

Information sheet for registration of food business – Food Act 2014

(Single site or additional site for multi-site application)

Before we can process your application you will need to:

Complete all sections of the application form.

Pay the fees described below.

This information sheet contains definitions to help you understand the information you need to provide.

What type of registration do you need?

You can visit the Ministry for Primary Industries website to see if the Food Control Plan or National Programme is suitable for your operation – go to: <https://www.mpi.govt.nz/food-safety/food-act-2014/my-food-rules/>

There are four types of registration Wellington City Council can issue

Template Food Control Plan (*also called Simply Safe and Suitable*)

National Programme 3

National Programme 2

National Programme 1

If you need to operate under a custom food control plan you must apply to the Ministry for Primary Industries.

Who is exempt from registration?

- If you are selling food to raise funds for charity or similar purposes, on 20 occasions or less in a calendar year, you are exempt from registration (*the food must still be safe to eat*).
- Businesses exempt from registration are defined in Schedule 3 of the Food Act 2014.
- The 'My Food Rules' tool on the Ministry for Primary Industries website will help you work out if your business is exempt
- You can still register your food business if you choose, even if it is exempt from the need to be registered.

What to include with your application

Completed application form

A copy of the confirmation letter from your verification agency – National Programmes only (*if you are not using Wellington City Council for verifications*)

Payment of application and verification fees (*contact us if you need help working out your fees*)

Note: failure to supply all the required information and fees may mean your application will not be processed.

If you are already registered with Wellington City Council and are transferring to a new registration type, or you have any questions about which fees will apply, please phone our Public Health team on 04 499 4444.

Registration fee – This is an initial fee for all types of registration under the Food Act. A renewal fee will be payable each year for food control plans or every two years for national programmes.

Pre-opening inspection – This fee covers an inspector visiting your premises to check it is suitable for trading. This fee applies to all new registrations, eg new premises or change of operator for an existing premises.

First verification fee – This fee covers your first verification after registration and must be paid with application. If the verification takes longer than the time allocated you may be invoiced for the additional time. Verification time includes time on site, officer preparation for the visit and any time needed to finalise the verification.

Future verifications will be invoiced approximately three months before it is due and must be paid prior to the verification taking place.

Grease trap fees

These fees are payable for the discharge of trade waste under the Wellington Trade Waste Bylaw 2016 and the Trade Waste Charges Policy 2019. Billing is annual and will be invoiced in conjunction with the registration of your food premises.

Please see our website <https://wellington.govt.nz/services/consents-and-licences/food-safety/fees> for details of all fees.

Verification frequencies

- New Food Control Plans and National Programmes verified within 6 weeks of the registration being approved.
- The frequency of future verifications will depend on the outcome of each verification.

How to lodge your application or contact us for more information

Mail: Public Health, Wellington City Council, PO Box 2199, Wellington 6140

Phone: (04) 499 4444

Email an application: foodapplications@wcc.govt.nz

Email enquiries about registrations and verifications: publichealthenquiries@wcc.govt.nz

Definitions

Description	Definition
Registration Authority	This will be Wellington City Council
Verification Agency	The name of the organisation(s) responsible for verifying your business, e.g. Wellington City Council or another third party verifier for National Programmes.
Legal Name	The name of the entity who is legally responsible for the registration, e.g. individual, partnership or registered company.
NZ Business No.	New Zealand Business Number (<i>if any</i>) of the entity responsible for the registration. This can be found on the Companies Register at companies.govt.nz or on your company certificate of incorporation.
Day-to-day manager	The position of the manager responsible for the day-to-day operation of the Food Control Plan or National Programme, e.g. head chef.
Residency	Applicants for registration and every operator of a food business must be a tax resident of New Zealand within the meaning of the Income Tax Act. In summary, an individual will be a tax resident if they have a permanent place of abode within New Zealand, or are personally present in New Zealand for more than 183 days in total in a 12-month period. A company is resident in New Zealand if it is incorporated in New Zealand, or is managed or controlled from New Zealand. If you are uncertain of your tax residency status, please obtain professional advice prior to submitting your application.

Below are some examples of which programme might relate to your business – for further information visit the Ministry for Primary Industries website <https://www.mpi.govt.nz/food-safety/food-act-2014/my-food-rules/>

Tools	Activity	Examples
Template Food Control Plans (<i>known as Simply Safe and Suitable</i>)	If you prepare or manufacture and serve meals, snacks or beverages for consumers to eat immediately: <ul style="list-style-type: none"> at the place of business for home delivery for takeaway at a venue other than where the food is prepared for a mobile or vehicle-based business. 	<ul style="list-style-type: none"> bars, cafes, restaurant businesses that prepare, or prepare and deliver, takeaway meals (e.g. pizzas) corporate or commercial catering, including on a marae hospitals, hospices and other residential care facilities such as rest homes providers of catering services, including at defence, prison and educational facilities.
National Programmes	If you only handle food such as: <ul style="list-style-type: none"> heating or defrosting food scooping ice cream handling hot food from a pie warmer. 	<ul style="list-style-type: none"> dairy or service station early childhood education centre
Neither an FCP or National Programme (<i>exempt, no registration, no further action required</i>)	Accommodation providers: <ul style="list-style-type: none"> providing food for up to 10 guests providing only snacks or breakfasts providing guests with pre-packaged snacks, or breakfasts, or both very small scale catering and service activities 	<ul style="list-style-type: none"> a small farm stay where guests are invited to dine with their host motels backpackers lodge
	Very small scale catering and service activities where verification or enforcement is not possible due to infrequency or inaccessibility.	<ul style="list-style-type: none"> climbing huts
	Clubs, organisations and societies: <ul style="list-style-type: none"> selling food they have produced to members at an event where selling food is not the main purpose selling food to members and guests at events or gatherings where trade in food is not the main purpose. 	<ul style="list-style-type: none"> during a club sports game church preparing and selling food to its members bring-a-plate for members at a club AGM sausage sizzle on match day.

