

Council Policy Title:	Approval of Food Stalls at Markets, Events and other sites
Policy Number	
Group Responsible:	Assets and Facilities
Committee/Council	Regulatory Management Committee
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Policy Objective

To ensure public health and safety is protected by ensuring that all food sold within the district at events and markets, roadside stalls and other sites is prepared and sold in accordance with statutory requirements and is safe to eat.

This proposed policy aims to:

- Clarify the requirements and regulatory environment that food stalls operate under.
- Clarify the interpretation of the term “occasional food premises” in relation to events to provide a framework for allowing or disallowing unregistered food vendors, charities and community groups to prepare and sell food on an “occasional” basis.
- Clearly define the difference between markets and events in terms of food stalls.
- To ensure that Council discharges its duties and responsibilities in a fair and equitable manner whilst minimizing potential risk to Council.

Scope

This policy covers:

- The approval of temporary food stalls at events (fundraisers, fairs, festivals, concerts and special occasions).
- The approval of food stalls at markets and participating markets.
- General responsibilities of Market and Event Managers when choosing to hold an overarching registration for food sales at markets and events.

This policy does not cover

- Low risk fundraising stalls at sports grounds (run by the local sports club).
- Low risk fundraising stalls that operate on a stand alone basis on any land or outside any shop (where 100% of the profit goes to the named non profit organisation or community group) and they are not operating at an event.

For more information on what foods are considered low risk please see page 6 of the policy.

DEFINITIONS

For the purposes of this policy the following definitions will apply:

Occasional Food Premises

Has the same meaning as outlined in Regulation 4 (4c) of the Food Hygiene Regulations 1974

- The definition of **Occasional food premises** means food premises that are used only for—
 - (a) The sale of fruit, eggs, poultry, and vegetables, that are produced either on the land on which those premises stand or on land adjacent to the land on which those premises stand; or
 - (b) For the preparation or handling of food for sale, or for the sale of food, on special occasions:

For the purposes of this policy the Council will take the following approach in determining whether premises are Occasional Food Premises:

- Occasional Food Premises may only operate two times in a financial year, (1 July to 30th of June the following year) except in special circumstances as outlined in the “miscellaneous provisions” of this policy.
- Occasional Food Premises may only operate at events that occur infrequently and are of some importance to the community.
- Occasional Food Premises status is available to individuals or groups, whether operating for profit or not.

Event

An event is defined as any fundraiser, fair, festival, concert or other similar special occasion that occurs infrequently and is of some importance to the community, but does not include a regular market.

Market or Farmers Market

For the purposes of this policy a market or farmers market occurs on a regular and frequent basis generally operating on one particular day each month or week throughout the year (whether or not they may close down for a few months over the winter season).

Participating Market

For the purposes of this policy a “participating” market is a market that has made written agreements with the Council and has been approved by Council to allow unregistered “approved operators” to sell low risk packaged food at the site.

Approved Operator

For the purposes of this policy an unregistered “approved operator” is a person who has been given written approval by the Council to undertake the manufacture of low risk packaged foods in their home kitchen for sale at up to two participating markets in the district.

Mobile food stall

A mobile food stall includes any food stall (on wheels or not on wheels) that is not an “Occasional Food Premises” and/or sells food on a regular, semi permanent, or permanent basis from private land, a roadside stall or event.

Non Profit Organisation

For the purposes of this policy a non profit organization is an individual or group (charitable or community based that includes sports groups, school groups, charitable and community groups) who are fundraising and 100% of the profit goes to the named community or charitable organization.

SALE OF FOOD AT MARKETS

General duties of market organisers or managers

1. The manager of a market shall complete an application for an overarching certificate of registration for food stalls and submit with the applicable fee to the Environmental Health department of Council. This registration will need to be renewed on an annual basis.
2. The manager of a market shall at least annually provide Council with a list of stallholders, their contact details, a copy of their registration certificate (if they are registered with another local authority) and the products they are selling. This list should be updated as stallholders start at or leave the market.
3. The manager of a market shall ensure that all persons who intend to sell prepared food at the market are currently registered to do so (at their base premises) prior to allowing them to attend the market.
4. The manager of a market shall support any action the Council may take to ensure compliance with this policy and the Food Hygiene Regulations 1974 are adhered to by food stalls at the market.

