

# PART 18

## FOOD ADMINISTRATION



Whakatane District Council



# **PART 18**

## **FOOD ADMINISTRATION**

*Date made: 17<sup>th</sup> June 2010*  
*Commencement: 1<sup>st</sup> July 2010*

### **EXPLANATORY NOTE**

The purpose of Part 18 – Food Administration is to regulate the production, storage and handling of food to ensure the safety of such food. The provisions of Part 18 – Food Administration should be read in conjunction with any applicable acts and regulations, including the Food Act 1981, the Food Hygiene Regulations 1974 and any subsequent amendments. Both the Whakatane District Council Consolidated Bylaw 2007 and any applicable legislation, allow for legal action to be taken for any breach of this Part of the Bylaw or applicable legislation.

### **CONTENTS**

- 18.1 Interpretation
- 18.2 Smorgasbord Buffet and A La Carte Meals
- 18.3 Requisitions
- 18.4 Qualifications for Food Premises Registration
- 18.5 Appeals

## PART 18

### FOOD ADMINISTRATION

#### 18.1 INTERPRETATION

18.1.1 “Food Premises” has the same meaning as in the Food Hygiene Regulations 1974 or any subsequent amendment or replacement, which is:

(a) Any premises—

- (i) On or at which food is manufactured, prepared, packed, stored, or handled, for sale; or
- (ii) On or from which food is sold; or
- (iii) That is used in connection with any other food premises, for the purposes of their work, by persons who work on those other food premises:

(b) Any stall.

18.1.2 “Food Premises Operator” has the same meaning as “Occupier” in the Food Hygiene Regulations 1974 or any subsequent amendment or replacement, which is:

Occupier means—

- (a) In relation to registered premises, the person whose name appears in the record of registration kept by the local authority pursuant to regulation 8 of the Health (Registration of Premises) Regulations 1966 as the holder of the certificate of registration issued in respect of those premises;
- (b) In relation to food premises (other than a movable stall or part of a ship or aircraft) that are not registered premises within the meaning of these regulations, but are registered or licensed under any other enactment, the person in whose name the premises are so registered or licensed;
- (c) In relation to any movable stall that is not for the time being situated within other food premises, the person in charge of the stall;
- (d) In relation to any part of a ship or aircraft, the captain of the ship or aircraft;
- (e) In relation to food premises of the Crown, to which none of paragraphs (a) to (d) of this definition apply, the manager or other person in charge of those premises;
- (f) In relation to any other food premises, the person legally in occupation of those premises.

- 18.1.3 “Stall” includes a movable stand, mobile shop, road vehicle, fishing vehicle or similar structure, vehicle or vessel that is being used for the sale of goods in any public place.

## **18.2 SMORGASBORD BUFFET AND A LA CARTE MEALS**

- 18.2.1 Readily perishable food shall be kept at a temperature of less than 4°C or alternatively at a temperature greater than 60°C, between preparation and display or sale or consumption. If this is not possible such food shall not be retained for re-use in any form but shall be discarded at the end of the meal for which it was set out.
- 18.2.2 Non-readily perishable foods that are subject to spoilage and intended for re-use shall be refrigerated immediately upon conclusion of the meal.

## **18.3 REQUISITIONS**

- 18.3.1 The owner or occupier of 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, shall:
- (a) on receipt of a notice signed by an authorised officer requiring him or her to do so, cleanse or reconstruct or repair the premises as directed within the time specified in such notice; or
  - (b) on receipt of a notice signed by an authorised officer requiring him or her to do so, cease to use the premises for a period not exceeding 48 hours at any one time as directed within the time specified in such notice.

## **18.4 QUALIFICATION FOR FOOD PREMISES REGISTRATION**

- 18.4.1 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, the Whakatane District Council or an equivalent institution with a Certificate in Food Hygiene or with a Certificate in Basic Food Hygiene or approved alternative; or
  - (b) there is working on the food premises a manager or a staff member with specific written responsibility for staff training, who has been issued by the New Zealand Qualifications Authority, the Whakatane District Council or an equivalent institution with a Certificate in Food Hygiene or with a Certificate in Basic Food Hygiene or approved alternative.
- 18.4.2 An authorised officer of the Council may grant an exemption from the qualification requirements of clause 18.4.1 if satisfied that it would be unreasonable or impractical to insist on compliance having regard to the type of premises, or types of food being packed, stored, handled or sold.

## **18.5 APPEALS**

- 18.5.1 Any owner or occupier of Food Premises in respect of which any decision or requirement has been made under this Part of the Bylaw may appeal in writing to the Chief Executive of the Whakatane District Council within 14 days of receiving notice thereof.
- 18.5.2 On hearing the appeal, the Chief Executive may confirm, reverse, or modify the decision, grading or requirement.
- 18.5.3 The right of appeal is in addition to any other right available to the owner or occupier.