

QUEENSTOWN LAKES DISTRICT COUNCIL

FOOD SAFETY BYLAW 2011

Pursuant to section 145 of the Local Government Act 2002, the Queenstown Lakes District Council makes the following bylaw:

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Bylaws

1. Title

This bylaw is the Queenstown Lakes District Council Food Safety Bylaws 2011.

2. Commencement

The Bylaw shall come into effect on seven days after the first public notice that the Bylaw has come into effect.

3. Interpretation

Audit means an assessment by an Authorised Officer to establish the level of conformance with a documented Food Safety Programme and compliance with the current Food Act.

Authorised Officer means an Environmental Health Officer warranted by the Queenstown Lakes District Council.

Council means the Queenstown Lakes District Council.

Food shall have the same meaning as in Section 2 of the Food Act 1981 or any subsequent legislation.

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Food Handler means any person who is directly involved with the handling, packaging, preparation and/or cooking of food for human consumption.

Food Premises shall have the same meaning as in the Health (Registration of Premises) Regulations 1966 and the Food Hygiene Regulations 1974, or any subsequent legislation. It also includes premises which operate a Food Control Plan under the Food Act 1981.

Food Safety Programme shall have the same meaning as in section 4A of the Food Act 1981 as set out below (or any subsequent legislation):

Unless the context otherwise requires, **Food Safety Programme** means a programme designed to identify and control food safety risks factors in order to establish and maintain food safety.

Grade A means Excellent – with a premises score rating of 24 to 30.

Grade B means Good – with a premises score rating of 18 to 23.

Grade C means Average – with a premises score rating of 12 to 17.

Grade D means Unacceptable – with a premises score rating of 0 to 11.

Grade P means Pending – where premises are new or have transferred operator, and are awaiting grading.

Grading means the grade allocated to a food premises following an inspection by an Authorised Officer in accordance with the matrix attached to and forming part of these bylaws.

Grading Certificate means the certificate issued to a food premises following an inspection or a re-inspection, stating the grade allocated to the premises by an Authorised Officer.

Inspection means an assessment by an Authorised Officer to establish the level of compliance with the current food hygiene legislation applicable to the food premises.

Occupier shall have the same meaning as in the Food Hygiene Regulations 1974 or any subsequent legislation.

Offence means a failure to comply with the requirements of these bylaws.

Re-inspection means a follow up inspection by an Authorised Officer to determine if the works identified at a previous inspection have been rectified.

Re-grading means a re-assessment of a food premises for grading purposes. With the exception of a D graded premises no food premises can be re-graded within 1 month from the date of the original grading assessment.

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Staff Sickness Policy means a policy developed to prevent anyone who is carrying a communicable disease from contaminating food

4. Purpose

The purpose of this bylaw is to protect, promote and maintain public health and safety by:

- (a) Implementing a food grading system for food premises;
- (b) Requiring food premises to display grading certificates; and
- (c) Ensuring food handlers are trained in food hygiene practices.

5. Principles

All Food Premises are required to comply with minimum standards under legislation regulating the sale of food to the public. However, the level of compliance and standard of food hygiene varies between food premises.

The introduction of a grading system will improve standards in Food Premises and allow the Council to close Food Premises when necessary. A minimum requirement for staff training in food hygiene will also reduce the risk to the public.

6. Compulsory Food Hygiene Training

- (a) All Food Handlers must be trained to a level commensurate to their responsibilities and work activities, through internal and/or formal training
- (b) The Occupier of every Food Premises shall ensure that adequate records are kept relating to staff training and that copies of all certificates gained by staff are kept on the premises for perusal by any Authorised Officer upon request.

7. Refresher Training

If during an inspection/audit an Authorised Officer is satisfied that the person working in a Food Premises has not demonstrated the competencies necessary for that role, they may require that person to undertake further training. This request may include the need to complete and pass formal training such as unit standard 167 or 198

8. Staff Sickness Policy

- (a) Every Food Premises must have a written Staff Sickness Policy that identifies the circumstances in which staff should be excluded from the food premises, food handling and/or seek medical advice
- (b) The Staff Sickness Policy must be kept on the Food Premises at all times.
- (c) It is the responsibility of the Occupier to ensure that all staff read, understand and adhere to the Staff Sickness Policy.