Who can sell food at a market

Anyone who wants to sell food at a market must be registered for that purpose, unless

- They are a charity or community group fundraising by the sale of low risk foods such as sausage sizzles and cake/jam stalls, or
- They operate under an approved Risk Management programme or Food Safety Programme, or
- They are an “approved operator” selling food at a “participating market”

For more information on approved operators or participating markets please see page 4 of the policy.

For further clarification the following food vendors must have a certificate of registration or a copy of their approval details (FSP or RMP premises) if they apply to sell food at a market:

- Food stall operators selling jams, preserves, bakery products and the like, or any other packaged food.
- Food stall operators selling honey, eggs, cheeses or other primary produce (meat, chicken and fish)

For further clarification the food vendors below do not need individual certificates of registration to sell food at a market as the umbrella certificate of registration issued to the market manager will cover these food sales:

- Sale of fruit, vegetables and other fresh produce (provided no other prepared food is sold at the stall).
- Eggs, provided that the operator has less than 100 female birds, sells directly to the consumer and does not sell eggs to any person for re-sale.

Preparation and or cooking of food at a market

Food stalls with limited facilities can not operate at markets. No one can cook or prepare food for sale at a market unless they are a mobile food stall registered with Kāpiti Coast District Council or they are a charity or community group fundraising by having a sausage sizzle.

- A mobile food stall that is fully registered as a food premises by Kāpiti Coast District Council can prepare or cook food on site at any market in accordance with their conditions of registration.

Participating Markets

See definitions on page 2 of the policy

Any market manager can apply to Council to become a participating market and if approved will make agreements with Council on their responsibilities. These markets will be able to allow “approved operators” selling low risk packaged foods at the market.

Responsibilities of Participating Markets

- General duties of market managers (see page 3 of policy)
- To update Council regularly on vendors selling food at the market
- To ensure approved operators stay within the scope of their approval
- To ensure that approved operators are selling their own food direct to consumers at the market
- To ensure that approved operators are not selling anyone else’s product at the market
- To ensure that food for sale at the market is appropriately labeled
- To ensure food vendors are displaying and storing food in accordance with requirements
- To act immediately to refuse a stall site to any “approved” or unregistered operator on request from the Senior Environmental Health and Licensing Officer

Approved Operators

Individuals preparing low risk foods in their home kitchen can apply to Council for permission to sell their packaged food at participating markets in the district provided the criteria below are complied with:

- The applicant must live in the Kāpiti Coast District
- The applicant can only prepare low risk foods which must be packaged and labeled prior to attending the market (see approved list of foods)
- The applicant can only attend two named participating markets in the district
- The applicant must sell their own food direct to the consumer at the market
- The applicant can not sell food via any other medium (except at an event)
- The applicant must hold a level 167 Food Handling Certificate
- The applicant must agree to open their home to annual assessment by an Environmental Health Officer and for investigation of any food complaint
- The applicant must pay fees associated with any assessment (on a user pays basis) prior to receiving their approved status from Council

NOTE

Failure to comply in full with the criteria listed above may result in any approved operator status being immediately revoked. Once an approval has been revoked for non compliance with the above conditions then Council is under no obligation to process any future application from that person/operator or company for approved operator status.

The types of foods that can be sold by approved operators

Only low risk packaged foods can be prepared in the home kitchen and sold by an approved operator at a market and such foods include:

- Cakes and biscuits (and other grain based products)
- Jams and Preserves (acidified or preserved or low water activity; and shelf stable)
- Breads
- Honey
- Olive oil, Vinegar
- Candies and confectionary

The Senior Environmental Health and Licensing Officer reserves the right to add to or restrict the foods on this list based on risk at any time,

NOTE

It is recommended that approved operators ensure they can gain a site at the participating market of their choice before applying to become an approved operator, as an approval from Council does not guarantee a site at a market. The allocation of stall sites is at the absolute discretion of the Market Management.

