

REGISTRATION OF FOOD BUSINESS (INFORMATION SHEET)



SOUTH WAIRARAPA
DISTRICT COUNCIL
Kia Reretahi Tātau

Pursuant to the **Food Act 2014**

WHAT YOU NEED TO KNOW:

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 (MPI) website to see if the Food Control Plan or National Programme is suitable for your operation. Go to 'My Food Rules': <https://www.mpi.govt.nz/food-business/food-safety-rules/>

There are four types of registration, based on risks, that South Wairarapa District Council can issue:

- Template Food Control Plan (also referred to as *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 MPI.

WHO IS EXEMPT FROM REGISTRATION?

- Business exempt from registration are defined in [Schedule 3](#) of the Food Act 2014.
- If you are selling food to raise funds that has a 'charitable purpose', on not more than 20 occasions in a calendar year, you are exempt from registration.
- The 'My Food Rules' tool on the MPI website will help you work out if your business is exempt.

Note: Exempt businesses are still required to make food that is safe and suitable. You can still register your food business if you choose, even if it is exempt from the need to be registered.

WHAT COUNCIL NEEDS FROM YOU:

In order to proceed with your application, you will need to provide Council with:

- Completed Application Form:
 - See *Application Form For Registration Under The Food Act 2014 (Single Site)*, if operating as a single site
 - See *Application Form For Registration Under The Food Act 2014 (Multi-site)*, if operating as a multi-site
- Completed Scope of Operation Form
- A copy of the of the:
 - verification report, or
 - the confirmation letter of verificationfrom your chosen or preferred verification agency – *if you are operating under a National Programme or is under a Template Food Control Plan but is operating across multi-districts (e.g. food trucks).*
- Payment of the application and verification fees. *The Fees are subject to annual review and any changes publicly notified through the Annual Plan process.*

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

The Fees are outlined below. If you are already registered with South Wairarapa District Council and are transferring to a new registration type, or have any questions about which fees will apply, please phone our Environmental Services Team on (06) 306 9611 or email health@swdc.govt.nz.

HOW TO LODGE YOUR APPLICATION OR CONTACT US FOR MORE INFORMATION

Mail: Environmental Health Services, Po Box 6, Martinborough 5741
In person: South Wairarapa District Council, 19 Kitchener Street, Martinborough
Email: health@swdc.govt.nz

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DEFINITIONS:

Description	Interpretations
Registration Authority	This will be South Wairarapa District Council.
Verification Agency	The name of the organisation(s) responsible for verifying your business, e.g. South Wairarapa District Council or another third party verifier for National Programmes, or multi-district operators.
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 (if any) of the entity responsible for the registration. This can be found on the Companies Register at www.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.
Multi-Site Business	Multi-site means there is more than one address where food is prepared or traded, and you would like to register all sites under one application. Each site may prepare different types of food, e.g. a bakery and a restaurant, and may be run by a separate business entity e.g. company. Each of these sites needs to be verified.
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.

Tools	Interpretation & Activity	Examples
Food Control Plan (FCP) (Simply Safe and Suitable)	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 (NP)	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 NP (exempt, no registration, no further action required)	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 Annual General Meeting sausage sizzle on match day.

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Here is our list of Food Act Registration and Verification Fees:

https://swdc.govt.nz/wp-content/uploads/Schedule-of-Fees-Charges-2022-2023_final.pdf

FOOD ACT REGISTRATION, VERIFICATION, & RELATED FEES (1 ST OF JULY 2022)	
Food Act Registration	\$ 100.00
Food Act Verification (Template Food Control Plan)	\$ 442.00
Food Act Verification (Template Food Control Plan) per site, if multi-site	\$ 442.00
EHO Hourly Rate for Compliance Enforcement	\$ 150.00

Terms and Conditions for Verifications

South Wairarapa District Council ("Council") is a registration authority under the Food Act 2014 ("Act") for Template Food Control Plans ("Plans").

The Ministry for Primary Industries ("Ministry") has appointed approved External Verifiers under the Act to verify businesses subject to a national programme ("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 South Wairarapa District Council to act as your verifier is accepted, both parties agree that the Council will verify the Plan 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 a written notice.
3. 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 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.
11. 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

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

Our Charges

13. Verification fees are prescribed within Council's fees and charges structure as published on our website www.swdc.govt.nz under Environmental Services – Safe Food 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.

Disclaimer

14. 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.
15. 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.