

2 May 2024

File Ref: IRC-6071

Tēnā koe

Thank you for your email dated 28 February 2024, to Wellington City Council (the Council), requesting the following information:

I'm requesting the following information on food grade ratings concerning Wellington restaurants, food outlets, catering companies, bars, cafes, and takeaway establishments, under the Local Government Official Information and Meetings Act.

1. How many establishments were temporarily closed by health officers for hygiene breaches or public health concerns over the past 12 months? Including details held by WCC on what breaches caused the closure of these establishments, and photographs and reports held by council.

2. All establishments that were ordered to make hygiene improvements by council officers in the past 12 months, and any details of what changes were ordered, including photographs and reports held by council.

3. A list of the establishments issued with the lowest ranked food grade ratings in Wellington over the past 12 months, and details on why they received this grade, including documentation and photographs of items of concern.

The information you requested has been **granted in part**.

The information requested in question 1 above is appended to this correspondence. Business staff names are withheld from this documentation under section 7(2)(a) of the Act, to protect the privacy of an individual, and Council staff names are withheld under section 7(2)(f)(ii), to protect them from harassment.

In this material, we have provided you with the identity of the businesses concerned. In providing this detail, we recognise that each business hastily corrected the faults that were identified by the Council. Some of these businesses have expressed concern to us that disclosure of their identity would impact on their commercial viability.

For questions 2 and 3 above, Wellington City Council does not hold the information in a form that is readily retrievable, so are refusing these parts of your request under section 17(f) of the Act, on the grounds that the information requested cannot be made available without substantial collation or research.

You have the right, by way of complaint under section 28(1) of the LGOIMA, to request an investigation and review of the Council's decision to withhold information by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

Susan Sales
Official Information

Appendix

The following Wellington businesses were temporarily closed on health grounds in the past 12 months. On the whole, more than one issue of concern was identified by Council officers but the table below lists only that particular issue which prompted the closure.

Date	Business name	Business Address	Issue which prompted closure	Action taken
3/3/23	Zzan	14 Kent Terrace	A lack of cleaning throughout the kitchen was identified during a verification.	The business was closed until cleaning was completed to the satisfaction of the Food Safety Officer.
1/5/23	Portofino	33 Customhouse Quay	Cockroaches were observed in a food preparation area during a verification.	The business was closed until a pest control company was engaged, premises cleaned and control of the issue established.
7/11/23	FJ Noodles & Dumplings	45 Courtenay Place	It was identified during a verification that the walk-in chiller was not working and that there was no other effective form of refrigeration in the premises.	Operator was directed to dispose of all perishable food outside of temperature control. The business was closed until the walk-in chiller fixed.
28/11/23	Wadestown Chinese Takeaways	102C Wadestown Road	It was found during a verification that the business had no hot water supply.	Business was closed until hot water supply was fixed.

Notice of Direction / Improvement

This notice requires the food premises below to comply with the instructions of the Food Safety Officer started below

This notice is issued under section

302 (power to issue an improvement notice)

305 (Power to interrupt operations and give certain directions)

306 (power to seize, condemn, and require disposal)

of the Food Act 2014.

Premises details

Operator's name:

(

Business' legal or trading name:

Zzan

Operator's notified physical or email address:

h

Premises address:

14 Kent Terrace

Registration number :

WCC002108

SR number :

489658

The above premises was inspected by the undersigned Wellington City Council Food Safety

Officer on 3 March 2023

Matters of concern

During the course of the inspection the following issues were noted:

- The floor under the kitchen fridges and fryers is dirty and an excessive accumulation of food crumbs, rubbish, oil and kitchen objects such as takeaway containers, plastic cups and paper towels is evident. This is showing cleaning is not being conducted regularly to the require standards.
- No Cleaning Plan in place.
- The service fridge temperature was 7 degrees when the Veifiers started the Verification and is not coming down to below 5 C. The premises was not open for lunch so the food is being at the danger zone for undetermined period of time.

I have assessed the current situation and am in the opinion that the following breach or offence has taken place:

s 224 - Negligently endangering, harming, creating risk or increasing risk

require that the following actions are to be taken:

- The premises is to be closed until it is fully cleaned and the Food Safety Officer check this cleaning have been conducted.
- A Cleaning Plan needs to be created and implemented.
- The food in the service fridge (chicken, squid, radish) needs to be disposed off.
- No food to be stored in the service fridge until the require temperature is achieved.

