

Setting up a new food business in the Burke Shire

Food Business Licence and Registration Requirements

What is the difference between licensing and registration?

It is similar to driving a car. The car is registered...or in this case the food premise and the person is licenced. You only need one licence, but you need a separate registration for each food premises that you operate. Registration can only be issued to a licence holder.

Who needs to be licenced and registered?

The *Food Act 2006* requires all food businesses to be licenced and registered.

A "food business" is any business, enterprise or activity, including charities that handle or sell food. If you are operating a food business you will need a licence from Council.

A food premises is any premises or place, including temporary structures and mobile food vehicles, where food is handled.

If you are operating from a food premises it needs to be registered with Council. If you own or operate more than one premise in the Burke Shire you can hold one licence, but need to register each of the premises individually.

Who doesn't need a licence?

Food shops selling food which is totally enclosed and pre-packaged by the manufacturer, do not require a licence with Council. If the packaging is opened by the food shop or handled or prepared in any way, a premise needs registration and the operator a licence.

If you are a primary food producer then you will not need a licence and registration with Council (for example, a farm that does not sell its produce directly to the public). However, primary producers of meat, seafood, poultry, dairy and fruit & vegetables, need to be licenced under the *Food Production (Safety) Act 2000*. This Act is regulated by *Safe Food Production Queensland*. Contact them on 3405 1800 for further information.

Applying for a Licence and registration

The approval process – for all food businesses, fixed and mobile.

When starting up new food premises, there are two stages of approval with Council. Stage 1 is "design or plan approval" and stage 2 is "approval to operate". Both of these stages are explained in detail in this guide.

It is important to remember that any food licence or registration does not include any building, plumbing or development approvals. These approvals should be obtained prior to lodging any applications for food shop plan approval, food licences or food registration.

To ensure the best outcome in compliance with *the Food Act 2006*, the Council's Environmental Health Officer is available to discuss your proposals or issues and answer any queries prior to the plan submission and during the construction phase.

New Premises

Design approval for a food premises

When constructing a new food premises, it is essential that certain approvals be obtained before others. By obtaining all the required approvals before starting the design approval stage for a food premises, you can reduce the possibility of costly mistakes.

Before starting the design approval stage for a food premises, it is your responsibility to check that the following approvals have been obtained as required:

- Development approval – you will need to check that a food business can be operated from the proposed site, in your accordance with council's town plan.
- Building approval – you need to have building approval from Council or a private certifier before you carry out any building work. Building work may include but is not limited to, partition changes, structural changes, internal layout changes or alterations to the shop front.
- Plumbing approval – all plumbing approvals need to be obtained from Council's Plumbing Services.
- Trade waste approval – trade waste approvals for grease traps are obtained from Council. You will need to phone Council for further information on trade waste approvals. If you are operating mobile premises you will need to organise the disposal of your waste through a private waste contractor.
- Food premises plan approvals – (see next page.) The premises will need to comply with the Food Safety Standard 3.2.3 *Food Premises and Equipment*. A copy can be obtained at www.foodstandards.gov.au or phone Food Standards Australia on 1300 652 166.

Annual approval/licence renewal to operate a food premises

After construction of the kitchen is completed, you will need to contact Council to assess that the premises have been constructed in accordance with the approved plans. The business will also be assessed to see if it is operating within the *Food Safety Standards*.

Council must conduct a final inspection and issue a licence and registration before any food handling can be carried out at the premises. A premise must operate in compliance with Food Safety Standard 3.2.2 *Food Safety Practices and General Requirements*. A copy can be obtained at www.foodstandards.gov.au or phone Food Standards Australia on 1300 652 166.

If you have not constructed the kitchen as per the approved plans Council may withhold your licence and registration or may issue the approval with conditions that must be complied with within set time frames.

Your licence will be current for a period of 12 months from 1st July to 30th June each year. You will be required to renew your licence and registration with Council annually.

