

## HEALTH AND BUILDING COMMITTEE

February 19, 2024

**ITEM 1****BROKEN HILL CITY COUNCIL REPORT NO. 37/24****SUBJECT:**                    **DRAFT SCORES ON DOORS POLICY**                    **D24/8835****Recommendation**

1. That Broken Hill City Council Report No. 37/24 dated February 19, 2024, be received.
2. That Council endorse the draft revised Scores on Policy for the purpose of public exhibition.
3. That the revised Draft Scores on Doors Policy be placed on public exhibition for a period of 28 days for public comment.
4. That following the conclusion of the public exhibition period a report be presented to Council detailing submissions received and any recommended amendments.

**Executive Summary:**

Council resolved in July 2016 to implement a voluntary “Scores on Doors” program with a view to promote compliance with hygiene and food safety standards, promote consumer trust in food businesses and to further the reputation and economy of food businesses in Broken Hill.

In support of the program, a policy document was developed to promote and enhance transparency of the program and to inform all participants on the fundamentals of the “Scores on Doors” program.

Council resolved at its meeting held 26 October 2016 to adopt the Scores on Doors Policy.

**Report:**

Council is obligated to carry out food safety inspections at all medium and high-risk retail food premises, through its Food Regulation Partnership with the NSW Food Authority.

The Scores on Doors program provides Council with the opportunity to be transparent with inspection results and present an incentive for businesses to maintain and/or increase their score rating, thereby improving the quality of local food premises.

The Draft Scores on Doors Policy addresses issues such as eligibility criteria to participate in the program, operating procedures, circumstances in which a certificate will not be issued, inspection regime and appeal procedure.

A recent review of the Scores on Doors Policy revealed that the policy had, to a large extent remained current since its introduction.

Proposed minor updates to the policy are listed in the table below:

Page No	Section No - Description
3	4.2 – “standard inspection check sheet” wording changed to “FPAR” in reference to the Food Premises Assessment Report.
4	4.3 (e) – “Council officer” wording changed to Authorised Officer to maintain consistency throughout the document
4	4.4 – Point No 2: “must” wording change to “may” given it is a voluntary program
5	4.5 – “inspector” working changed to Authorised Officer to maintain consistency throughout the document

**Community Engagement:**

Council Business Paper for Ordinary Meeting to be held 27 March 2024.

**Strategic Direction:**

Key Theme:	4.	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.5	Support the organisation to work within is legal framework

**Relevant Legislation:**

- *Food Act 2003*
- Food Standards Code

**Financial Implications:**

Administration support for the issuing of certificates is provided within the existing budget for administrative support staff.

**Attachments**

1. [↓](#) Draft Scores on Doors Policy

RAZIJA NU'MAN  
DIRECTOR CORPORATE AND COMMUNITY

JAY NANKIVELL  
GENERAL MANAGER

## DRAFT SCORES ON DOORS POLICY

<b>QUALITY CONTROL</b>			
<b>TRIM REFERENCES</b>	D16/29766 – 12/14		
<b>RESPONSIBLE POSITION</b>	Director Corporate and Community		
<b>APPROVED BY</b>	Council		
<b>REVIEW DATE</b>	October 2018	<b>REVISION NUMBER</b>	1
<b>EFFECTIVE DATE</b>	<b>ACTION</b>	<b>MINUTE NUMBER</b>	
31/08/2016	Public Exhibition	45320	
26/10/2016	Adopted	45356	
	Public Exhibition		
	Adopted		

### 1. INTRODUCTION

Council introduced a voluntary program titled "Scores on Doors". The aim of the program is to improve food safety standards and to reduce the instance of foodborne illness in the retail food industry. Subsequent to a standard food safety inspection, Council's Environmental Health Officer will issue a certificate with a star rating representing the hygiene status of the particular food business. The Scores on Doors program offers participating businesses a fantastic opportunity to show customers just how seriously they take food hygiene and the results they have achieved by displaying a rating certificate on their shop front door.

### 2. POLICY OBJECTIVE

This Policy aims to:

- raise the standard of food safety and hygiene within the retail food business sector,
- reward food businesses who are achieving a high standard of food safety and hygiene,
- promote consumer trust in food businesses and to further the reputation and economy of food businesses in Broken Hill,
- encourage participating food businesses to strive towards achieving higher standards of food safety and hygiene, and
- ensure transparency through proactive communication with participating businesses.