After a second visit at 6 pm March 3 2006 the premises is allowed to trade as the cleaning activities have been conducted and the kitchen is suitable for trading. The food in the kitchen fridge was disposed off an a new batch is to be used. The fridge will not be used until it is fixed. The Verifier and I will be conducting a surveillance visit on Thursday 9 of March to ensure the cleaning is up to the standards and the fridge have been fixed.

Non-compliance with this notice is an offence

Failure to comply with this notice is an offence under section 241 of the Food Act 2014.

Review rights

Under section 303 of the Food Act 2014 you have the right to have this notice reviewed. An application for review must be made in writing within 20 working days of this notice being issued. Your application for review must state the grounds on which the application is made (i.e. reasons you believe the notice should be reviewed).

The application for review should be addressed to:

Manager, Public Health Group

P.O. Box 2199,

Wellington 6140 or

Email: publichealthenquiries@wcc.govt.nz

This notice remains in effect until a Food Safety Officer has confirmed in writing that the notice has been cancelled or they are satisfied that the required remedial actions have been completed or the notice has been modified or reversed following an application for review.

Food Safety
Officer:

s7(2)(f)(ii)

Date:

3 March 2023

s7(2)(f)(ii)

Notice of Direction

I, : **s7(2)(f)(ii)**

a duly appointed Food Safety Officer, issue the following notice pursuant to the following sections of the Food Act 2014 (the Act)

307 (power to restrict use of or close place)

—

This notice is issued to Name:

Trading name:

Portofino Restaurant

Business' legal name:

Portofino Wellington Waterfront Limited

Operator's notified physical or email address:

Premises address:

33 Customehouse Quay, Wellington

Registration number :

WCC000597

SR number :

198780

As a food business that trades in food you are required to meet the requirements of the Act. I reasonably believe that you have failed to comply with the following requirement(s):

Ensuring Pest Control is managed to a reasonable level as there is an infestation of cockroaches in the kitchen, preparation and bar area which was not actioned accordingly. This is not complying with the Food Control Plan requirements and Section 50 of the Food Act 2014 (Duties of operators of registered food control plans).

Observations

There are several cockroaches observed in the ceiling on top of the dishwasher, behind the chiller unit and around the dry store area which contained the bags of flour, tins of tomatoes and behind freezer. Cockroaches were also observed around the stairwell area and in the bar area behind the glass washer and ice machine.

There is also evidence of an infestation happening behind the preparation fridges which is not under control. The issues is potentially spreading around the whole premises so needs to be controlled now. Cockroaches of all life cycles were observed.

Pursuant to s298 of the Act, this notice has been issued to ensure that the applicable requirements of the Act have been, or are being, or will be complied with.

You are directed to:

- Close the restaurant until the situation is under control.
- Clean all areas that need attention and try to get rid off all the live cockroaches you see.
- A professional should be contacted as soon as practical and actions should be taken to control the situation. A report should be provided.
- All food and equipment should be checked and disposed off and cleaned as required.

The above requirements are to be completed by:

1 May 2023

This notice remains in effect until a Food Safety Officer has confirmed in writing that the notice has been cancelled or they are satisfied that the required remedial actions have been completed.

Food Safety Officer: s7(2)(f)(ii)

s7(2)(f)(ii)

Date: 1 May 2023

Non-compliance with this notice is an offence

Failure to comply with this notice is an offence under section 241(1)(c) of the Act. This carries a penalty for a body corporate of a fine not exceeding \$300,000 and for an individual, a fine not exceeding \$50,000

Notice of DirectionI, : **s7(2)(f)(ii)**

a duly appointed Food Safety Officer, issue the following notice pursuant to the following sections of the Food Act 2014 (the Act)

307 (power to restrict use of or close place)

306 (power to seize, condemn, and require disposal)

305 (Power to interrupt operations and give certain directions)

This notice is issued to Name:

Trading name:

Business' legal name:

Operator's notified physical or email address:

Premises address:

FJ Noodles & Dumplings
Hua Sheng Group Limited
45 Courtenay Place
45 Courtenay Place

Registration number :

WCC002156

SR number :

504751

As a food business that trades in food you are required to meet the requirements of the Act. I reasonably believe that you have failed to comply with the following requirement(s):

S14 Primary duties of persons who trade in food S50 Duties of Operators of registered food control plans

Observations

WCC verifier **s7(2)(f)(ii)** sited the site for a scheduled appointment on Tuesday 7 November 2023 and had identified pots of readily perishable goods (meat containing soups, gravy meats) kept on room temperature, without any temperature/time controls. The items measured between 19 and 21 degrees celsius. Operator has given different answers to the question when asked when these were cooked, like early in the morning, 2 am, 6 am and then 8 am. **s7(2)(f)(ii)** identified the walk in chiller has been broken down, (Operator mentioned they haven't used it since last month) and there are no efficient chilling systems on place except a small domestic fridge. **s7(2)(f)(ii)** has called a Food Safety Officer (FSO) on site.

