



CLUTHA DISTRICT COUNCIL

Starting a Food Business



**A Practical Guide to starting a Food Business within the
Clutha District Council's area**

January 2003

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INTRODUCTION

Starting a food business can be a daunting prospect. You need to be aware of the standards required and the correct application procedure. This booklet is designed to provide you with information on the relevant standards and the application procedure.

In establishing a new food premises there should be no financial shortcuts. A commitment to ensuring a high standard at the development stage, through to the selection of suitable materials and equipment, combined with thoughtful design, will result in greater operational efficiency and cost effectiveness. In the long run making careful choices and choosing good quality materials and equipment will all help to make maintenance easier and avoid the inconvenience of equipment failures.

The Council's Environmental Health Officers [EHOs] are there to help you with this process. They can provide useful advice and information to help you to make the right choices. The Council has a shared interest in helping you to achieve high quality premises and a sound operation.

WHO TO CONTACT?

Clutha District Council has a Regulatory Services Department which is responsible for the administration of all of the Regulatory Services for which the Council is responsible.

Clutha District Council
 Regulatory Services
 1 Rosebank Terrace
 P O Box 25
 BALCLUTHA 9240
 Tel: 03 419 0200
 Fax: 03 418 3185
 E-mail: help.desk@cluthadc.govt.nz

MAKING AN APPLICATION

Your application for registration of a food premises should consist of:

- (i) A set of accurate plans and specifications for the new premises and,
- (ii) A completed "Application for Registration" form accompanied by a cheque for the current registration fee [See Page xxx below]

These are discussed in more detail below:-

- (i) Plans and Specifications

Plans

Included in your full set of scale plans of the premises should be an accurate layout plan of your premises showing the following details. Sufficient copies of all of the plans should be provided for all the relevant Officers involved.

(i) All rooms and food areas and their designation, eg. areas may be designated as a dishwash area or as a vegetable preparation area.

(ii) The position of all the appliances and fittings must be shown, such as preparation benches, shelving, cupboards, wash-hand basins, dishwashing machine, cooking appliances, refrigerator and freezer units, extract ventilation hoods and windows.

(iii) The position of incidental features such as yard areas, refuse storage area, staff and patrons' toilets, staff changing areas, grease traps (if applicable) should also be included.

For many reasons you are strongly advised to engage the services of an architect with previous experience in the development of food premises. In most cases this will hasten the approval for the development and may also prevent costly mistakes!

Specifications

The information contained in the plans and specifications should enable the Council's EHO and Building Inspector to check that the proposed premises will comply with the appropriate Regulations and Codes.

Specifications of proposed construction materials, colours and surface finishes are essential. They can either be included on the plan or in a separate specifications sheet. The EHO also needs to be able to understand how the premises will operate and it is therefore useful to indicate the type of menu that is envisaged as this may also influence the kitchen design.

*Please Note It is most important in the establishment of any new premises that the site is suitable, and has sufficient space. Some premises will require systems such as Grease Traps and Extract Ventilation over cooking equipment as well as allow sufficient kitchen space for hygienic operation of the premises.

Application Form

An application form is available from the Council or from the Web site [www.cluthadc.govt.nz]. The application for registration is a legal document, please complete it fully and accurately. It is important that the name of the person or company to be named on the Certificate is a legal entity. The complete form should be signed and dated and then forwarded, together with a cheque made out to the Clutha District Council for the annual registration fee.

LEGAL REQUIREMENTS

Food Hygiene Regulations 1974

The Food Hygiene Regulation 1974 require food premises to obtain a Certificate of Registration before food can be prepared or manufactured for sale.

This certificate will only be issued when the premises comply with the standard set out by the regulations and a satisfactory inspection by the District EHO has been completed. This certificate needs to be displayed in a public part of the premises.

It is an offence to operate a food premises without a current Certificate of Registration.

If you need any verifications about any aspects please contact the Council's EHO who will be pleased to assist.

Physical requirements are set out in the First Schedule of the Food Hygiene Regulations 1974. A full copy of the Food Hygiene Regulations 1974 is available from the Government Book Shop or from the Clutha District Council. A summary of the First Schedule to the Regulations is to be found at the end of the booklet on page 9.

If you are considering operating any form of food business from your home premises please see page 7, 'CATERING FROM HOME'.

Eating Houses

If food is to be consumed on the premises, there are some special requirements to consider. The provision of a commercial dishwasher for cleaning dishes, protection of displayed food for sale and sufficient kitchen floor space are three important requirements. For further clarification seek the advice of the Council's EHO. Toilets are now required for patrons in eatinghouses under the Building Act 1991. Toilets for staff are also required. Disabled access and appropriate toilet facilities will also be needed for new buildings or for those which are subject to significant alteration. The number of sanitary fixtures required will depend on the proposed seating capacity of the premises.