SALE OF FOOD AT EVENTS

General duties of event organisers or managers

1. When an event is planned an Event Manager should submit a Temporary Event Management plan to the Resource Consents department of the Council.
2. The Event Manager shall complete an application for an overarching certificate of registration for food stalls at the event and submit this with the applicable fee to the Environmental Health department of the Council.
3. The Event Manager shall support any action the Council may take to ensure compliance with this policy and the Food Hygiene Regulations 1974 is adhered to by food stalls at the event.
4. The Event Manager shall submit the following information with the application at least 20 working days prior to the event occurring:
 - Information about the reason for the fair, festival or event.
 - A plan showing the location of food stalls, location of water tap, location of waste water disposal, and toilets for food handlers.
 - Information on safety and cooking appliances. Including the Event Manager's requirements in relation to siting of cooking appliances so they do not cause a hazard to the public. Also provide information on whether the Event Manager or the food stall operator is required to provide fire extinguishers or fire blankets.
 - A list of proposed food stallholders with the fully completed and signed food stall application forms from individual operators and copies of any certificates of registration they may have. This information must be submitted to the Environmental Health officer no later than 7 working days prior to the event.

Who can sell food at events

Any individual or group (who meets the definition of an Occasional Food Premises) can sell food at an event provided they do not operate more than twice in the same financial year (1 July to 30th June the following year) and provided they have completed and signed the required application forms.

Any person can sell packaged foods at any number of events in the Kāpiti Coast District provided they are currently registered with the Kāpiti Coast District Council or another Territorial Authority or operate under an approved Food Safety Programme or Risk Management Programme, or they have a current approval as an approved operator; and they are not preparing or cooking food on site. If these types of operators intend to prepare or cook food onsite at an event then they fit within the definition of Occasional Food Premises and can only do so on two occasions in any financial year.

Any mobile food stall that is fully registered with the Kāpiti Coast District Council can prepare and sell food (within the conditions of their registration) at any event on any number of occasions.

Charitable and community groups can prepare and sell food on any number of occasions at events provided they have completed and signed the required application forms.

SALE OF FOOD AT FUNDRAISING STALLS.

Sausage sizzles and cake/preserves stalls have been used by local charity and community groups as a preferred method of fundraising for many years and are supported by the local community. These types of stalls operate at sports grounds, at various locations on Council land throughout the district and on private land outside stores such as the Warehouse and others. The foods sold at these stalls are generally low risk (packaged cakes, biscuits and drinks, jams and preserves) and in the case of sausage sizzles consist of pre-cooked sausage cooked immediately before sale. Fundraising by these methods benefits the local community and in almost all cases the charity or community group ensures all profits are funnelled back into the local community for the benefit of that group or the wider community.

Hangi are the preferred method of fundraising by the Māori community (schools, kōhanga reo, whānau groups, kapa haka groups, sports groups and marae). This is for a number of reasons, some of which include providing a healthy alternative food that does not contribute to poor health such as diabetes and obesity and to build on whanaungatanga in the community. It is understood that in this community these fundraisers are led by experienced people who have prepared hangi for many years and this knowledge has been passed down from many kaumātua. Current practices show risks with the foods are minimised by always individually packaging meals prior to cooking, which means no further handling after cooking is required and meals are served immediately. In all cases these fundraisers are supported by the marae and all profits are managed and support the local community.

Low risk foods include:

Sausage sizzles provided that the food is limited to pre-cooked sausages, onions and sauces and bread and does not include salads or any other meats, fish or chicken.

Cake Stalls, provided that cakes do not include cream or custard fillings and the items are pre-packaged prior to sale at the stall.

Jams and preserves that are packaged in clean, sterile containers or jars.

Hangi, provided that the food is individually packaged prior to cooking and is not further handled after cooking and any such preparation or cooking is undertaken with the guidance of an experienced member of the local marae.

Sweets, candies and other packaged non perishable food products.

Note

Fundraising groups who want to sell higher risk foods can only do so at events, and must complete a food safety application for approval.