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9. Grading

- (a) An Authorised Officer shall grade each food premises, using the matrix in Appendix 1 of this bylaw, at least annually following an inspection/audit.
- (b) A new Food Premises or a Food Premises that has had a change of Occupier will receive a grading certificate within three months of continuous operation.
- (c) The Council may, by resolution, make changes to the grading matrix.
- (d) A grading certificate shall be issued to the Occupier of a food business as soon as practicable following an inspection/audit, but no longer than ten working days following an assessment.
- (e) The grade on the certificate must be displayed at each entrance(s) of the premises, so as to be readily visible from the exterior of the premises, or where this is deemed unsuitable at a location approved by an Authorised Officer.
- (f) Any premises receiving a Grade D may be closed at the discretion of an Authorised Officer, in accordance with Clause 11 of this bylaw. The Occupier of the food business may apply in writing to the Council at any time for a re-grading.
- (g) Any re-grading certificate will be issued within ten working days following the re-grading inspection/audit. Any re-grading/re-inspections shall be charged the rates set by the Council.
- (h) The grading certificate shall be current for a period not exceeding 12 months from the date of issue or such lesser time if it is amended, cancelled or withdrawn by an Authorised Officer following a subsequent grading or other inspection.
- (i) Grading certificates are not to be transferred from one Occupier to another or from one food premises to another.

10. Closure of Premises

Where any food premises or part of any food premises as designated by the Authorised Officer, or any appliance, fitting or fixture or other equipment on any such food premises by reason of their situation, construction, disrepair, or state, are in such a condition that any food in the food premises may become unfit for human consumption, an Authorised Officer may serve notice in writing, requiring the Occupier of the food premises:

- (a) To cease to use the food premises or part of the premises as food premises, or to clean or reconstruct, or to repair the food premises; or
- (b) To cease to use, or to clean, reconstruct, or repair any appliance, fittings, fixture or other equipment on those Food Premises;

in accordance with specific requirements and within the time specified in the notice.

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Where an Occupier has been directed to cease to use any food Premises the occupier must not recommence use of those food premises until permission has been given in writing by an Authorised Officer.

11. Appeals

Any Occupier of a food premises may appeal against any grading or against any requirement made by an Authorised Officer in accordance with this bylaw.

An appeal must be directed to the Council in writing and must be received within ten working days of notification of the grade and/or requirement.

A hearing will be established, where on hearing the appeal, Council may confirm, reverse or modify the grading or requirements made by the Authorised Officer.

The hearing must be convened within ten working days of the receipt of the notice of appeal.

The decision of an Authorised Officer shall stand until such time as the Council determines the matter.

The right of appeal under this bylaw is in addition to any other statutory right made available to the Occupier.

12. Fees

The Council may by resolution, publicly notified prescribed fees in respect of any certificate, authority, approval, permit or consent from an inspection or audit by the Council under this bylaw.

13. Penalties

In accordance with section 239 of the Local Government Act 2002, every person who breaches this bylaw commits an offence and is liable on summary conviction to the penalty set out in section 242(4) of that Act (being a fine not exceeding \$20,000).

This bylaw is made under the provision of the Local Government Act 2002 by resolution of the Queenstown Lakes District Council at a meeting of the Council on [date] and publicly notified on [date].

The Common Seal of the Queenstown Lakes District Council is attached in the presence of

Mayor

Chief Executive Officer

APPENDIX 1 - ENVIRONMENTAL HEALTH FOOD PREMISES INSPECTION MATRIX

ASSESSMENT OF PERSONAL HYGIENE PRACTICES:	Score
Excellent standard of personal hygiene, all required tools provided to a high standard.	5
Good standard of personal hygiene, wash hand basins fully equipped.	4
Acceptable standard of personal hygiene, wash hand basins fully equipped.	3
Personal hygiene needing improvement, wash hand basins not fully equipped.	2
Lack of understanding of personal hygiene requirements, wash hand basins not fully equipped.	1
Serious breaches of hygiene practice requirements.	0