At 1 pm FSO **s7(2)(f)(ii)** visited the site and observed the items left in room temperature then has been briskly reheated, but the operators couldnt provide any info about how long are these items sitting on room temperature. On further investigation, meats were kept in the freezer were all on chiller temperatures, not frozen, though the delivery slips evidenced these were delivered here on Saturday. Operator advised these were kept on the freezer from Saturday (and chicken from yesterday morning) Operators couldn't provide any evidence to prove these items were temperature controlled from the date of delivery. (Chiller was broken down from the end of last month)

Pursuant to s298 of the Act, this notice has been issued to ensure that the applicable requirements of the Act have been, or are being, or will be complied with.

You are directed to:

You are directed to dispose the trays and containers of meats that is in the chest freezer, the meat gravy's and soups, the rice in freezer (at 2.3 degrees)

Fix the walk in chiller, and ensure it is in a working condition to maintain a temperature below 5 degrees.

You should not open the business to public, or do any preparation in this kitchen until this chilling unit (walk-in chiller) is fixed.

Complete a full staff training on Food Control Plan for s7(2)(a) and provide evidence of this training.

The above requirements are to be completed by:

8 November 2023

This notice remains in effect until a Food Safety Officer has confirmed in writing that the notice has been cancelled or they are satisfied that the required remedial actions have been completed.

Food Safety Officer:

s7(2)(f)(ii)

s7(2)(f)(ii)

Date:

7 November 2023

Non-compliance with this notice is an offence

Failure to comply with this notice is an offence under section 241(1)(c) of the Act. This carries a penalty for a body corporate of a fine not exceeding \$300,000 and for an individual, a fine not exceeding \$50,000

Notice of Direction

I, : **s7(2)(f)(ii)**

a duly appointed Food Safety Officer, issue the following notice pursuant to the following sections of the Food Act 2014 (the Act)

- 305 (Power to interrupt operations and give certain directions)
- 307 (power to restrict use of or close place)
-

This notice is issued to Name:	.		
Trading name:	Wadestown Chinese Takeaways		
Business' legal name:	Xibei Limited		
Operator's notified physical or email address:	102C WADESTOWN ROAD Wadestown		
Premises address:	102C WADESTOWN ROAD Wadestown		
Registration number :	WCC001751/1	SR number :	448527

As a food business that trades in food you are required to meet the requirements of the Act. I reasonably believe that you have failed to comply with the following requirement(s):

- S14 Primary duties of persons who trade in food
- S50 Duties of Operators of registered food control plans

Observations

On Tuesday, October 28, 2022, WCC verifier **s7(2)(f)(ii)** arrived at the location for a planned verification session.

During the verification reality check **s7(2)(f)(ii)** discovered that there is no hot water on the premises. The operator **s7(2)(a)** stated that they have no hot water for the previous two days owing to an electric battery issue with the hot water system. Until **s7(2)(f)(ii)** pointed this out, no corrective procedures were initiated to fix this hot water issue.

s7(2)(f)(ii) has reported the problem to FSO **s7(2)(f)(ii)**

s7(2)(f)(ii) appeared on the scene and delivered a Notice of Direction.

Pursuant to s298 of the Act, this notice has been issued to ensure that the applicable requirements of the Act have been, or are being, or will be complied with.

You are directed to:

Repair the hot water system and ensure that the kitchen has running hot water.

You should not open the business to the public or prepare any food in this kitchen until you have flowing hot water again restored to this kitchen.

The above requirements are to be completed by:

29 November 2023

This notice remains in effect until a Food Safety Officer has confirmed in writing that the notice has been cancelled or they are satisfied that the required remedial actions have been completed.

Food Safety Officer:

s7(2)(f)(ii)

s7(2)(f)(ii)

Date: 28 November 2023

Non-compliance with this notice is an offence

Failure to comply with this notice is an offence under section 241(1)(c) of the Act. This carries a penalty for a body corporate of a fine not exceeding \$300,000 and for an individual, a fine not exceeding \$50,000