



PALMERSTON NORTH SAFE FOOD BYLAW 2004

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PALMERSTON NORTH SAFE FOOD BYLAW 2004

In exercise of the powers vested in it by the Local Government Act 2002 and the Health Act 1956 together with every other power and authority conferred on it, the Palmerston North City Council makes this Bylaw:

1. TITLE

The title of this Bylaw shall be “THE PALMERSTON NORTH SAFE FOOD BYLAW 2004”.

2. PURPOSE

The purpose of this Bylaw is –

- (a) To ensure that safe food is available in all food premises throughout the district;
- (b) To require that all premises where food is prepared for sale employ staff who are adequately trained in food hygiene;
- (c) To allow the council to close premises that are insanitary;
- (d) To recognise premises that have exhibited standards of excellence.

3. COMMENCEMENT

This Bylaw shall come into force on 18 October 2004.

4. DEFINITIONS AND INTERPRETATION

The following definitions shall apply:

“**Council Officer**” means a person appointed by the Principal Environmental Health Officer to inspect food premises.

“**Council**” means the Palmerston North City Council.

“**District**” or “**City**” means the district of Palmerston North City as constituted by the Local Government (Manawatu-Wanganui Region) Reorganisation Order 1989

“**Food**” shall have the same meaning as it has in section 2 of the Food Act 1981.

“**Food Handler**” means any person employed in or on any food premises that at any time may be involved in the manufacture, preparation or packing of food for sale.

“**Food Premises**” shall have the same meaning as in Regulation 2 of the Food Hygiene Regulations 1974 but shall not include occasional food premises as

defined in that Regulation or premises with an approved Exemption under the Food Act 1981.

“Grade” or “Grading” means the allocated grade resulting from an inspection of the food premises in accordance with clause 6 of this Bylaw.

“Occupier” shall mean the owner of the food premises or any person or persons occupying the premises and includes any supervisor, food handler, manager or agent acting or apparently acting in the general management or control of the food premises.

“Offence” means an offence against the bylaw and shall include the failure to comply with any part of this bylaw.

“Principal Environmental Health Officer” means the Council officer designated by the Council as the Principal Environmental Health Officer and includes the role of Principal Environmental Protection Officer.

5. COMPULSORY TRAINING FOR FOOD HANDLERS

(1) It shall be the duty of the occupier of every food premise to ensure that all new, temporary or replacement staff who are food handlers are trained to the level required by this Bylaw within six weeks of the commencement of their employment.

(2) Every food premise shall have at least one person who is the manager, owner or employed in a supervisory or staff training capacity and is the holder of a NZQA advanced certificate as defined in Schedule 1. All other food handlers shall be the holders of a basic food-handling certificate as defined in Schedule 1.

(3) All food handlers must complete a refresher course approved by the Principal Environmental Health Officer every five years.

(4) An exemption from the requirements of this clause may be granted by the Principal Environmental Health Officer where full compliance may be unreasonable having regard to:

- (a) The purpose or nature of the business and
- (b) A recommendation from a Council Officer.
- (c) Staff employed or in house training conducted and recognised as NZQA standard and approved by the Principal Environmental Health Officer.

(5) In the case of food premises which consist of separate departments or sections, each of which functions more or less in isolation from the others, at least one person shall be appointed to act in a supervisory position within each separate department or section.

(6) Staff employed exclusively in the handling of prepacked foodstuffs during storage or transport or at the point of sale are exempt from the training requirements of the Bylaw. This includes checkout operators.

(7) The occupier of every food premise shall ensure that adequate records are kept relating to staff training under Schedule 1 and that copies of all certificates gained by staff are kept on the premises for perusal by any Council Officer upon request.

(8) The Council may by resolution set fees in accordance with section 150 (3) (b) of the Local Government Act 2002 for the cost of the basic food handling certificate as defined in Schedule 1.

6. INSPECTION OF PREMISES AND GRADING

(1) Before food premises are registered each year under the Food Hygiene Regulations 1974 the premises will be inspected by a council officer.

(2) Following the inspection the Principal Environmental Health Officer will allocate a grade to the food premises in accordance with Schedule 2 and taking into account the -

- (a) Maintenance of premises,
- (b) Conduct and practices,
- (c) Cleaning and sanitising of the premises, and
- (d) Training of staff.

