certificate is current and displayed conspicuously.
- 7 The Act now incorporates matters which were previously included in Council’s current bylaw, which can now be removed to ensure the proposed bylaw is consistent with the Act.
- 8 The simplification of the bylaw means there is no requirement to follow the special consultative procedure in accordance with the LGA as the significance of the changes is low in accordance with Council’s Significance and Engagement Policy. In addition, the Act indicates that Councils need not use the special consultative procedures to amend or revoke the bylaw to remove any inconsistencies.
- 9 However, it is recommended that a level of consultation is still undertaken in a shorter format with a fact sheet to inform our community of the proposed bylaw and to consider any submissions received.

Options

This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002:

10 **Option 1 – Status Quo**

Advantages:

- 11 No consultation necessary, no additional costs.
- 12 If there are no changes to the current bylaw, there no additional work is necessary and there are no associated costs for consultation.

Disadvantages:

- 13 Legislative inconsistencies.
- 14 The current bylaw contains food safety aspects that are contained in the Act, which provides legislative inconsistencies.

15 **Option 2 – Proposed Bylaw**

Advantages:

- 16 Legislative consistency, community awareness
- 17 The proposed bylaw is consistent with the Act and only incorporates grading details. The grading has been well received by the community and the food industry and enables the community to make informed decisions.

Disadvantages:

- 18 Consultation, additional costs.
- 19 Although the special consultative procedure is not necessary, it is recommended that there is still a level of consultation undertaken, which takes time and requires some additional costs.

- 20 This report recommends **Option 2** for addressing the matter.

Significance and Engagement

- 21 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because of the importance to the Queenstown Lakes District and community interest. The Council's decision to retain a Grading Bylaw will continue to affect food businesses, in addition to residents/ratepayers and visitors.

Risk

- 22 This matter related to the operational risk OR004 - Serious injury to member of community as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because customers will be able to make informed decisions of where to eat as audits from Environmental Health Officers are usually only annual.

23 The recommended option considered above mitigates the risk by: Treating the risk - putting measures in place which directly impact the risk.

Financial Implications

24 There will be minor advertising and consultation costs as a result of the review, which will be met by existing budgets and resourcing.

Council Policies, Strategies and Bylaws

25 The following Council policies, strategies and bylaws were considered:

- Food Safety Bylaw 2011
- Enforcement and Prosecutions Policy 2014
- Significance and Engagement Policy 2014

26 The recommended option is consistent with the principles set out in the named policy/policies.

27 This matter is included in the 10-Year Plan/Annual Plan

- Volume 1 – Regulatory Functions and Services.

Local Government Act 2002 Purpose Provisions

28 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by ensuring that the new bylaw is consistent with the Act and enables self-compliance;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

29 The persons who are affected by this matter are residents/ratepayers of the Queenstown Lakes District community, iwi, food businesses and tourism industry.

30 Council has not undertaken any pre-consultation, however will undertake consultation with the community and food businesses to identify any additional issues or concerns that may arise.

31 The proposed bylaw will be notified on Council's website, with a two week consultation period, in addition to an email to all food businesses.

Attachments

- A Proposed Queenstown Lakes District Food Grading Bylaw
- B Current Queenstown Lakes District Food Safety Bylaw 2011
- C Proposed Bylaw Fact Sheet