As eating houses are defined as a place of assembly, certain fire safety requirements may also need to be addressed. The Council's Building Inspector can assist with advice in this matter.

Food Hygiene Education

While basic education for food handlers is not currently a legal requirement, the Council encourages food businesses and food handlers to undertake food hygiene education. NZQA standard courses are available through the Otago Polytechnic [Contact Jane Nemeschansky, 03479 6007]. The Council also occasionally organises courses on a district wide basis through the Polytechnic.

For outlying districts where businesses find it difficult to release staff for organised training events the Council is also able to run its own, shortened courses by arrangement. These are organised to suit the businesses concerned but they are not to an NZQA standard. We have found that they are particularly useful for businesses in the outlying townships where they

provide a basic understanding of food hygiene principles and practice to employees who would otherwise find it difficult to attend a Food hygiene training course.

Sale of Liquor Act 1989

If you intend to sell liquor on your premises, or if you have patrons who bring liquor for consumption on the premises while dining, the Sale of Liquor Act will require that you apply for an On Licence. Application forms for this are available on the Council's web site [www.cluthadc.govt.nz]

For further information please contact the Council during office hours.

It is important to remember that the approval of applications and the issuing of licences will take time and that applications for liquor licences are best made in advance before undertaking construction work on the premises. Premises with an On Licence will also require a Certificated Manager to be on duty at all times that alcohol is for sale and these are dependant upon factors such as relevant experience.

Smoke Free Environments Act

This Act requires that restaurants have at least half the seating for patrons designated as smoke-free. Occupiers are legally required to actively ensure that smoking does not occur in the non-smoking areas. The occupier can permit smoking where alcohol is sold. However it is recommended that suitable extraction be provided within all such areas.

Food Act 1981

Amendments to the Food Act 1981, have meant that food safety programmes are legally recognised from 1 July 1997. Food Safety Programmes are essentially quality control systems which are periodically audited by independent auditors and which embody risk assessment and control procedures known as **Hazard Analysis and Critical Control Points [HACCP]**.

Food businesses can choose to apply for exemption from the requirements of the Food Hygiene Regulations and register a food safety programme instead. Initially the transition is voluntary. Whether this will become a mandatory system for all food businesses is a matter of Central Government initiative.

For further information please pick up "An Introduction to HACCP" booklet or contact the Council's EHO.

Food Hygiene Regulations 1974 - MOH Approval

Approval from a designated Officer is required to register or renew the registration of any premises in which food is manufactured, prepared, packed or stored unless:

- (a) Food is manufactured, prepared, packed or stored in those premises only for the purposes of retail sale on those premises: or
- (b) The premises are an auction mart.

RESOURCE CONSENT AND BUILDING CODE

Depending upon the use of the premises that you are intending to use, and the type of food business that you are planning to open, there may be a need to obtain a Resource Consent before the business can operate. This can be of fundamental importance upon which all else depends. For more information regarding the District Plan and the implications for your business please contact Ray Applegarth for more information.

Works to alter the premises to meet commercial needs or to meet statutory requirements may also require consent under the Building Act. Please contact Geoff Beaumont for further advice. Please remember, however, that it may not be possible to give accurate information until such times as plans and specifications are prepared, if necessary in draft format. See page 4 'MAKING AN APPLICATION'.

FEES FOR REGISTRATION AND INSPECTIONS

The Council is empowered to make charges for various licensing services that it provides for food businesses:-

For all new applications and for annual renewals the Council currently charges \$75. This covers inspection costs as well as administrative costs. It is the Council's policy that all food premises shall receive at least **one** annual inspection.

Where premises change ownership the Council makes a separate charge of \$50.

Inspection charges for other circumstances [e.g. where food is being prepared away from registered premises at open air events, etc.] may also be made. These are calculated on an hourly basis. Details of the current hourly rate are available upon request. The Council endeavours to keep these charges to a minimum by arranging for other visits to be made in the same locality wherever practicable.

The size, nature, duration, ongoing standard of conduct and degree of risk associated with each undertaking are but a few of the factors that determine the level of attention and service that each business operation will receive. Premises which are considered to pose a higher risk by virtue of the nature of the products handled or the standards of management observed may receive additional visits.

BUYING AN EXISTING BUSINESS

Transferring Registration

If you are taking over an existing business you will need to apply to the Council for the registration to be transferred into your name. The regulations provide that the Council must be notified within 14 days of any change of owner. The fee for a change of owner is currently \$50.

Upgrading facilities

If you are intending to upgrade the facilities please discuss your ideas with the Council's EHO. Not only are there Food Hygiene considerations to be considered but you may also require additional Resource Consent and/or Building Consent.

