POLICY STATEMENT

Policy Name: FOOD SURVEILLANCE POLICY

File Number: 150/1

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Date Approved: 26 November 2002

Policy Review Date: As required

Business Group: Service Planning & Regulation

Responsible Officer: Group Manager Service Planning & Regulation

OBJECTIVE

To control and regulate the food industry.

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1.0 Introduction.
1.1 The Maitland City Council recognises the importance of a comprehensive food surveillance policy in assisting in the prevention of food related illness by helping those persons involved in the food industry to operate a clean, safe and profitable business.

1.2 This policy is primarily designed to assist those involved in the sale, handling, storage and preparation of foods for human consumption. The policy provides an easy reference guide to the requirements of Council in regard to the design, construction and maintenance of food premises as well as useful information on relevant legislation, monitoring and hygiene requirements.

1.3 Amendments to the policy will be required from time to time and users should contact Council’s Environmental Health Officer to ensure they have the most up to date information.

2.0 Relevant Legislation

2.1 The Council has various functions and powers conferred upon it under legislation that relate to the control and regulation of food and food premises in general.

2.2 It is not the purpose of this policy to replace or amend relevant legislation. Where any discrepancies may occur between this policy and relevant legislation, the legislation shall take precedence in all cases. It should be noted that this policy is designed to assist in the compliance with relevant legislation. Compliance with the policy may serve as a defense against a prosecution under relevant legislation.

2.3 Legislation is subject to amendment and change on a regular basis and users should check as to the latest gazetted legislation that applies.

2.4 Relevant legislation that applies to this policy can be found within the provisions of:-

- The Local Government Act, 1993
- The Food Act, 1989
- The Environmental Planning & Assessment Act, 1979
- Maitland Local Environmental Plan, 1993
- The Public Health Act, 1991
- The Health Regulations 2000
- The Food Standards Code

3.0 New Food Premises

3.1 This section applies to all new premises to be constructed or operated after the date of adoption of this policy.

3.2 Persons wishing to build and/or operate a new premise will generally be required to undertake the following procedures:-
3.2.1 Prior to the commencement of any works, obtain any necessary approvals under relevant legislation; e.g., development consent under the Environmental Planning and Assessment Act.

3.2.2 Prepare design plans in accordance with relevant legislation and this policy. The minimum accepted standard of construction for all new food premises shall be that prescribed by the National Code for the Construction and Fit out of Food Premises. (See Schedule 2)

3.2.3 All works need to be inspected and approved by Council prior to the commencement of trading.

3.2.4 All food premises, food vans and temporary food stalls are required to notify on the NSW Health Food Business Notification database. This can be done at no cost over the Internet site www.foodnotify.nsw.gov.au or via Council for a prescribed fee.

3.2.5 All premises will be subject to routine inspections by Council’s Environmental Health Officer.

3.3 This section may also apply to certain premises seeking a ‘change in use’ from one type of premise to that of a food premise, e.g. a clothing retail outlet into a takeaway food bar.

4.0 Existing Food Premises

4.1 This section applies to all premises existing prior to the date of adoption of this policy.

4.2 Council recognises the long history of development and growth within the region and accepts that certain premises were designed and built in the past and may not comply with modern standards applicable to food premises.

4.3 To this end, Council shall take into consideration the following aspects of existing food premises in regard to compliance with this policy:-

4.3.1 The risk hazard associated with the type of food premise and the degree of non-compliance.

4.3.2 The risk hazard associated with existing forms of construction.

4.3.3 The costs associated with upgrading existing premises to meet required standards.

4.3.4 The implementation of comprehensive and rigorous cleaning schedules to off-set any non-compliance with modern construction standards.
4.3.5 The standard of training and qualifications of staff directly involved in the preparation and handling of food for sale.

4.3.6 The impact of upgrades to heritage buildings.

4.4 The National Code for the Construction and Fit out of Food Premises shall be used as the minimum acceptable standard of construction in all existing food premises notwithstanding such exemptions as may be permitted by Council’s Environmental Health Officer in accordance with the above considerations.

4.5 Where an existing food premise does not comply with the minimum acceptable standard of construction the Environmental Health Officer shall, in collaboration with the proprietor, establish a **schedule of upgrade works**. Such schedule shall detail priority items for upgrade and reasonable timeframes for such works to be undertaken.

5.0 Food Premise Inspection Service

5.1 Council shall maintain a current register of all food premises, including food vehicles, operating within the Maitland Local Government Area.

5.2 Council shall provide an inspection service to all food premises and food vehicles in accordance with the following criteria:

<table>
<thead>
<tr>
<th>Premise Risk Hazard Rating</th>
<th>Minimum Number of Inspections Per Year</th>
<th>Type of Food Premise</th>
</tr>
</thead>
<tbody>
<tr>
<td>A (High Risk Premise)</td>
<td>3</td>
<td>Take Away Fast Food Shop, Restaurant, Café, Bistro, Sandwich Bar, Pizza Bar, Bakery that also prepare sandwiches and the like, Child Care Centers, Nursing Homes Food Factory or the like where food is generally prepared and handled prior to sale and subsequent consumption by the purchaser.</td>
</tr>
<tr>
<td>B (Medium Risk Premise)</td>
<td>2</td>
<td>Supermarket, Delicatessen, Corner Shop, Hotel, Tavern, Bar or the like where food is generally prepared, stored or sold in protected containers</td>
</tr>
</tbody>
</table>
or requires additional subsequent preparation by the purchaser.