(3) The Principal Environmental Health Officer will issue a grading certificate that must -

- (a) State the grading allocated to the premises under clause 6(2),
- (b) State the schedule of inspections required for that food premise,
- (c) Remain in place for a period of at least 2 months from the date of issue before any application for regrading will be considered,
- (d) Be conspicuously displayed in a public part of the food premises to which it relates.

(4) The grading certificate must -

- (a) Be issued to the applicant for registration under the Food Hygiene Regulations 1974 with the annual certificate of registration,
- (b) Remain the property of the Council and may be withdrawn or removed by a council officer should the food premises fall below the grading standard prescribed by the Council,
- (c) Not be transferred to another premises.

(5) It is an offence to display a grading certificate that is not current.

(6) Food premises that are not required to be registered under the Food Hygiene Regulations 1974 may, upon payment of the required fee, apply for a grading certificate and the Principal Environmental Health Officer will issue a certificate in accordance with the principles contained in this clause.

7. CLOSURE OF PREMISES

(1) Where any food premises or part of any food premises or any appliance, fitting or fixture or other equipment on any food premises by reason of their situation, construction, disrepair, or state are in such a condition that any food in the food premises may become unfit for human consumption, the Principal Environmental Health Officer may serve a notice in writing on the occupier of the premises requiring him/her:

- (a) To cease to use the premises as food premises, or to clean or reconstruct, or to repair the premises, or part of the premises; or
- (b) To cease to use, or to clean, reconstruct, or repair any appliance, fittings, fixture or other equipment on those premises:

In accordance with the requirements and within the time specified in the notice.

(2) Where an occupier has been directed to cease to use any food premises the occupier shall not recommence use of those food premises until the Principal Environmental Health Officer has given permission in writing.

8. RIGHT OF APPEAL

(1) Any decision of the Principal Environmental Health Officer made under this Bylaw may be appealed to the General Manager of City Contact provided that any premises ordered closed must remain closed until the appeal is resolved.

(2) An appeal under clause 8(1) must be made in writing within 14 days of receiving the decision.

(3) On hearing the appeal the General Manager of City Contact may confirm, reverse or modify the decision or requirement made by the inspector.

9. OFFENCES AND PENALTIES

(1) Any occupier who permits a food handler to work on food premises without meeting the training requirements established by this Bylaw commits an offence and is liable to a fine of up to \$500 per staff member. Where the offence is a continuing one, the occupier is liable to a further fine not exceeding \$50 for every day on which the offence continues.

(2) Every person who fails to display a grading certificate as required by this Bylaw commits an offence and is liable to a fine of up to \$500.00 and, in the case of a continuing offence, a further fine not exceeding \$50.00 per day.

(3) For the avoidance of doubt, any person who fails to comply with clause 7(1) or fails to keep the premises closed until permission is granted under clause 7(2) commits an offence.

SCHEDULE 1

Food Handlers Qualifications

NZQA Advanced Certificate	means a New Zealand Qualifications Authority approved certificate in food handling, units 167 and 168 or equivalent. An equivalent qualification includes advanced food handling certificate.
NZQA Basic Certificate	means a New Zealand Qualifications Authority approved certificate in food handling, unit 167 or equivalent.
Basic Food Handling Certificate	<p>means a basic food-handling certificate issued by the Principal Environmental Health Officer who may issue such a certificate to food handlers employed within Palmerston North City, valid for a period of five years, after considering the food handler's:</p> <ul style="list-style-type: none">a) Other qualifications;b) Period of time in the food industry;c) Performance on a test, either written or oral, set by the Principal Environmental Health Officer;d) Relevance of experience in the food industry in relation to present position.
Advanced Food Handling Certificate	<p>means a advanced food handling certificate issued by the Principal Environmental Health Officer who may issue such a certificate to owners, supervisors or food handlers employed within Palmerston North City, valid for a period of five years, after considering the food handler's:</p> <ul style="list-style-type: none">a) Other qualifications;b) Period of time in the food industry;c) Performance on a test, either written or oral, set by the Principal Environmental Health Officer;d) Relevance of experience in the food industry in relation to present position.

SCHEDULE 2

GRADING OF PREMISES

1. Grading of registered premises will be based on an assessment of the following areas:

- a. Premises
- b. Practices
- c. Cleaning
- d. Management and staff training.

2. The inspection will allocate up to five points for each assessment area giving a possible total of 20 points. Grades will be allocated according to the total points as follows:

A grade inspection rating	17 – 20 points
B grade inspection rating	12 - 16 points
D grade inspection rating	6 – 11 points
E grade inspection rating	< 6 points

Note: there is no C grade.