Precautionary checks

A few things to remember:-

- Have you purchased through a solicitor and made sure that a Land Information Memorandum [LIM] was obtained? This will advise you of previous dealings that the Council has had regarding the business.
- Have unauthorised works taken place which may require Building Consent?
- Has the business been granted appropriate resource consent for the type of activity that is currently taking place or for the type of business that you wish to run? If you cannot get consent your whole investment may be at risk.
- If there is a Sale of Liquor License, has it been surrendered or is it still in force? If so, how long is there left before it expires?
- Have you made appropriate financial arrangements for any maintenance or works of improvement that you will need to carry out within the near future?
- Have you made a careful check of the condition of the property and its contents? Are these properly itemized within the sale agreement? Do they need to be examined by someone who is professionally qualified, e.g. an electrician or plumber?
- Have you taken advice from an accountant regarding the financial aspects of your investment?

MOBILE FOOD VEHICLES AND STALLS

Mobile vehicles are required to operate from registered premises where the vehicle will be kept and where their stocks of food will be kept. The requirements of the Regulations apply to them in much the same way that they apply to fixed premises and in addition the Council also has Bylaws which govern trading within the district. A further license may be required to be obtained and further information on this issue is available from the Council's EHO.

CATERING FROM HOME

Operating a food business from domestic premises is potentially fraught with numerous problems. These stem from the potential conflict of the dual use of facilities for domestic and commercial uses. In the majority of cases the Council will not be able to register your domestic premises, such as a domestic kitchen, and additional facilities will be required. There may be scope for some relaxation of this in relation to such things as toilets. You are strongly advised to discuss any proposals along these lines with the Council's EHO before any alterations are considered or undertaken. Mistakes can be costly!

REGISTRATION AND BEYOND

For all new premises the Council's EHO must visit and confirm that they are satisfactory before they may begin to operate. You will receive a formal registration certificate which confirms this and it is also a legal requirement that the certificate be displayed in a prominent position for your customers to see. Registration has been a fact of life for over 35 years and customers are quick to note if the certificate is missing. It is also an offence to operate a food business from premises that are not registered.

The Council's EHO will make periodic visits to your premises to check that it is operating correctly. This is normally on an annual basis but more frequent visits may be made if the risk associated with the business is high or if your standards of management are found to be lacking! Remember, both you and the Council have a vested interest in seeing food businesses

operated correctly and serving the public with clean, safe food. The Clutha District is a small, tight knit community where bad news spreads fast. A food poisoning outbreak resulting from poor food handling would have a devastating effect upon a business reputation. We all need to work together to make sure that this never happens.



FOOD HYGIENE REGULATIONS 1974

FIRST SCHEDULE

REQUIREMENTS FOR REGISTRATION OF PREMISES

1. General

The premises shall be well constructed and in good repair. As far as may be practicable they shall offer no entrance or harbourage for rodents.

2. Floors

(a) Unless otherwise prescribed in these regulations, the floors

(i) Shall be constructed of impervious and easily cleaned material that is resistant to wear and corrosion, and shall be adequately graded and drained, with all angles between the floors and walls rounded off to a height of not less than 75 millimetres from the floor; or

(ii) Shall be constructed of wood with the boards laid on a firm foundation and tightly cramped together and with all angles between the floor and walls rounded; or

(iii) Shall be constructed in accordance with the requirements of subparagraphs (i) or (ii) of this paragraph and covered with a smooth surfaced material fixed to the floor with a suitable adhesive.

(b) The materials of which the floors are constructed shall in any event be suited to the work or process carried out on the premises.

3. Walls

(a) The internal surface of the walls shall be constructed of dust-proof materials, and shall be smooth and non-absorbent, and shall be able to be readily cleaned without damage to the surface.

(b) If the walls are liable to be wetted or fouled, they shall be constructed of impervious material to a height of not less than 2 metres from the floor level.

(c) The internal surface of the walls shall be painted, or shall have such other surface as an Inspector may approve.

4. Ceilings

(a) Every ceiling or, where no ceiling is provided, the undersurface of the roof, and every support shall be of such construction and finish as to

(i) Provide a smooth ... surface that is dust-proof; and

(ii) Permit efficient and thorough cleaning.

(b) All trusses shall be completely enclosed.

(c) In every room in which food is manufactured, prepared, or packed, or in which utensils or hands are washed, the ceiling or, where no ceiling is provided, the undersurface of the roof, shall have a smooth surface that is non-absorbent and light in colour, and that can be readily cleaned without damage to the surface.

5. Lighting

(a) The illumination provided in the premises shall be of sufficient intensity to enable effective inspection and cleaning of the premises, and to enable the purposes for which the premises are used to be satisfactorily carried out.

(b) In every room in which food is manufactured, prepared, or packed, or in which hands are washed, the minimum illumination intensity shall be 215 lux at a point 900 millimetres above the floor.

(c) All lighting on the premises shall be reasonably free from glare and shall be distributed so as to avoid shadows.

