

Whangarei District Council

Food Businesses Grading Bylaw 2016

Pursuant to the Local Government Act 2002, Whangarei District Council makes the following bylaw about the grading of food premises.

Title

This bylaw is the Food Businesses Grading Bylaw 2016.

Commencement

This bylaw will come into force on 1 March 2016.

Application

This bylaw applies to the Whangarei District.

Purpose

This bylaw is to make provision for all Food Businesses registered with the Whangarei District Council to be issued with a food hygiene Grade following their audit or inspection. This includes mobile Food Businesses. This bylaw also requires Food Businesses to display their grading certificate.

Interpretation

In this bylaw, unless the context otherwise requires:

AUTHORISED OFFICER means an Environmental Health Officer appointed by Council pursuant to section 28 of the Health Act 1956.

COUNCIL means the Whangarei District Council.

FOOD shall have the same meaning as it has in Section 9 of the Food Act 2014.

FOOD BUSINESS shall have the same meaning as it has in Section 10 of the Food Act 2014. It shall also include food premises as listed in Regulation 4 of the Food Hygiene Regulations 1974 which are required to be registered under the Health (Registration of Premises) Regulations 1966.

GRADE and GRADING means the allocated grade resulting from a verification visit of a food business by an authorised officer, assessed using the Food Business Grading System attached to the bylaw as Appendix 1.

GRADING CERTIFICATE means a certificate issued to each food business reflecting the grade allocated by the authorised officer following a verification of the food business concerned.

OPERATOR OF A FOOD BUSINESS means the owner or other person in control of the business.

VERIFICATION shall have the same meaning as it has in Section 8 of the Food Act 2014.

Generally a verification visit will be an 'audit' but will also include inspections as referred to in the Food Hygiene Regulation 1974.

Grading of Food Businesses

- 1) Every Food Business must have a food hygiene grading and obtain a Grading Certificate under this bylaw.
- 2) During the scheduled Verification of a Food Business the Authorised Officer will provide a Grading for each Food Business, using the Food Business Scoring Matrix in Appendix 1.
- 3) A Food Business may be visited by an Authorised Officer outside of their scheduled Verification intervals, for example if a complaint is received. The Authorised Officer may re-grade the Food Business as a result of such a visit should hygiene conditions have changed.
- 4) A Grading certificate will be issued to the Operator of the Food Business as soon as practicable after the Verification or other visit.
- 5) An application for a re-grading of a Food Business may be made in writing to the Chief Executive Officer at any time. This may attract an additional re-grade fee in accordance with the approved fees and charges.

- 6) The current Grading certificate must be conspicuously displayed 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. It must be in full and unobstructed view.
- 7) The Grading certificate shall be deemed to be current until its expiry date unless a new Grading certificate is issued. Grading certificates remain the property of the Whangarei District Council and may be removed by an Authorised Officer.
- 8) Grading certificates are not to be transferred from one Food Business to another or between different Operators of Food Businesses.
- 9) It is an offence under this bylaw to display a Grading certificate that is not current.

Appeals

Any Operator of a Food Business in respect of which any decision has been made by an Authorised Officer under this bylaw may appeal in writing to the Chief Executive against that decision within 14 days after receiving notice thereof.

On hearing the appeal, the Chief Executive may confirm, reverse or modify the decision made by the Authorised Officer and the decision of the Chief Executive is final.

This right of appeal is in addition to any other statutory right made available to the Operator of a Food Business.

Offences

The Operator of any Food Business commits an offence against this bylaw who:

- a. Fails to conspicuously display at the principal entrance to the Food Business the current Grading certificate, so as to be readily visible to members of the public visiting the food business; or
- b. displays a Grading certificate that is not current.

Penalties

Any person who acts in breach of any provision of this bylaw commits an offence and is liable upon conviction to a fine not exceeding \$20,000 (Local Government Act 2002 section 242(4)).

Appendix 1

Food Business Scoring Matrix

A: 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
B. Assessment of businesses (structural):	Score
Premises excellent and in all respects 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
C. 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 appliance 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
D: Assessment of training:	Score
Excellent knowledge and awareness of food hygiene with comprehensive training records available on all staff	5
Good knowledge and awareness of food hygiene with training records available on 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' grade, a food business must score at least 4 in each category of the matrix.

To score a 'B' grade, a food business must score at least 3 in each category of the matrix.

A grade = 'excellent' - food business scoring 17-20.

B grade = 'good' - food business scoring 14-16.

C grade = 'adequate' - food business scoring 12-13.

D grade = 'poor' - food business scoring 11 or less.