

MANUKAU CITY CONSOLIDATED BYLAW 2008

CHAPTER 8¹

FOOD HYGIENE² AND FOOD HANDLERS TRAINING

1. Interpretation

Definition of Terms

1.1 In this chapter, unless inconsistent with the context:

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:

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

FOOD means anything that is used or represented for use as food or drink for human beings; and includes -

- (a) any ingredient or nutrient or other constituent of any food or drink, whether that ingredient or nutrient or other constituent is consumed or represented for consumption by human beings by itself or when used in the preparation of or mixed with or added to any food or drink; and
- (b) anything that is or is intended to be mixed with or added to any food or drink; and
- (c) chewing gum, and any ingredient of chewing gum, and anything that is or is intended to be mixed with or added to chewing gum: (Sec. 2 Food Act 1981)

FOOD PREMISES means any premises required to be registered under the Health (Registration of Premises) Regulations 1966 and the Food Hygiene Regulations 1974:

GRADE and **GRADING** means the allocated grade resulting from an inspection of 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 as follows :

CATEGORY A: fewer than 5 faults, none critical, and no repeat faults.

CATEGORY B: fewer than 10 faults, none critical, and no repeat faults.

CATEGORY D: more than 10 faults, none critical, and/or one or more repeat faults.

CATEGORY E: one or more critical faults.

¹ Amended on 01 October 2008 for Council minute number CL/JUN/745/08

² In Force 1 January 1992 - Minute No. 2407/91

NEW ZEALAND QUALIFICATIONS AUTHORITY means the New Zealand Qualifications Authority or such other national body in substitution therefor having responsibility for the establishment of vocational training:

MANUKAU POLYTECHNIC means the Manukau Polytechnic learning institution which has the responsibility for the administration of the Manukau Polytechnic/Manukau City Council Food Hygiene Courses.

2. Grading

Grading

- 2.1 Prior to an annual registration of any food premises, an Environmental Health Officer shall, following an inspection, produce a grading as defined in this chapter.
- 2.2 That grading shall be notified to the owner or occupier of the food premises to which it pertains as soon as practicable following an inspection.²
- 2.3 An application for regrading of premises may be made in writing to the Council, provided that no such application shall be considered until the expiry of a period of 2 months following receipt of the notification referred to in subclause 2.2.
- 2.4 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 premises.
- 2.5 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 Manukau City Council. Subject to further food hygiene inspections during any such 12 month period, the Grading Certificate may be cancelled, withdrawn or amended by an Environmental Health Officer if the hygiene of the food premises has either improved or worsened when compared to the current Grading Certificate.
- 2.6 It is an offence under this bylaw to not display a current Grading Certificate in a prominent public place readily visible to the public.²

3. Requisitions

Requisitions

- 3.1 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 an Environmental Health Officer³ 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.

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

- 3.2 Any such notice 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.

³ In force 5 April 2001 – Minute No. 439/01

4. Appeals

Appeals

- 4.1 An owner or occupier of food premises in respect of which a grading or requirement has been made under this chapter may appeal in writing to the Council against that grading or requirement within 14 days after receiving notice thereof.
- 4.2 On hearing the appeal, the council may confirm, reverse or modify that grading or requirement.
- 4.3 This right of appeal shall be in addition to any other right available to an owner or occupier.

5. Qualification for Food Premises Registration

Qualification for Food Premises Registration

- 5.1 No person shall be issued with a certificate of registration for a food premises unless :
 - (a) that person has been issued by the New Zealand Qualifications Authority or the Manukau Polytechnic or an equivalent institution with a Certificate in Food Hygiene or a Certificate in Basic Food Hygiene; or
 - (b) there is working on the food premises a manager or a staff member with specific written responsibility for staff training, and who has been issued by the New Zealand Qualifications Authority or the Manukau Polytechnic or an equivalent institution with a Certificate in Food Hygiene or a Certificate in Basic Food Hygiene.