



## Food Grading Bylaw [2016]

Queenstown Lakes District Council

Date of making: [Insert]

Commencement: 1 March 2016

This bylaw is adopted pursuant to section 145 of the Local Government Act 2002.

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## 1 Title

1.1 This bylaw is the Food Grading Bylaw 2016.

## 2 Scope

2.1 This bylaw applies to all food businesses in the Queenstown Lakes District in respect of which the Council performs a registration, verification, compliance or monitoring function under the Act.

## 3 Exemptions from bylaw

3.1 Any food business that is not required by the Act to be registered by the Council.

## 4 Interpretation

4.1 Except as expressly provided in this bylaw, all terms used in this bylaw have the same meanings as in the Act.

4.2 In this bylaw, unless the context otherwise requires:

**Act** means the Food Act 2014.

**Authorised officer** means any person employed and duly authorised by the Council to carry out functions under the Act.

**Council** means the Queenstown Lakes District Council.

**Food** has the same meaning as in Section 9 of the Food Act 2014.

**Food business** has the same meaning as in Section 10 of the Food Act 2014 and includes any food premises required to be registered by the Council under the Health (Registration of Premises) Regulations 1966.

**Food premises** has the same meaning as in the Food Hygiene Regulations 1974.

**Grade** and **grading** means a grade determined by an authorised officer in accordance with the provisions of this bylaw.

**Grading certificate** means a certificate recording a grade issued by an authorised officer.

**Operator of a food business** has the same meaning as in Section 8 of the Act.

**Verification** has the same meaning as in Section 8 of the Act and includes inspections under the Food Hygiene Regulations 1974.

A **grade** means an “excellent” food business scoring 17-20 in accordance with the matrix set out in the Schedule to this bylaw.

**B grade** means a “good” food business scoring 14-16 in accordance with the matrix set out in the Schedule to this bylaw

**C grade** means an “adequate” food business scoring 12-13 in accordance with the matrix set out in the Schedule to this bylaw

**D grade** means a “poor” food business scoring 11 or less. in accordance with the matrix set out in the Schedule to this bylaw

**P (grade pending)** means the food business is new or has changed ownership and has not yet been graded in accordance with the matrix set out in the Schedule to this bylaw.

## **5 Grading of food businesses**

- 5.1 An authorised officer may, as soon as practicable following the completion of any verification function under the Act, issue a grading certificate to a food business.
- 5.2 An authorised officer may, in his or her discretion, decide not to issue a grading certificate where because of the nature of the food business or its interaction with the public, no useful purpose would be served by issuing a grading certificate. A food business to which no grading certificate is issued need not comply with clause 5.5.
- 5.3 The grade in a grading certificate shall be determined by the authorised officer by applying the matrix set out in Schedule 1 of this bylaw.
- 5.4 The issue of a grading certificate by an authorised officer shall supersede any previous grading certificate issued to the food business and the previous grading certificate shall no longer be current.
- 5.5 A food business to which a grading certificate is issued under clause 5.1, must conspicuously display a current grading certificate at the principal entrance to the food business to which it relates, so as to be readily visible to members of the public visiting the food business.
- 5.6 Grading certificates remain the property of the Council and may be removed by an Authorised Officer.
- 5.7 Grading certificates relate to the food business to which they were issued and may not be transferred:
  - (a) from one food business to another, whether or not the food businesses have the same operator; or
  - (b) from one operator to another.

## **6 Reconsideration**

- 6.1 An operator of a food business may apply to the Council in writing for a reconsideration of a grade within ten working days of the authorised officer issuing the grading certificate.
- 6.2 An application for reconsideration may be heard, within ten working days of receipt of an application for reconsideration, by the Manager, Regulatory, who may decide to confirm, modify or reverse the grade.
- 6.3 The grade issued by an authorised officer remains current and must continue to be displayed in accordance with clause 5.5 until the decision of the Manager, Regulatory is notified to the operator of the food business.

## **7 Re-grading**

- 7.1 An operator of a food business may apply, at any time, to an authorised officer of the Council for a re-grading of the food business.
- 7.2 Any re-grading completed by an authorised officer shall constitute a verification function under the Act.

## **8 Offences**

- 8.1 The operator of any food business commits an offence against this bylaw who fails to conspicuously display at the principal entrance to the food business, so as to be readily visible to members of the public visiting the food business a current grading certificate.

## **9 Penalties**

- 9.1 Any person who commits an offence is liable upon conviction to a fine not exceeding \$20,000 (Local Government Act 2002 section 242(4)).

## **10 Date of Effect**

- 10.1 This bylaw shall come into effect on 1 March 2016.

## **11 Savings**

- 11.1 Any Grading Certificate issued under the Food Safety Bylaw 2011 prior to the making of this bylaw shall remain valid until its date of expiry.

## **12 Revocation**

- 12.1 The Food Safety Bylaw 2011 is revoked as from the date that this bylaw comes into effect.

## Schedule 1 –Food Grading Matrix

ASSESSMENT OF CONFIDENCE IN MANAGEMENT:	Score
Food Control Plan (FCP) / appropriate systems with excellent procedures, documentation and an excellent history of compliance.	5
FCP / appropriate systems in place with good procedures, documentation and a good history of compliance.	4
FCP / appropriate systems generally in place with adequate procedures and some documentation. Reasonable history of compliance.	3
Limited FCP / appropriate systems in place. Some poor conduct or practices observed. Poor history of compliance.	2
No FCP / appropriate systems in place and areas of significant concern presenting a potential public health risk. Poor history of compliance.	1

ASSESSMENT OF PREMISES (STRUCTURAL):	Score
Premises excellent and in all respect suitable for the purpose and able to be registered.	5
Good premises and facilities with only minor maintenance items to address and able to be registered.	4
Adequate premises and facilities with some maintenance items requiring attention but able to be registered.	3
Areas of disrepair / poor maintenance and / or inadequate facilities preventing registration.	2
Critical maintenance work required and / or premises in many respects unsafe for food preparation.	1

ASSESSMENT OF CLEANING AND SANITISING:	Score
Excellent overall standard of cleanliness with an effective cleaning plan/system and an appropriate recording method.	5
Premises and appliances in a clean and tidy condition with a fully effective cleaning plan in use.	4
Premises and appliances maintained to an adequate standard of cleanliness but improvement required in some areas.	3
General standard of cleanliness and sanitation poor. Significant improvement required.	2
General standard of cleanliness and sanitation unsatisfactory, presenting a potential public health risk.	1

ASSESSMENT OF TRAINING:	Score
Excellent knowledge and awareness of food hygiene with comprehensive training records available for all staff.	5
Good knowledge and awareness of food hygiene with training records available for most staff.	4
Adequate knowledge, awareness and evidence of food safety training but improvement required in some areas.	3
Generally poor knowledge, awareness and evidence of food safety training with significant improvement required.	2
Unsatisfactory level of food safety training demonstrated. Very poor knowledge and awareness of food safety evidenced by poor practices.	1

Notes: To score an A (Excellent grade), a food business must score at least 4 in each category.  
To score a B (Good grade) a food business must score at least 3 in each category.

**A grade** means an “excellent” food business scoring 17-20

**B grade** means a “good” food business scoring 14-16

**C grade** means an “adequate” food business scoring 12-13

**D grade** means a “poor” food business scoring 11 or less.