

15 Food Safety

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Food Safety

Approved by Council: 2 April 2007
Date of Effect: 1 July 2007

PART 15: FOOD SAFETY

This bylaw is made pursuant to the powers contained in the Local Government Act 2002.

15.1 Short Title

The short title of this bylaw shall be the Food Safety bylaw.

15.2 Scope

This bylaw is to make provision for all food workers employed in food premises in the Dunedin City area to have successfully completed a recognised course in food hygiene training. It also enables the Environmental Health Co-ordinator to close food premises where necessary and requires operators to display an inspection grade in a place visible to the public.

15.2.1 Exemptions from Bylaw

Any premises operating a Food Safety Programme and holding an exemption from the Food Hygiene Regulations 1974 or having a registered Risk Management Plan are exempt from this bylaw.

15.3 Definitions

- 1) "AUTHORISED OFFICER" means an Environmental Health Officer or Environmental Health Inspector appointed by the Dunedin City Council under the authority of the Health Act 1956 or any other Act.
- 2) "COUNCIL" means the Dunedin City Council.
- 3) "CRITICAL FAULT" means a condition or set of conditions that would expose food to contamination or taint, or that would allow food to become dirtied or deteriorated.
- 4) "FAULT" means a condition or set of conditions, which do not come within the definition of critical fault but do not comply with the Food Hygiene Regulations 1974.
- 5) "FOOD" shall have the same meaning as it has in Section 2 of the Food Act 1981.
- 6) "FOOD PREMISES" includes 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, and stalls as defined in Regulation 2 of the Food Hygiene Regulations 1974, but shall not include occasional food premises as defined in that regulation.
- 7) "FOOD WORKER" means any person who at any time is involved in the manufacture, preparation for consumption or packing of food on food premises, but does not include bar or waiting staff not handling food.
- 8) "GRADE" and "GRADING" means the allocated grade resulting from an inspection of food premises by an authorised officer, assessed using the system described in Appendix 1 of this bylaw.

CATEGORY A: Excellent Grade, rating 17 – 20

CATEGORY B: Good Grade, rating 14 – 16

CATEGORY C: Adequate Grade, rating 12 – 13

CATEGORY D: Poor Grade, rating 0 – 11, or (Prosecution or closure likely)

- 9) "GRADING CERTIFICATE" means a certificate issued to each food premises reflecting the grade allocated by the authorised officer following an inspection of the food premises concerned.
- 10) "OCCUPIER" shall mean the owner of the food premises or stall, or persons occupying the premises and shall include the supervisor, food handler, manager or agent acting in the general management or control of the food premises or stall.

15.4 Compulsory Training for Food Workers

- 1) All food workers employed at any food premises shall be certificated with Unit Standard 167 (part one only), or an equivalent qualification.
- 2) It shall be the duty of the occupier of every food premises to ensure that new, temporary, or replacement staff are already certificated with Unit Standard 167 or equivalent, before the commencement of employment at a food premises.
- 3) Every food premises shall have at least one person employed in a supervisory and training capacity that is certificated to have completed and passed Unit Standard 167 (parts one and two) or equivalent, and Unit Standard 168 or equivalent.
- 4) Where food premises consist of separate departments or sections, each of which functions primarily independently of the others, at least one person shall be appointed to act in a supervisory and training capacity within each department.
- 5) 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 of the Council's Environmental Health Unit upon request.

15.4.1 Exemptions

- 1) Persons employed exclusively in the handling of pre-packaged foodstuffs at the point of sale or in storage or transport are exempt from the requirements of section 15.4 of this bylaw.
- 2) Any other person employed on food premises may seek exemption from the Environmental Health Co-ordinator on the basis of prior training on a suitable course of study.

15.4.2 Refresher Training

- 1) If an authorised officer is satisfied that a food handler or food handlers working in any food premises has insufficient food safety knowledge, then the authorised officer may require that person or persons to complete an approved training course in food hygiene.