6. Ventilation

(a) The premises shall be provided with such ventilation as is necessary to maintain comfortable conditions for persons in the premises.

(b) As far as practicable, the ventilation shall be adequate

(i) To prevent the air on the premises from becoming excessively heated; and

(ii) To prevent condensation and the formation of excess moisture on the floors, walls, and ceilings; and

(iii) For the removal of objectionable odours, fumes, and impurities from the premises.

(c) If the premises do not have adequate natural ventilation for the purposes of paragraphs (a) and (b) of this clause, they shall be provided with a mechanical ventilation system that obtains air flow from a clean area.

(d) Where the premises are provided with a mechanical ventilation system, it shall discharge air (including any vapours, gases, and other products produced during any cooking or similar food preparation process or any food manufacturing process) in a manner that does not create a nuisance.

(e) Where the premises are provided with a mechanical ventilation system, an Inspector may require that it shall include such canopies, air ducts, fans, and other similar appliances as he considers necessary for the proper operation of the system in accordance with this clause. The canopies, air ducts, fans, and other appliances shall be designed and constructed of material that will facilitate cleaning and prevent grease and condensate from dripping on to food and on to food preparation surfaces.

7. Space

(a) The premises shall contain sufficient floor space

(i) To enable every person working there to carry out his work efficiently; and

(ii) To allow easy access for cleaning purposes.

(b) Every working space, aisle, passageway, or area on the premises, to which it is intended that customers shall have access, shall be unobstructed and shall be sufficiently spacious to allow movement by workers and customers without contamination of food or food contact surfaces by clothing or personal contact.

8. Changing facilities

(a) The premises shall be provided with adequate and suitable lockers or other facilities for the orderly storage of clothing and personal belongings of workers on the premises.

(b) The lockers or other facilities shall be situated and arranged so as to prevent the contamination of food by contact with clothing.

(c) Where more than 4 persons work in the premises, a separate changing room shall be provided; and where those persons include at least 1 person of each sex, separate changing rooms shall be provided for each sex.

(d) The facilities required by paragraph (a) of this clause shall be provided in a room in which the ceiling or (where there is no ceiling) the undersurface of the roof, and every wall, is constructed of or covered with a smooth surfaced material.

9. Toilet accommodation

(a) The premises shall be provided with sufficient toilet accommodation, in accordance with the Building Act 1991, for the workers on the premises.

(b) All toilet accommodation shall be convenient to the places where the workers for whom it is provided are engaged in their work.

10. Wash-hand basins

(a) The premises shall be provided with wash-hand basins for the use of the workers engaged there, on the following basis:

(i) Where not more than 10 workers are engaged on the premises, there shall be not less than 1 basin:

(ii) Where more than 10 workers are engaged on the premises, there shall be at least 1 separate basin for every whole group of 10 workers, together with an additional basin for the remaining workers.

(b) Every wash-hand basin required under paragraph (a) of this clause shall be installed as near as may be practicable to the parts of the premises where the workers for whose use it is intended will be engaged whenever they are handling food for sale. (c) This clause shall not apply to premises on which the only food that is stored or sold is either prepacked or contained in sealed containers.

11. Water supply

The premises shall be provided with an adequate supply of clear, wholesome water.

12. Hot water supply

The premises shall be provided with a hot water system having a storage capacity approved by an Inspector to supply, during the time in every day when the premises are used, an adequate and continuous supply of piped hot water

(a) At a temperature of not less than 63°C at all sinks and other equipment that are used for the washing of containers, utensils, and appliances; and

(b) At a temperature of not less than 83°C for every other purpose for which hot water is required under these regulations.

13. Plumbing

The premises shall be provided to the satisfaction of an Inspector with sinks, sanitary fixtures and accessories, or other plant or appliances, that are of sufficient capacity to enable all appliances, containers, utensils, and equipment used in connection with the manufacture, preparation, packing, or storage of food for sale, or consumption of food, or sale of food, to be cleaned efficiently and rendered hygienic in accordance with the requirements of these regulations.

14. Sewage disposal

The premises shall be provided with sufficient, suitable drains to carry away the whole of the sewage and liquid wastes from the premises to a sewer, sewage tank, or other outfall, in accordance with the requirements of the [building code set out in the First Schedule to the Building Regulations 1992].

15. Yards

(a) Every yard or outside working area on the premises, and every pathway connected with such yard or working area, shall be provided to the satisfaction of an Inspector with an area that is paved with an impervious, washable surface. The paved area shall be provided with adequate drainage.

(b) Reasonable access from other parts of the premises shall be provided to every yard on the premises.

(c) Where no yard is provided on the premises, they shall contain a separate room or enclosure for the storage of refuse containers and any articles or materials that are not required for immediate use.

(d) This clause shall not apply to any premises that are only used for the depositing and temporary holding of food pending loading or delivery.