An account will be mailed to the current licensee each year and payment of the account by the due date is required to renew your licence and registration for another year.

Lodging Food Premises Plan Approvals

The design approval process simply means having your proposal and plans approved so that you can construct the food premises or fit out the vehicle.

- A premises must comply with Food Safety Standard 3.2.3 *Food Premises and Equipment*. A copy can be obtained at www.foodstandards.gov.au or phone Food Standards Australia on 1300 652 166.

To gain Plan Approval you will need to lodge:

- An application form
- A site plan showing the location of the premises on the land parcel
- A floor plan of the entire area
- Sectional elevations showing all the equipment to be used
- Mechanical exhaust ventilation plans
- A copy of your proposed menu
- The appropriate fees

The plans, application form and fees must be lodged before you begin construction. The plans will be assessed by Council and then given food hygiene approval, subject to any alterations that you may need to make.

This approval gives you permission to begin 'fitting out' the food premises or vehicle. It does not give permission to open or operate the food premises.

You will need to lodge several types of plans:

- **Floor plan** – (drawn to scale of not less than 1:50)
A floor plan should also include what materials will be used for floors, walls, ceilings and equipment. For example, floor – tiled, sinks – stainless steel, bench tops – laminate.
- **Mechanical exhaust ventilation plans** - (drawn to scale of not less than 1:50)
If mechanical exhaust systems are to be installed you will need to lodge the plans for the proposed ventilation equipment.

Guidance on what ventilation equipment you may need can be found in *Australian Standard 1668.2 – 1991*. For information on this standard visit the Standards Australia website: www.standards.com.au or phone 1300 654 645.

- **Site plan** - (drawn to scale of not less than 1:50)
A site plan should show car parks, waste areas and adjacent land uses.

Please Note: all plans and diagrams must be clear and legible or will need to be resubmitted. Generally the company doing the fitout can draw these plans to an acceptable standard.

Other issues to consider

Registration of a workplace

Workplaces that employ three or more people or that have dangerous equipment need to be registered by the Division of Workplace Health and Safety.

To obtain or check if your workplace requires registration you need to contact the Department of Employment, Training and Industrial Relations on 1300 369 915 or visit www.detir.qld.gov.au

Buying an existing premises

When buying a food business that is already operating, it is vital that you obtain some information from Council before the sale is finalised or contracts are signed.

Pre-sale compliance search

Firstly, check with Council that the premises have a current licence and registration.

Secondly, it is strongly advised that you apply for a pre-sale compliance search from Council. The report will list any food hygiene faults with the premises and will alert you to any potentially expensive problems that need fixing.

If you do not have a pre-sale compliance search carried out you will 'inherit' any faults from the previous owner and be held legally responsible for fixing those faults. The search needs to be carried out before you take on the licence and registration of the premises.

It is advisable to lodge the application for pre-sale compliance search, with appropriate fee and written permission from the current owner for Council to release information on their premises to you at least 10 working days before it is required and lodged.

Transferring the registration of a premises

You will need to transfer the registration of the premises into the new licence holder's name for the balance of the financial year. A transfer form is included in this kit.

It is important to remember that once the licence and premise are transferred, the new licence holder is responsible for any outstanding conditions that apply to the premises.

Selling your food business

When selling a food business, ensure that your licence and registration are current and that there are no outstanding conditions. This will make the sale process easier and avoid lengthy negotiations with potential buyers about outstanding conditions.

You could also consider providing any prospective purchaser with a 'pre-sale report'. This could speed up negotiations with possible purchasers.

Renovating or altering an existing premises

If you are making structural changes to your premises, you will need to contact Council for advice. You may need to lodge plans with Council for assessment and approval following much of the process for a new premises.

Once your plans are approved you can make the approved changes. When the work is complete, contact the officer who approved the plans to get final approval.

More Information

For more information on any of Council's requirements for a food business, phone 4745 5100.