15.5 Closure of Premises

- 1) Where any food premises or part of a food premises or any appliance, fitting or fixture or equipment in any food premises are, by reason of their situation, construction, disrepair or state, in such a condition that any food in the premises may be exposed to contamination or taint or deteriorate or become dirty, the Environmental Health Co-ordinator or the acting Environmental Health Co-ordinator

may serve a notice in writing on the occupier or owner of the premises requiring him or her to:

- a. Cease to use the premises as food premises, and not to subsequently resume the use of the premises as food premises; or
 - b. Clean, reconstruct, or repair the premises or any appliance, fitting or fixture, or equipment in a manner to be specified in the notice; or
 - c. Clean, reconstruct or repair the premises or any appliance, fitting or fixture, or equipment in a manner to be specified in the notice and to cease to use the premises until the cleaning, reconstruction or repair has been completed to the satisfaction of an authorised officer.
- 2) Where an occupier has been directed to cease operating any food premises, the occupier shall not recommence use of those food premises until the Environmental Health Co-ordinator has given permission in writing.
- 3) An occupier shall not continue to operate any premises if the Council has revoked the Certificate of Registration pursuant to Regulation 9(3) and 9(4) of the Health (Registration of Premises) Regulations 1966.

15.6 Grading of Premises

- 1) Prior to the annual registration of food premises and in the case of food premises not required to be registered, at appropriate intervals, the authorised officer will, following an inspection, provide a grading for each food premises using the grading system described in Appendix 1 of this bylaw.
- 2) A grading certificate, and an annual registration certificate where the food premises are registered food premises, will be issued to the occupier of the food premises as soon as practicable after the inspection.
- 3) Any premises receiving a D grade may be closed at the discretion of the Environmental Health Co-ordinator or acting Environmental Health Co-ordinator in accordance with section 15.5 of this bylaw. An application for a re-grading of a premises may be made in writing to the Environmental Health Co-ordinator at any time. This will attract an additional re-inspection fee in accordance with the grading based fee structure set out in Schedule 1 of this bylaw.
- 4) The current grading certificate shall be conspicuously displayed in a public part of the food premises to which it relates, so as to be readily visible to members of the public visiting the food premises.
- 5) The grading certificate shall be deemed to be current for a period not exceeding 12 months from the date of issue, and remains the property of the Dunedin City Council. Premises may be subject to further food hygiene inspections at any time and the grading certificate may be cancelled, withdrawn or amended by an authorised officer if the hygiene of the food premises has either improved or worsened when compared to the current grading certificate.
- 6) Grading certificates are not to be transferred from one occupier to another or from one food premises to another.
- 7) It is an offence under this bylaw to display a grading certificate that is not current.

15.7 Sickness Policy

Every food premises must have a written sickness policy on the premises at all times. This policy must be adhered to by all food handling staff.

Premises that only handle packaged food at the point of sale or in storage or transport are exempt from the requirements of section 15.7 of this bylaw.

15.8 Appeals

- 1) Any occupier of food premises in respect of which any decision or requirement has been made by an authorised officer under this bylaw may appeal in writing to the Council against that grading or requirement within 14 days after receiving notice thereof.
- 2) On hearing the appeal, the Council may confirm, reverse or modify that grading or requirement.
- 3) This right of appeal is in addition to any other statutory right made available to the occupier.

15.9 Offences

- 1) Any occupier of a food premises commits an offence against this bylaw who;
 - a. Permits an untrained person to work in a food premises; or
 - b. Fails to conspicuously display the current grading certificate in a public part of the food premises to which it relates, so as to be readily visible to members of the public visiting the premises; or
 - c. Displays a grading certificate that is not current; or
 - d. Has been directed to cease operating any food premises and who does not comply with this requirement; or
 - e. Does not have on the premises at all times a suitable sickness policy that is adhered to by all food handling staff.

