



Hospitality Association of New Zealand
WELLINGTON BRANCH

SUBMISSION
TO THE
WELLINGTON CITY COUNCIL
ON THE
BYLAW REVIEW – FOOD PREMISES AND PUBLIC POOLS
28 NOVEMBER 2007

The Hospitality Association is a statutory body created by the Hotel Association of New Zealand Act 1969. The Association has been restructured from the old Hotel Association to reflect the breadth of diverse operations in the hospitality sector including restaurants, café bars, taverns, country hotels, motor inns, off-licensed premises and short and long term accommodation providers. We believe the name “Hospitality Association” reflects this diversity.

The Hospitality Association of New Zealand (HANZ) has over 2300 members nationally, 291 of those are from the Wellington Branch of the Association.

The Association is voluntary and funded by membership subscriptions and represents the interests of its members. There is also a perception that the Association speaks for and represents the interests of the hospitality industry as a whole.

The Branch writes this submission and would like to comment on the Bylaw Review, with regards to food premises. The Association has considered the proposed bylaw and wishes only to comment on aspects in respect of food safety.

Part 2 Food Premises

2.3 Food Hygiene Training

2.3.1 We note that the training in respect of food safety must be to NZQA level or equivalent or such other training approved by Council but note no further details in respect of food safety training or particular NZQA unit standards are referred to. The Association considers that the proposed bylaw could provide more certainty in this respect. However, the Association does support a flexible approach to food safety training certification and recognises that there are a number of unit standards for food safety, food safety handlers and food safety advisors that are appropriate.

The Association asks that Council give consideration in the proposed bylaw to the food safety training required to comply with the proposed bylaw on a national level to ensure some consistency. The Hospitality Industry is a somewhat transient industry and we would like to see qualifications obtained by our members being accepted in all regions.

Part 4 Administration and Enforcement

4.2 Notice to cleanse, repair or cease use of the premises

The Association notes that the proposed bylaw proposes to address gaps in the current food hygiene regulations and specifically to

- Move swiftly to close a premise should it pose an immediate and significant risk to public health

The Association would like to point out the need for retaining a type of 'graduated response' enforcement regime with enforcement, and more particularly closure action, only if unavoidable and after all alternatives have been exhausted.

The Association would also submit that the bylaw be clearer in its wording so as to ensure that this process is achieved and with clear and appropriate reasons for enforcement action being required.

A suggested addition to 4.2.1 could be as follows with the suggested addition bolded:

4.2 Notice to cleanse, repair or cease use of premises

4.2.1 Where any premises, that are subject to this bylaw, by reason of their situation, construction, defect, or state is unsanitary or unhygienic so as to present risks to public health, the Council may serve a notice in writing on the occupier/operator or owner/proprietor requiring:

- a) The premises to be cleaned or repaired in a manner and timeframe

- specified in the notice; or
- b) Cessation from using the premises pursuant to the certificate of registration until the cleaning or repairing has been completed to the satisfaction of the Council.

All such notices provided under this section shall state sufficient particulars, including particulars of any corrective action required to ensure that any risk to public health is removed.

Conclusion

The Association considers that any proposed bylaw reflect developments in operations so as to ensure the provision of safe food to the public and is aware of developments as a result of the current Domestic Food Review currently being undertaken by the New Zealand Food Safety Authority. The Association considers that any bylaws be consistent with any developments in this regard while providing for ease of enforcement as well as ensuring that suppliers of food to the public are able to understand their obligations.

The Wellington Branch understands the need to create a Local Public Bylaw which incorporates Food Premises and Public Pools. Could you put the frame work of this bylaw together and make concessions to drop the outcome of the National Standard into this bylaw.

Thank you for considering the views of the Wellington Branch of the Hospitality Association.

The Branch would like to be heard on its submission.

**Tracy Scott
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Wellington Branch**