

# GREY DISTRICT COUNCIL FOOD SAFETY BYLAW 2007

This bylaw was adopted by the Grey District Council at an Ordinary Meeting held on 11 June 2007 following consideration of submissions received as part of the Special Consultative procedure.

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# GREY DISTRICT COUNCIL FOOD SAFETY BYLAW 2007

## EXPLANATORY NOTE

The Grey District Council makes this bylaw pursuant to the powers and authorities conferred on it by the Local Government Act 2002 and the Health Act 1956, their respective amendments and all other powers and authorities in any way enabling it.

### 1. SHORT TITLE

The short title of this bylaw shall be The Grey District Food Safety Bylaw 2007.

### 2. COMMENCEMENT

This bylaw shall come into force on 1 July 2007.

### 3. INTERPRETATION

In this bylaw, unless the context otherwise requires:

- a) "Council" means the Grey District Council;
- b) "Environmental Health Officer" means a person appointed as an Environmental Health Officer by the Council under the authority of the Health Act 1956 or any other Act;
- c) "Food" has the same meaning as food in Section 2 of the Food Act 1981;
- d) "Food Premises" has the same meaning as food premises in Regulation 2 of the Food Hygiene Regulations 1974.
- e) "Critical Fault" means a condition or set of conditions or practices that would expose food to contamination or taint, or that would allow food to become dirtied or deteriorated or unfit for human consumption.
- f) "Faults" any areas of non-compliance with the Food Hygiene Regulations 1974 and includes structural defects and management practices not deemed critical.
- g) "Grade" and "grading" means the allocated grade resulting from an inspection of the food premises by an Environmental Health Officer, assessed according to the system described in Appendix 1 of the report of the Government Audit Office on the Audit of Territorial Local Authority Health Inspection Services.

### 4. INSPECTIONS AND GRADING

Prior to the annual registration of any food premises, the Environmental Health Officer, following an inspection, shall issue each food premises with a grading as defined below.

**Category A:** Fewer than 5 faults, none critical, no repeat faults and all faults found are rectified before 1 July each year.

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**Category B:** Fewer than 10 faults, none critical, no repeat faults and all faults found are rectified before 1 July each year.

**Category D:** More than 10 faults, none critical and/or one or more repeat faults and all faults found are rectified before 1 July each year.

**Category E:** One or more critical faults.

**Notes:**

1. The absence of Category C is intended to accentuate the gap between "pass" and "fail" grades.
2. A Category E grading is temporary only. The proprietor of the premises will be given a period in which the critical fault(s) is/are to be addressed. Failure to comply with this will result in the Council considering enforcement options, including prosecution and/or forced closure.

**5. RECTIFICATION OF FAULTS**

Proprietors of food premises must rectify the faults found on inspection and arrange for a reinspection to confirm compliance.

Failure to rectify faults by the date required will result in the premises receiving the next grade down (ie failure to address all faults by 1 July will result in a premises which would otherwise receive an A grade, being given a B).

**6. GRADING CERTIFICATE**

At the beginning of each financial year (1 July – 30 June), the Council will issue to the proprietor of each food premises a grading certificate for the year.

Every food premises shall display this grading prominently in a public part of their premises so as to be readily visible to members of the public visiting the premises.

The grading certificate shall be deemed to be current for a period not exceeding 12 months from the date of issue. Subject to further food hygiene inspections during any such 12 month period, the grading certificate may be cancelled, withdrawn or amended by the Environmental Health Officer if the hygiene of the food premises has either improved or worsened when compared to the current grading certificate.

Only the current year's grading shall be displayed at any time.

**7. REQUISITIONS**

Where any food premises which, by reason of their state, situation, construction or disrepair, are in a condition whereby food may be exposed to contamination or taint or may become dirtied or deteriorated, the Environmental Health Officer may serve notice on the owner or occupier of those premises to carry out, within a time to be stated in the notice, such remedial action as may be specified in the notice.

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During the period so specified, the conditions that render the food liable to contamination or taint, other than that which would allow food to become dirtied or deteriorated shall be removed.

Any such notice that may require that owner or occupier to cease using those premises or cause the use of those premises to cease for a period specified in the notice.

## **8. LICENSING OF FOOD HANDLERS**

As from 1 July 2007, no person shall hold a Certificate of Registration for a food premises unless:

a) that person has NZ Trades Certificate NZQA in Food Hygiene and Food Safety, or NZS Unit Standard 167 or 168 or 169 or 170.

*or*

b) There is working on the premises, a manager or a staff member with specific written responsibility for staff training who has been issued with NZ Trade Certificate NZQA in Food Hygiene or Food Safety, or NZS Unit Standard 167 or 168 or 169 or 170, or other qualifications approved by the Environmental Health Officer.

## **9. OFFENCES**

The provisions of Sections 66 and 137 of the Health Act 1956 form the basis of these bylaws and a contravention of the bylaw constitutes a contravention of the Act.

## **10. PENALTY**

The penalties provided for under Section 66 of The Health Act 1956 apply to these bylaws.

**FEES**

Fees, including that for additional inspections, will be determined annually as part of the Annual Plan.

**NOTES FOR FOOD PREMISES**

1. Following are the definitions of the various risk categories which apply until the food premises is given a grade. After that time the grading fee will apply for food premises.

**Premises Classification Assessment by Risk – Includes both Food and Non-Food Premises**

**1. LOW RISK**

1.1 Premises that correctly store *stable food\** for sale and maintain a high standard of hygiene. No food preparation is carried out, e.g. Service Station or Department Store selling confectionery and other wrapped non-perishable foods.

**NB:** This includes taverns selling finger foods only.

1.2 Moderate risk premises that continually demonstrate a high standard of hygiene in all aspects of their operation.

1.3 Non-food premises that possess a high standard of hygiene in all aspects of their operation, e.g. hairdresser or camping ground.

**2. MODERATE RISK**

2.1 Premises that correctly store the following food types for sale, i.e.

*Semi-perishable foods\** - May not be wrapped but are protected from customer contamination, e.g. fruit and vegetables.

*Perishable foods\** - must be wrapped and protected from customer contamination, e.g. refrigerated dairy foods and meat products.

2.2 Premises where only minor food preparation is carried out, e.g. making of sandwiches/filled rolls/ice creams/milkshakes, in a dairy.

2.3 Low risk premises with outstanding requisitions but do not pose a serious risk to food safety or public health, e.g. insufficient labeling on food packaging; inadequate cleansing schedule for hairdressing premises.

2.4 High risk premises that continually demonstrate a high standard of hygiene in all aspects of their operation.

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### **3. HIGH RISK**

- 3.1 Premises that manufacture or process food for sale and includes the physical handling preparation and storage of perishable foods.
- 3.2 Any premises with outstanding requisitions that pose a serious risk to food safety and/or public health.

#### *\*CLASSIFICATION OF FOODS BY EASE OF SPOILAGE*

#### **STABLE FOODS (non-perishable foods)**

Foods that meet all of the following requirements:

- come from a reliable food source;
- wrapped to protect food from any contamination;
- correctly labeled;
- will not spoil at room temperature.

#### **SEMI-PERISHABLE FOODS**

Foods that do not spoil unless handled carelessly, e.g. dry goods such as bread, some fruit and vegetables.

#### **PERISHABLE FOODS**

Foods that can spoil readily if not stored correctly, e.g. meat, fish, poultry, eggs and dairy foods.

They are capable of supporting the progressive growth of microbiological organisms that cause food poisoning or other food borne illness.