

QLDC Council
24 February 2016

Report for Agenda Item: 6

Department: Finance & Regulatory

Queenstown Lakes District Council Food Grading Bylaw 2016

Purpose

To consider adoption of the Queenstown Lakes District Council Food Grading Bylaw 2016.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Adopt** the Queenstown Lakes District Food Grading Bylaw 2016 and direct officers to publicly notify the Council's decision.

Prepared by:



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05/02/2016

Reviewed and Authorised by:



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05/02/2016

Background

- 1 In November 2015 Council approved the Proposed Food Grading Bylaw and the commencement of public consultation <http://www.qldc.govt.nz/assets/Uploads/Council-Documents/2015-Full-Council-Agendas/26-November-2015/Item-11/11-Review-of-the-QLDC-Food-Safety-Grading-Bylaw-2011-covering-report.pdf> to enable Council's Environmental Health Officers ("EHOs") to continue to grade food premises according to their compliance with four food hygiene practice criteria (confidence in management, premises maintenance, cleaning and training).
- 2 Council has undertaken consultation with stake holders by emailing registered food businesses and advertising the Bylaw on Council's website.
- 3 Following consultation, no submissions were received and therefore no hearing was necessary.

Comment

- 4 On 1 March 2016, the Food Act 2014 ("the Act") is implemented with a three year transition period. Due to the Act's requirements, all inconsistencies in the current Food Safety Bylaw 2011 have been removed.
- 5 The adoption of the Food Grading Bylaw 2016 will enable Council to retain the ability to grade food premises and continue to enable the wider community to make informed decisions regarding where to dine based on the level of grading attributed to the premises.

Options

- 6 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:
- 7 **Option 1 – Adopt the Food Grading Bylaw 2016**

Advantages:

- 8 Legislative consistency, community awareness
- 9 The Food Grading Bylaw 2016 is consistent with the Act. The grading of food businesses has been well received by the community and the food industry and enables the community to make informed decisions about where to dine.

Disadvantages:

- 10 Additional costs, public notification.
- 11 Some additional costs to adopt the Bylaw may be required. However, these costs are minimal and relate to the advertising of the Bylaw.

12 **Option 2** - No Food Grading Bylaw 2016

Advantages:

13 No additional costs, no public notification.

14 There will be no additional costs to advertise the adoption of a new Bylaw.

Disadvantages:

15 Inability to grade food businesses.

16 Without adopting the Food Grading Bylaw 2016 Council will not be able to grade food businesses. In addition customers will then not be able to make informed decisions about where to dine.

17 The current Food Safety Bylaw 2011 contains food safety aspects that are contained in the Act, which provides legislative inconsistencies.

18 This report recommends **Option 1** for addressing the matter.

Significance and Engagement

19 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

20 This matter relates 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 about where to eat as audits from Environmental Health Officers are usually only annual.

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

Financial Implications

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

Council Policies, Strategies and Bylaws

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

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

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

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

- Volume 1 – Regulatory Functions and Services.

Local Government Act 2002 Purpose Provisions

26 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

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

28 The simplification of the Bylaw meant there was no requirement to undertake consultation following the special consultative procedure, as the significance of the changes is low in accordance with Council's Significance and Engagement Policy.

29 The Bylaw was advertised from 27 November 2015 to 14 December 2016 on Council's website, in addition to an email sent to each registered food premises regarding the Bylaw review.

30 No submissions were received during the consultation period.

Attachments

A Queenstown Lakes District Council Food Grading Bylaw 2016 (proposed)