Schedule 1 – Terms of engagement for verifications

Wellington City Council ("*Council*") is a registration authority under the Food Act 2014 ("*Act*") for food control plans ("*Plans*") and food businesses subject to a national programme ("*Programme*").

The Ministry for Primary Industries ("*Ministry*") has appointed the Council a verifier under the Act to verify businesses subject to the Plans and the Programme.

Under the Act, any appropriately recognised agency or person can verify a business operating under the Programme.

The following terms and conditions apply to food businesses which have agreed with the Council to act as their verifier.

Agreement to verify

1. If your application for Wellington City Council to act as your verifier is accepted, both parties agree that the Council will verify the Plan or Programme on the terms set out below.

Term and Termination

2. The food business may terminate the agreement with the Council at any time by giving 1 month written notice.
3. The Council may terminate the agreement and stop providing services immediately if the food business is in breach of these terms and conditions or if their registration is revoked, suspended, surrendered or substituted.

Conflicts of interest:

4. Any member of staff of the Council involved in the design of your food or procedures or who has a family or personal connection with you or your business cannot act as your verifier. We aim to undertake the agreed services in an independent and impartial manner at all times.

Nature and Purpose of Services

5. Council will conduct its verification function under the Act and the Food Regulations 2015 ("*Regulations*").
6. Council will obtain all evidence which in its discretion allows it to consider and determine whether a food business complies with the Plan or Programme and the relevant provisions of the Act and Regulations. The nature and extent of Council's procedures may vary according to the type of business, risk assessment, and previous compliance history. Council will focus on what is most important for the food safety at each business.
7. At the end of the verification, Council will provide the food business with an outcome report for each verification topic. Possible outcomes are:
 - a. performing (*fully meeting applicable requirements of the Act*);
 - b. conforming (*adequately meeting applicable requirements of the Act*);
 - c. non-conforming (*applicable requirements of the Act are not fully met by the deficiency(s) are not likely to affect the safety or suitability of food*); and
 - d. non-complying (*applicable requirements of the Act are not fully met and findings can be referenced to an offence provision in part 4 of the Act*).
8. If any issues are discovered, Council will work with the food business on a plan to address those issues, including setting reasonable timeframes, and the timing of the next verification visit.
9. Council will provide the Ministry with a report of the outcome of the verification visit.

Obligations of the food business

10. The food business agrees to provide Council with reasonable access to:
 - a. the food business;
 - b. information and documents relating to the food business;
 - c. documents that are required to be kept under the risk-based measure
 - d. food and to food-related accessories that are used, or ought to be used, in connection with the risk-based measure.

The food business warrants that all information and documents provided are complete, true and accurate and up-to-date and that:

- a. all food preparation tasks are being properly carried out by appropriate staff who have been suitably trained and instructed;
- b. any restrictions or conditions placed on the registration are being complied with; and
- c. they will notify Council of any further information, including any post-verification events, which may have a bearing on the verification.

Collection of information

11. As noted under "Collection of Information" in the Application for Registration form, WCC is required to collect information which will be used in a public register. Disclosure of this information may be required by law.

Complaints and disputes

12. If you dispute any recommendation put forward by your verifier, please contact the Public Health Manager at Council by email to publichealthenquiries@wcc.govt.nz or by mail to Manager Public Health, Wellington City Council, PO Box 2199, Wellington 6140. All complaints are held as confidential, although the matter may be discussed with the verifier.
13. If you have a complaint about the quality of service you have received or about your verification officer please contact the Public Health management team by email to: phmanagement@wcc.govt.nz

Our Charges

14. Verification fees are prescribed within Council's fees and charges structure as published on our website wellington.govt.nz under Food Safety – Fees. The fees are subject to annual review and any changes publicly notified through the Annual Plan process. Fees are payable in advance and are only refundable in certain circumstances.
15. Council will send invoices and other notices to the last address you have given us. Council can assume any invoice or notice we send by post has been delivered 5 days after we e-mail or post it. Please tell us if you change your address.

Disclaimer

16. A verification under the Act does not constitute a permit, authorisation, or other permissions under any other act, regulation or bylaw. The verification report provided is based on the inspection of the accessible aspects of the food business and represents the Council officer's opinion of the observable condition of the building, facilities, equipment and documents on the day and time of the inspection.
17. The verification report is prepared for the food business and the Ministry only. The food business agrees to not disclose the verification report to any third party. The food business agrees to indemnify, defend and hold the Council harmless from any third party claims arising out of the food business distribution of the inspection report to any third party.
18. The Council's liability for mistakes or omissions in the verification report is limited to a refund of the fee paid for the verification.