Individuals or groups whose intention it is to keep any portion of the profits from the sale of food at a fundraiser can only do so on two occasions per year under the conditions outlined in this policy.

Non profit groups, who operate at an event (fair, festival etc) that is under the control of an Event Manager, must meet the same level of compliance as any other occasional food premises at the event, such as supplying application documentation and compliance with minimum standards.

MISCELLANEOUS PROVISIONS

- The Senior Environmental Health and Licensing Officer may grant an exception to this policy in special circumstances and upon application in writing to the Environmental Health Department.
- The Senior Environmental Health and Licensing Officer reserves the right to refuse permission for any Occasional Food Premises to operate at any event if they have already operated twice in that year, if they have failed to complete and sign the appropriate application form or if they are not in compliance with any other associated Food Legislation (in particular the Food Hygiene Regulations 1974, Food Act 1981, Wine Act 2003 and Animal Products Act 1999).
- This policy will be reviewed on a yearly or as required basis to achieve regional consistency with the Wellington Region Cluster group and to ensure the policy remains in compliance with current food legislation.
- Occasional Food Premises operators and “approved operators” are subject to compliance with the applicable provisions of Part two and three of the Food Hygiene Regulations 1974 at all times (these provisions relate to general conduct and duties).
- In order to protect public health and safety and ensure safe food is provided at events with limited facilities; Occasional Food Premises operators must comply with minimum site set up requirements at events as outlined in the guidance documents available from Kāpiti Coast District Council. Failure to comply with these provisions on the day of the event will lead to enforcement action being undertaken by the Environmental Health Officer(s). Such enforcement action may include but not be limited to requiring the vendor to pack up and leave the event and or seizure of foods and or legal action.

APPROVAL MATRIX – FOODSTALLS

	Low risk (as outlined page 5 of policy)			Higher risk (anything not mentioned on page 5 of policy)		
Type of operator	Stalls (outside shops and sport grounds) <i>page 6 of policy</i>	Events <i>Page 5 of policy</i>	Markets <i>Page 3 of policy</i>	Stalls (outside shops and sport grounds) <i>Page 6 of policy</i>	Events <i>Page 5 of policy</i>	Markets <i>Page 3 of policy</i>
Non profit (charity and community groups)	Permitted No food safety application required except land owner permission and compliance with guidance material	Permitted Food safety application to be made through event organiser	Permitted	Not Permitted Any exception at discretion of Senior Environmental Health Officer	Permitted Food safety application to be made through event organiser	Not Permitted
Unregistered operators (private individuals)	Not Permitted	Permitted twice per year unless an approved operator selling low risk packaged food	Not Permitted Unless an approved operator selling low risk packaged food	Not Permitted	Permitted twice per year	Not Permitted
Registered food premises (KCDC or other TA) – (sale of food specific to registration)	Prepared/packaged foods Permitted Preparing food on site Not Permitted unless in mobile stall registered with KCDC Subject to resource consent/ trading in public places approval	Prepared/packaged foods Permitted Preparing food on site – Permitted Twice per year	Prepared/packaged foods Permitted Preparing food on site – Not Permitted unless in mobile stall registered with KCDC	Prepared packaged foods Permitted Preparing food on site Not Permitted unless in mobile stall registered with KCDC Subject to resource consent/ trading in public places approval	Prepared/packaged foods Permitted Preparing food on site Permitted twice per year	Prepared/packaged foods Permitted Preparing food on site – Not permitted unless in mobile stall registered with KCDC
Registered mobile food stalls (KCDC) {sale of food specific to the registration}	Permitted with appropriate resource consent/ trading in public places approval	Permitted	Permitted	Permitted with appropriate resource consent/ trading in public places approval	Permitted	Permitted
Registered mobile food stalls (other TA) {sale of food specific to registration}.	Not Permitted (unless registered with KCDC) and appropriate resource consent/ trading in public places approval)	Permitted Twice per year	Not Permitted unless in mobile stall registered with KCDC	Not Permitted (unless registered with KCDC) and appropriate resource consent/ trading in public places approval	Permitted twice per year	Not Permitted unless in mobile stall registered with KCDC