



Food Grading Bylaw 2019

Effective 1 July 2019



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Title	Food Grading Bylaw 2019
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1.0 Introduction

1.1 Purpose

The purpose of this bylaw is to protect and promote public health by requiring food businesses registered with the Council that operate subject to a Food Control Plan to display a food grading certificate for public information.

The Council's objectives of a food grading system are to:

- a) encourage food businesses to maintain high standards of food safety, and
- b) enable potential customers to make informed choices when purchasing food.

This bylaw does not apply to those food premises registered and audited directly by the Ministry for Primary Industries.

1.2 Title

This bylaw is known as the Food Grading Bylaw 2019.

1.3 Enabling enactments

This bylaw is made in accordance the section 145 of the Local Government Act 2002.

Nothing in this bylaw detracts from any provision of, or the necessity for, compliance with the Food Act 2014 and the Food Regulations 2015.

1.4 Commencement

This bylaw comes into force on 1 July 2019.

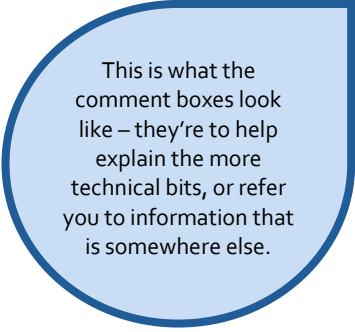
This bylaw revokes and replaces the food safety provisions in Part 3 (Public Safety) of the Hauraki District Council Consolidated Bylaw 2007.

1.5 Review

Review of this bylaw will be undertaken no later than 10 years after the last review.

1.6 Related information

There is related information in comment boxes in this bylaw. Related information does not form part of this bylaw and may be inserted, changed or removed without any formality.



This is what the comment boxes look like – they're to help explain the more technical bits, or refer you to information that is somewhere else.

2.0 Definitions

In this bylaw, definitions are as per subpart 2 of the Food Act 2014. In addition, the following definitions apply unless the context requires otherwise.


Authorised officer	means any person delegated, appointed or authorised in writing by the Council to act on its behalf.
Council	means the Hauraki District Council or any officer authorised to exercise the authority of the Council.
Food business	means a business that prepares or manufactures food for direct retail sale to consumers, and is required to operate under a food control plan under Part 3, Schedule 1 of the Food Act 2014. Examples include but are not limited to— <ul style="list-style-type: none"> • bars, cafes and restaurants, • bakeries that prepare or manufacture and sell pies, cakes, or pastries, • dairies that prepare or manufacture and sell muffins, sandwiches, or filled rolls, • fishmongers that prepare and sell fish, • retail butchers that prepare and sell raw meat or ready-to-eat small goods.
Food Control Plan	means a plan required under Part 3, Schedule 1 of the Food Act 2014. A Food Control Plan is a plan designed for a particular food business to identify, control, manage, and eliminate or minimise hazards or other relevant factors for the purpose of achieving safe and suitable food.
Grade and Grading	means the allocated grade resulting from an assessment of a food business' compliance with their Food Control Plan by an authorised officer of the Council, according to the food business grading criteria as determined by the Council.
Operator	means the owner or other person in control of the food business, or food control plan.
Top five	means the top five required aspects of a food control plan verification: <ul style="list-style-type: none"> • Training, supervision and competency • Personal hygiene and behaviour • Cleaning and sanitising • Time / temperature control (cooking / processing) • Preventing cross contamination
Verification	means an audit inspection carried out by an authorised officer to check the application of methods, procedures, tests, and other checks to confirm compliance with the Food Act 2014.

3.0 Food business grading system

- a) An authorised officer will assess and grade each food business registered with the Council, using the Food Business Grading Criteria in Schedule 1 of this bylaw.
- b) Food grades are divided into acceptable grades and unacceptable grades. The acceptable grades are made up of the A+ Grade ('excellent'), the A Grade ('high standard') and the B Grade ('satisfactory'). The unacceptable grades are made up of the D Grade ('enforcement action required') and the E Grade ('premises closed, enforcement action required').
- c) Food business grading assessments will take place in conjunction with the verification process of the food business's Food Control Plan.
- d) A food grading certificate will be issued to the operator of a food business as soon as practicable following the verification, including the verification of any subsequent corrective actions.
- e) A new food business or a food business that has had a change of operation will receive a food grading certificate in conjunction with the verification process for their Food Control Plan.

4.0 Display of food grading certificates

- a) The grade on the certificate must be displayed at each entrance(s) of the food business, so as to be readily visible from the exterior of the premises, or where this is deemed suitable at a location approved by an authorised officer.
- b) Food grading certificates remain the property of the Council. Any certificates that have expired will be removed from the food business premises by the Council.



