

# RANGITIKEI DISTRICT COUNCIL

## FOOD BUSINESS GRADING BYLAW 2014

### 1 TITLE

1.1 This bylaw shall be known as the Rangitikei District Council Food Business Grading Bylaw ~~2021~~2014.

### 2 COMMENCEMENT

2.1 This bylaw comes into force on ~~XX XX XX~~30 January 2015.

### 3 SCOPE

3.1 This bylaw is made under the authority given by sections 145 and 146(a)(v) of the Local Government Act 2002.

3.2 This bylaw applies to:

- a) Premises for which Council is the Registration Authority.
- b) Food Businesses that are registered with another Authority and request a grading inspection.

### 4 PURPOSE

4.1 The purpose of this bylaw is to:

- a) ~~To ensure that all food businesses comply with minimum standards under legislation regulating the sale of food to the public.~~
- b) ~~To introduce a grading system that will a~~Allow the community to make informed decisions in respect to food businesses.
- c) Support Council's role in monitoring ~~and enforcing legislation and regulations governing~~ food businesses.
- d) ~~Establish a methodology for determining a business' grade.~~

## 5 INTERPRETATION

### 5.1 For the purposes of this bylaw the following definitions apply:

**AUTHORISED OFFICER** means an Environmental Health Officer warranted by the Rangitikei District Council.

**COUNCIL** means the Rangitikei District Council.

**FOOD** shall have the same meaning as in Section 9 of the Food Act 2014 or any subsequent legislation.

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

**FOOD BUSINESS** shall have the same meaning as in Food Act 2014.

**GRADE and GRADING** means the grade allocated to a food business following an inspection by an Authorised Officer in accordance with the matrix in Appendix 1. The definition of the grades awarded under this bylaw are listed below:

**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 D** means Sub-standard – with a premises score rating of 12 to 17.

**GRADE E** means Unacceptable – with a premises score rating of 0 to 11.

**GRADE N** means New – where premises are new or have transferred operator, and are awaiting grading.

**GRADING CERTIFICATE** means the certificate issued to a food business 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 safety legislation applicable to the food business.

**OPERATOR** shall have the same meaning as in section 8 of the Food Act 2014 or any subsequent legislation.

**OFFENCE** means a failure to comply with the requirements of this bylaw.

**RE-INSPECTION** means a follow up inspection by an Authorised Officer to determine if the remedial works/actions identified at a previous inspection have been rectified.

**RE-GRADING** means a re-assessment of a food business for grading purposes.

~~**STAFF SICKNESS POLICY** means a policy implemented in the food business to prevent anyone who is carrying a communicable disease from contaminating food~~

**VerificationAUDIT** means an assessment by an Authorised Officer to establish the level of conformance with a documented Food Safety Programme and compliance with the Food Act 2014.

## ~~6 — COMPULSORY FOOD SAFETY TRAINING~~

- ~~6.1 All Food Handlers must be trained to a level commensurate to their responsibilities and work activities, through internal and/or formal training.~~
- ~~6.2 The operator of every food business 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.~~
- ~~6.3 If during an inspection/audit an Authorised Officer is satisfied that the person working in a food business 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 or equivalent.~~

## ~~7 — STAFF SICKNESS POLICY~~

- ~~7.1 Every food business must have a written staff sickness policy that identifies the circumstances in which staff should be excluded from the food business, food handling and/or seek medical advice.~~
- ~~7.2 The staff sickness policy must be kept on the food business premises at all times.~~
- ~~7.3 It is the responsibility of the operator to ensure that all staff read, understand and adhere to the staff sickness policy.~~

## **86 GRADING**

**8-16.1** All food businesses will be allocated a grade as required by the specific plan they use or if requested by the food business ~~at least once annually~~.

**8-26.2** A new food business or a food business that has had a change of operator, will receive a grading inspection/verification~~audit~~ within six weeks ~~three months~~ of continuous operation.

**8-36.3** Grades will be calculated using the criteria in Appendix 1. Due to the food safety importance of sections 1 to 4 of Appendix 1. Any food business scoring 3 or below in any one of these sections will be ineligible for the award of an "A" grade and any score of 1 or below in any one of these sections will result in a "E" grade.

**8-46.4** A grading certificate shall be issued to the operator of a food business as soon as practicable following an inspection/verification~~audit~~, but no longer than twenty working days following an assessment.

**8-56.5** The current grade certificate must be displayed at each public entrance of the business, so as to be readily visible from the exterior of the premises.

**8-66.6** The grading certificate shall be current for a period required until another grading is due ~~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.

**8-76.7** Grading certificates are not transferable from one operator to another.

## **97 RE-GRADING**

~~9.17.1~~ The operator of the food business may apply in writing to the Council at any time for re-grading inspection.

~~9.27.2~~ If accepted, rRe-grading inspections will take place within 20 working days of receipt of a written request.

~~9.37.3~~ A grading certificate will be issued within twenty working days following the re-grading inspection/~~verification~~~~audit~~.

~~9.47.4~~ Any re-grading/re-inspections shall be charged at the rates set by the Council.

## **108 APPEALS**

~~10.18.1~~ Any Operator of a Food Business may appeal against any grading or against any requirement made by an Authorised Officer in accordance with this bylaw.

~~10.28.2~~ 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.

~~10.38.3~~ 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 Operator.

10.4 Council's Hearings Committee will determine the appeal.

## **119 Fees**

~~11.19.1~~ Fees are set by resolution of Council.

## **1210 Penalties**

~~12.110.1~~ 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).

# APPENDIX 1

## ENVIRONMENTAL HEALTH FOOD BUSINESS INSPECTION MATRIX

Section 1	ASSESSMENT OF PERSONAL HYGIENE PRACTICES	Score
	Excellent standard of personal hygiene, all required tools provided to a high Standard, <del>food business has a documented staff sickness policy.</del>	5
	Good standard of personal hygiene, wash hand basins fully equipped, <del>food business has a documented staff sickness policy.</del>	4
	Acceptable standard of personal hygiene, wash hand basins fully equipped, <del>food business has a documented staff sickness policy.</del>	3
	Personal hygiene needing improvement, wash hand basins not fully equipped, <del>food business has a documented staff sickness policy.</del>	2
	Lack of understanding of personal hygiene requirements, wash hand basins are not fully equipped.	1
	Serious breaches of hygiene practice requirements	0

Section 2	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

Section 3	ASSESSMENT OF FOOD PROTECTION	Score
	Documented systems in place and evidence that procedures have been 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

Section 4	ASSESSMENT OF CLEANING AND SANITISING	Score
	Excellent overall standard of cleanliness, documented cleaning schedule in place.	5
	Excellent overall standard of cleanliness but no documented cleaning schedule in place.	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 food protection requirements.	0

Section 5	<b>ASSESSMENT OF PREMISES (STRUCTURAL)</b>	<b>Score</b>
	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

Section 6	<b>ASSESSMENT OF TRAINING</b>	<b>Score</b>
	<del>Records of training. Evidence that all staff trained commensurate to their roles.</del>	<del>5</del>
	<del>Training programme in place but not fully documented</del>	<del>4</del>
	<del>Supervision of staff, but limited training programme</del>	<del>3</del>
	<del>Key staff trained and some supervision, but no training programme for other staff</del>	<del>2</del>
	<del>Key staff trained, but lack of supervision and training</del>	<del>1</del>
	<del>Evidence that lack of training likely to result in serious breaches of food safety</del>	<del>0</del>