15.10 Penalties

Any person who commits an offence against this bylaw is liable on summary conviction to the penalty set out in section 242(4) of the Local Government Act 2002.

15.11 Date of Effect

This bylaw shall come into effect on the 1st day of July 2007.

APPENDIX 1

ENVIRONMENTAL HEALTH FOOD PREMISES GRADING SYSTEM

EXPLANATION OF RISK FACTOR ASSESSMENT

ASSESSMENT OF CONDUCT AND PRACTICES:	Score
Food Safety Programme or Management Systems with appropriate methods of recording in place.	5
Minimal risk of contamination, particularly as a result of human error. Conduct and practices very good.	4
Contamination unlikely, provided personnel adhere to current operating arrangements. Conduct and practices good.	3
Insufficient safeguards to be reasonably confident that contamination could not occur. Conduct and practices suspect.	2
High degree of risk of contamination. Conduct and practices not acceptable.	1
Food found to be contaminated. Serious breaches of conduct and practice requirements.	0

ASSESSMENT OF PREMISES (STRUCTURAL):	Score
Premises in all respect suitable for the purpose and able to be registered.	5
Adequate facilities with no serious deficiencies in construction, layout and repair and able to be registered.	4
Acceptable conditions with only maintenance items requiring attention but able to be registered.	3
Areas of disrepair and / or inadequate facilities preventing registration.	2
Critical work required or premises in many respects unable to be maintained.	1

ASSESSMENT OF CLEANING AND SANITISING:	Score
Excellent overall standard of cleanliness with an effective cleaning programme/system and an appropriate recording method.	5
Premises and appliances in a very clean and tidy condition with an effective written cleaning plan in use.	4
No written cleaning plan but premises and appliances maintained to an acceptable standard with effective use of sanitisers.	3
General standard of cleanliness and tidiness satisfactory but improvement needed in some areas.	2
Evidence of lack of effective cleaning. Unacceptable	1
Premises in a contaminated condition. (Temporary closure or prosecution required.)	0

ASSESSMENT OF TRAINING:	Score
100% of staff trained to NZQA level 167. Food Manager / Supervisor trained to level 168	5
80% of staff trained to NZQA level 167. Food Manager / Supervisor trained to level 168	4
60% of staff trained to NZQA level 167	3
40% of staff trained to NZQA level 167	2
20% of staff trained to NZQA level 167	1
0% of staff trained to NZQA level 167	0

Notes: If the Conduct score plus the Cleaning and Sanitising score is equal to or less than four, then the training score is automatically zero (0) regardless of the proportion of staff who have been trained in Food Hygiene. If Manager or Supervisor is not trained then maximum rating is 3.

To score an Excellent grade, a premises must score at least 4 in each category.

To score a Very Good grade a premises must score at least 3 in each category.

Grading: 'A' Excellent Grade - Inspection rating 17-20, 'B' Very Good Grade - Inspection rating 14-16, 'C' Adequate Grade – Inspection Rating 12-13 and 'D' Poor Grade - Inspection rating 0-11 (Prosecution or Closure likely).

Comments: _____

APPENDIX 2

SCHEDULE 1

PROPOSED FEES STRUCTURE

(From 1 July 2007, GST inclusive. To be considered annually as part of the Annual Plan process).

Class 1	
A	221.00
B	322.00
C	422.00
D	522.00
Class 2	
A	245.00
B	345.00
C	446.00
D	546.00
Class 3	
A	302.00
B	403.00
C	504.00
D	604.00
Class 4	
A	423.00
B	524.00
C	625.00
D	725.00
Class 5	
A	580.00
B	680.00
C	781.00
D	881.00
Mobile Shops (Food)	
A	353.00
B	454.00
C	555.00
D	655.00

Note any further re-inspections will incur a charge of \$100 each.

The Council will review these fees on an annual basis to ensure they accurately reflect the current costs of food premises inspections and enforcement.