ASSESSMENT OF TEMPERATURE CONTROL:	Score
Written temperature monitoring programme, procedures relating to temperature control in place and fully implemented.	5
Temperature monitoring programme and procedures relating to temperature control in place, but not fully documented.	4
Minimal risk of temperature abuse. Temperatures in compliance with requirements.	3
Temperature control generally good, but some significant gaps in procedures.	2
Some evidence of temperature abuse and food potentially contaminated.	1
Serious breaches of temperature control.	0

ASSESSMENT OF FOOD PROTECTION:	Score
Documented systems in place and evidence that procedures implemented.	5
Food protected and systems in place, but not documented.	4
Some systems in place, food unlikely to be exposed to contamination.	3
Systems needing improvement, risk that food exposed to contamination.	2
Lack of food protection and evidence that food exposed to contamination.	1
Serious breaches of food protection requirements.	0

ASSESSMENT OF CLEANING AND SANITISING:	Score
Excellent overall standard of cleanliness.	5
Very good overall standard of cleanliness.	4
Good standard of cleanliness.	3
General standard of cleanliness reasonable – improvement needed to prevent a fall in standards.	2
Premises in a poor condition, general lack of effective cleaning.	1
Premises in an unacceptable condition, almost total non-compliance with requirements.	0

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ASSESSMENT OF PREMISES (STRUCTURAL):	Score
Excellent overall condition, maintenance programme in place.	5
Very good overall condition, regular maintenance.	4
Good overall condition, suitable for purpose.	3
Reasonable overall condition, but improvements needed to prevent a fall in standards.	2
Poor overall condition and general lack of maintenance.	1
Serious structural deficiencies and premises not suitable to be used as food premises.	0

ASSESSMENT OF TRAINING:	Score
Records of training. Evidence that all staff trained commensurate to their roles.	5
Training programme in place but not fully documented.	4
Supervision of staff, but limited training programme.	3
Key staff trained and some supervision, but no training programme for other staff.	2
Key staff trained, but lack of supervision and training.	1
Evidence that lack of training likely to result in serious breaches of food hygiene.	0

APPENDIX 2 - GRADING CERTIFICATE

CERTIFICATE OF REGISTRATION OF PREMISES

1 October 2010 – 30 September 2011

Name of Premises: **PREMISES NAME**

Premises situated at: **PREMISES ADDRESS**

Name of Company or Owner: **COMPANY DETAILS ADDRESS**

Purpose of Premises: **Eating House - 26-50 seats**

Fee paid: **\$XXX**

Expiry Date of Registration: **30 September 2011**

Date: **19 August 2010** Ref: **FPXXX**

Signed:
Principal: Environmental Health

The premises is registered pursuant to

- The Health (Registration of Premises) Regulations 1966
- Health Act 1956
- Queenstown Lakes District Council Food Safety Bylaw 2011

Within fourteen days of change of occupation of the premises, the new occupier shall apply to the Council for a Transfer of Registration Certificate for the premises.

THIS CERTIFICATE SHALL BE DISPLAYED AT EACH ENTRANCE(S) OF THE PREMISES, SO AS TO BE READILY VISIBLE FROM THE EXTERIOR OF THE PREMISES.

EXCELLENT

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APPENDIX 3 – FEE MATRIX

	A	B	C	D	New premises
LEVEL 1	\$285	\$315	\$355	\$405	\$615
LEVEL 2	\$320	\$350	\$390	\$440	\$650
LEVEL 3	\$375	\$405	\$445	\$495	\$705
LEVEL 4	\$485	\$515	\$555	\$605	\$815

Level 1 - fruit and veg, warehouses, no perishables onsite, food mainly pre-prepared and pre-wrapped

Level 2 dairies, service stations, packing house, perishables onsite, food mainly pre-prepared and pre-wrapped

Level 3 Eating house (less than 50 seats), takeaways, butchers, delis, small bakeries, usually owner operated small to med sized

Level 4 Eating house (more than 50 seats), manufacturers, caterers, Ski fields and establishments with 2 or more kitchens

Re -grading fee = \$120

Re-Inspection fee = \$180

Transfer fee = \$55