### 3. POLICY SCOPE

The Policy applies to all participating and eligible retail food businesses within Broken Hill.

#### 4. POLICY STATEMENT

Council's Environmental Health Officer currently inspects retail food premises within the City of Broken Hill, using a standard checklist termed the Food Premises Assessment Report (FPAR). The routine inspections are conducted to ensure that food businesses comply with the requirements of the *Food Act 2003* and Food Standards Code (FSC).

The FPAR features a points system to determine a hygiene and food safety score.

The following areas are examined during the assessment:

- general items, that you appointed a trained Food Safety Supervisor (FSS), have an FSS certificate on the premises, and that food handlers have skills and knowledge to handle food safely;
- food handling controls, storage, display and transport, processing, the risk of cross-contamination;
- cleaning and sanitising, hand washing and proximity of facilities;
- food temperature control;
- pest control;
- premises design and construction, issues such as water supply, disposal, adequate and safe garbage facilities and lighting;
- food labelling, accurate and sufficient.

Note: The "I'm Alert" free online Food Safety Training is available on Council's webpage.

The routine inspection frequency is determined by Council's Food Premises Priority Risk Classification System, which rates food premises as: High Risk; Medium Risk; and Low Risk.

High and medium risk retail food service businesses process and sell food that is:

- ready-to-eat,
- potentially hazardous (i.e. requires temperature control), and
- intended for immediate consumption.

These businesses include:

- restaurants
- take away shops
- pubs
- hotels
- cafes
- bakeries
- clubs
- supermarkets selling hot food

Low risk premises include:

- deli's
- service stations
- businesses selling pre-packaged shelf stable food

#### 4.1. 'Scores on Doors'

- Council has adopted the NSW Food Authority's Scores on Doors voluntary food business rating scheme to reward existing high performing medium and high-risk food premises and encourage lower performing high and medium risk premises to strive toward ongoing improvement in their food safety and hygiene practices.
- Council's Environmental Health Officer uses the standard FPAR score to assign a star rating to the completed inspection result. The participating food business will receive from Council a certificate with the star rating prominently displayed.
- The certificate is designed to be displayed on the door, or other visually prominent location within the premises.
- The displayed certificate allows consumers to compare the scores achieved from the food businesses and make informed choices about the places where they eat out, or from which they purchase food.
- This practice will apply 'market pressure' and provide incentives for food businesses to strive towards improved operational standards in order to gain a higher inspection score outcome.
- Participation in the Scores on Doors program is only offered to medium and high-risk retail food businesses.
- The scheme is not intended for delicatessens, low risk food premises or those serving pre-packaged food, e.g. service stations, butchers, green grocers, temporary markets, mobile food vending vehicles, or premises licensed by the NSW Food Authority.

#### 4.2. Operating procedure

Council Officers will use the programmed, unannounced inspection system currently in place to conduct the 'Scores on Doors' inspections.

After the Council Officer completes the ~~standard inspection check sheet~~ FPAR, the demerit points received by the business are added together and a corresponding star rating is assigned. The lower the demerit point score received, the better the star rating.

##### Points Rating Definition

**0 - 3 ★★★★★ Excellent** - The business has achieved the top grade, which means that it achieved the highest level of compliance with food safety standards.

**4 - 8 ★★★★ Very Good** - The business has in place very good food safety practices. Some minor areas where standards were not met will need to be addressed.

**9 - 15 ★★★ Good** - The business has a good standard of food safety. A number of areas, although not serious, need to be corrected.

Businesses that achieve 15 or less demerit points will be presented with a 'Scores on Doors' certificate, which depicts the star rating achieved during the inspection.

Businesses that receive greater than 15 demerit points will be ineligible to display a star rating and will not receive a certificate.

#### 4.3. Certain instances may render businesses ineligible to display a star rating

A food business is not eligible to receive or display a rating, regardless of the final points score, if:

- a) The 'Authorised Officer' takes enforcement action through issuing an:
  - Improvement Notice, or
  - Penalty Notice, or
  - Prohibition Order, or
  - Seizure Notice, or
  - Prosecution.
- b) The 'Authorised Officer' assigns a 'critical' breach (breach score of 8).
- c) The inspection that is undertaken is only a 'part' inspection (i.e. completion of the full FPAR is not undertaken).
- d) A food business is inspected due to a complaint and the complaint is substantiated or proven.
- e) The ~~Authorised Council~~ Officer becomes aware of a significant change in the food safety standards at a premises.