You won't see a food grading certificate on well-known franchises like McDonald's – these are administered by the Ministry for Primary Industries.

5.0 Fees

The prescribed fees relating to food business grading are contained in the Hauraki District Council Schedule of Fees and Charges.

6.o Offences and Penalties

Every person who fails to comply with this bylaw commits an offence and shall be subject to the penalty provisions outlined in the offences, penalties, infringement offences, and legal proceedings provisions of the Local Government Act 2002.

Food Grading Bylaw validation

This bylaw was adopted at a meeting of the Hauraki District Council on 22 May 2019, following public consultation.

The Common Seal of the Hauraki District Council was affixed in the presence of:

_____ Mr. John Tregidga, Mayor

_____ Mr. Langley Cavers, Chief Executive

Schedule 1: Food Business Grading Criteria

Food businesses will be graded based on their performance in the top five verification areas.

The top five verification areas are:

- Training, supervision and competency
- Personal hygiene and behaviour
- Cleaning and sanitising
- Time / temperature control (cooking and processing)
- Preventing cross contamination

When a verification of a food business takes place, a result is given for each verification area, one of:

- Performing
- Conforming
- Non-conforming
- Non-complying

The results applied to the verification areas are explained in Table 1. When a verification is complete, a total score is calculated.

Table 1

Result and explanation	Score
<p>Performing - <i>Fully meeting applicable requirements of the Act.</i></p> <ul style="list-style-type: none"> • Comprehensive knowledge of the applicable requirements of the Act and how to meet them; and • Systems and procedures in place and documented where required; and • Procedures followed; and • Full records available where required. 	100
<p>Conforming - <i>Adequately meeting applicable requirements of the Act.</i></p> <ul style="list-style-type: none"> • Observations made of potential for a current activity to deteriorate into non-conformance if allowed to persist. • Systems and procedures require slight updates or amendments; or • Procedures followed in the majority of cases; or • Recording sheets/systems in place with minimal gaps in recording. 	75
<p>Non-conforming - <i>Applicable requirements of the Act are not fully met but the deficiency(s) are not likely to affect the safety or suitability of food.</i></p> <ul style="list-style-type: none"> • Definite improvement needed in systems and procedures; or • Isolated or sporadic lapse in implementation of procedures; or • practices observed/demonstrated are at a variance with applicable requirements of the Act; or • Consistent failure to keep records, or absence of required recording sheets that do not directly relate to controlling food safety and suitability. 	50
<p>Non-complying - <i>Applicable requirements of the Act are not met and findings can be referenced to an offence provision in part 4 of the Act. A significant deficiency or failure to manage risks or comply with an applicable requirement of the Act is evident to the extent that food safety and/or suitability is threatened either immediately (Critical Non Compliance) or in the future if improvements aren't made.</i></p> <ul style="list-style-type: none"> • Procedures and systems that directly impact safety and suitability of food are absent or insufficient to manage the risks; or • Procedures and systems are not followed and this constitutes a risk to food safety and suitability directly; or • Records required that directly relate to controlling food safety and suitability are significantly absent, incomplete, or altered; or • A number of non-conformances against an applicable requirement of the Act or a pattern of non-conformance of a single requirement over successive verifications are observed. 	0

The overall score in the top five is calculated as a percentage, which relates to the applicable food grade, as shown in Table 2.

Table 2

<p>A+ 100-90%</p>	<p>These businesses provide an excellent level of confidence that they manage a food control plan, practise excellent food safety, and consistently produce safe and suitable food. Minor issues around documentation may cause the score to fall below 100 per cent.</p>
<p>A 89-71%</p>	<p>These businesses provide a high level of confidence that they manage a food control plan, their practices are good, and they produce safe and suitable food. There may be areas for improvement that do not directly impact food safety, usually around documentation and procedures.</p>
<p>B 70-50%</p>	<p>These businesses provide a satisfactory level of confidence that they produce safe food. There may be multiple areas for improvement that do not directly impact food safety in the immediate future, particularly around their observed practices. There is potential that food safety could be threatened in the future if improvements to processes and documentation are not resolved.</p>
<p>D</p>	<p>These businesses have been identified as having issues that are likely to result in food being unsafe or unsuitable, and action has been taken as a response. A Food Safety Officer has issued an improvement notice.</p>
<p>E</p>	<p>These businesses have had a critical issue relating to food safety, and have (or are in the process of) being closed by a Food Safety Officer as a result.</p>

A 'non complying' result for any of the top five will result in an instant D or E grade being issued and enforcement action will be taken.

The D or E grades will be determined by the nature of enforcement or compliance action that a Food Safety Officer deems necessary.

There is no category C, as a grade C would suggest an average standard of premises or a passing grade. Food premises will either be graded as acceptable with A+, A or B grades, or unacceptable with D and E grades.



For more information:

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