<table>
<thead>
<tr>
<th>Description</th>
<th>Frequency</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>C (Low Risk Premise)</td>
<td>1</td>
<td>Service Station, Warehouse, Bed &amp; Breakfast, Green Grocer, Bottle Shop or the like where food is generally stored or sold in protected containers.</td>
</tr>
<tr>
<td>Food Vehicles</td>
<td>A minimum of one inspection per annum or more frequently if determined by Council’s Environmental Health Officer</td>
<td></td>
</tr>
</tbody>
</table>

5.3 The minimum number of inspections required per year may be reduced at the discretion of the Environmental Health Officer and as a result of consistent acceptable inspection reports, notwithstanding that the minimum number of inspections required for any premise shall be not less than one per year.

5.4 The Environmental Health Officer may conduct additional inspections of any premise or vehicle as may be deemed appropriate. Standard fees and charges shall apply to each and every additional or subsequent inspection.

6.0 Pre-purchase Inspection and Report
6.1 Council shall provide a pre-purchase inspection and report on any food premise or food vehicle upon application and payment of the appropriate fee.

6.2 Pre-purchase inspections are used by persons intending to purchase an existing food premise or business and who require a comprehensive report as to the status of the building and operation as well as Council’s requirements prior to purchase.

7.0 Standard Fees and Charges
7.1 Fees and charges shall be as prescribed in Council's Annual Fees & Charges and as may be amended by Council from time to time. Generally, fees and charges shall apply in the following circumstances

- Inspection of Food Premise
- Inspection of Food Vehicle
- Inspection of Temporary Food Stall
- Attendance at Food Training Seminars
- Pre-purchase Inspection and Report
8.0 Food Vehicles and Temporary Food Premises
  8.1 The minimum accepted standard of construction for food vehicles and temporary
  food premises shall be as prescribed in the National Code for the Construction and
  Operation of Food Vending Vehicles and Temporary Food Premises (See Schedule
  2).

  8.2 Proprietors and operators of food vehicles and temporary food premises shall
  ensure that the prior approval of Council has been obtained under relevant
  legislation prior to the commencement of trading or operations.

9.0 Food Surveillance Policy – Distribution
  9.1 Council shall ensure that the registered proprietor of every food premise and food
  vehicle and the operator of every temporary food premise is issued with a copy of
  this policy and each proprietor or operator shall keep a copy of the policy on the
  premises or in the vehicle at all times.

10.0 Complaints
  10.1 Council shall investigate all reasonable complaints made against food outlets and/or
  persons involved in the food industry within the Maitland Local Government Area.

  10.2 Complaints shall be handled in a confidential manner and should be dealt with as
  expeditiously as possible. Where appropriate, a written response shall be provided to
  the complainant following an investigation into the complaint which details the
  results of the investigation and any follow up actions as may be required.

  10.3 Anonymous, unreasonable or vexatious complaints shall not ordinarily be acted
  upon.

11.0 Prosecution
  11.1 Nothing in this policy shall prevent Council from commencing legal proceedings
  pursuant to relevant legislation at any time.

  11.2 Notwithstanding the above, Council’s aim is prevention, not prosecution, and every
  opportunity shall generally be afforded to proprietors and/or operators to comply
  with relevant legislation in accordance with the following process:-

  11.2.1 Initial Inspection and Report → Schedule of Upgrade Works → Follow up
  Inspection and Report → 1st Warning Letter → Follow up Inspection and Report → 2nd
  Warning Letter → Follow Up Inspection and Report → 3rd

12.0 Food Training Seminars
12.1 Council shall regularly conduct ‘food training seminars’ for all persons involved in the food industry within the Maitland Local Government Area. A minimum of five participants shall normally be required to run a seminar.

12.2 Attendance at seminars, while not compulsory, is highly recommended so as to ensure staff and proprietors are fully conversant with Council’s requirements, the provisions of relevant legislation and recognised hygiene standards.

13.0 Food Product Recalls
13.1 Council shall coordinate and direct all food product recalls as required from time to time in accordance with the requirements of the NSW Health Department.

14.0 Home Catering Business
14.1 The conduct of a commercial business from a residential premise is not permitted without the prior planning approval of Council pursuant to relevant legislation.

14.2 Council shall not approve of the conduct of a home catering business unless any areas or vehicles used for the storage, preparation and/or transportation of food complies with the standards required by this policy for new premises and food vehicles.
Schedule 1

STANDARD FORMS

Form 1 Registration of Food Premise
Form 2 Registration of Food Vehicle
Form 3 Registration of Temporary Food Premise
Form 4 Application for a Pre-purchase Inspection
Form 5 Food Complaint

Schedule 2

ATTACHMENTS

NATIONAL CODES AND FOOD HANDLERS HANDBOOK

1. National Code for the Construction and Fit out of Food Premises
2. National Code for Food Vending Vehicles and Temporary Food Premises
3. Food Handlers Handbook