If any of the above situations occur, the food business may be deemed ineligible to display its current rating and the rating display must be removed. It is recommended that Council conduct an unannounced inspection within three months to re-determine the rating.

#### 4.4. Scores on Doors certificate

- Businesses that achieve the required star rating will receive the certificate from Council within seven (7) days of the inspection or may be issued the certificate on the spot.
- The certificate includes an expiry date, and the certificate ~~may~~ be displayed until the next routine inspection by Council, unless the business is deemed ineligible to display the certificate.
- The certificate may be displayed at each public entrance to the food business and remains the joint property of the NSW Food Authority and Council. Only the official Scores on Doors certificate may be displayed. Businesses should not display a false Certificate or one that is not the most recent.
- When a business receives a new certificate, the inspecting officer will stamp the expired certificate, so that it may not be displayed but may be kept with the business as a historical record.
- The expiry date of the certificate should be set based on Council's expected minimum inspection frequency, which takes into consideration the businesses' food safety risk profile and compliance history. Where compliance history is considered it should be based on the results of at least two inspection cycles.
- For most businesses eligible to participate in the program, the expiry period will usually be the end of the next six-month inspection period. For medium risk businesses that achieve an 'Excellent (five star)' score in two consecutive inspections, expiry dates may be set on a 12-month inspection period.

- A complaint investigation of a food premises that identifies a critical food safety breach, may result in the removal of a current Scores on Doors certificate.
- Results from follow up reinspection or enforcement activity, further to an unannounced routine inspection, will not be used to generate or amend Scores on Doors rating.
- Council is not obliged to carry out any additional inspections solely for the purpose of the Scheme.
- Council may choose to allow a further additional unannounced inspection to regrade a food business where the business is dissatisfied with their score, and all issues have been rectified. The inspection will be conducted within three months of accepting a request for a reinspection.
- A new star rating can only be issued on the results of a complete unannounced inspection. Part inspections do not qualify.
- Councils may display information about the businesses that participate in the Scores on Doors program, and their corresponding scores, consistent with relevant legislation. A score rating should not be published if a review of it is underway and not yet concluded.

#### 4.5. A business may appeal to Council to review its star rating

A food business may seek a review of its star rating within seven days of receiving the certificate.

The appeal must be made in writing to Council. In the appeal the proprietor(s) must specify what non-compliance item/s they wish to appeal and the mitigating circumstances that may have resulted in the non-compliance. Council must determine the appeal within 14 days of it being received. The review can be an internal review by the relevant Manager in conjunction with the ~~inspector~~ Authorised Officer who conducted the initial assessment. A further inspection of the premises will not be required in the review process.

Examples of circumstances that may be considered in an appeal:

- emergency situations;
- structural issues that have arisen in the past seven days;
- equipment faults that have occurred in the past 24 hours and have not resulted in a food safety issue; and
- interpretation of Food Standards Code (FSC) requirements.

Examples of circumstances that will not be considered in an appeal:

- lack of knowledge on FSC requirements;
- issues with staff;
- high risk food safety issues; and
- long term issues.

Council should advise of the outcome of the review within 14 days of receipt of the review request. If Council's review results in an amended rating Council should issue a revised certificate. Otherwise, it should notify that the score remains unchanged.

## 5. IMPLEMENTATION

### 5.1. Roles and Responsibilities

The following Council officers are responsible for the implementation and the adherence to this policy:

- General Manager
- Director Corporate and Community
- Manager Corporate & Customer Experience
- Environmental Health Officer

### 5.2. Communication

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website.

### 5.3. Associated Documents

The following documentation is to be read in conjunction with this policy.

- *Food Act 2003*
- Australia New Zealand Food Standards Code

## 6. REVIEW

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines.

The standard review period will be within each term of Council following the Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of the community and Council. The responsible Council officer will be notified of the review requirements three (3) months prior to the expiry of this policy.

Council's Director Corporate and Community is responsible for the review of this policy.

## 7. LEGISLATIVE AND LEGAL FRAMEWORK

This policy is to be read in conjunction with the following:

- *Food Act 2003*
- Food Regulation Partnership (NSW Food Authority)

Council employees shall refrain from personal activities that would conflict with proper execution and management of Council's Scores on Doors' Policy. Council's Code of Conduct provides guidance for recognising and disclosing any conflicts of interest.



## 8. DEFINITIONS

Expressions used in the Policy are defined in the Dictionary at the end of the *Food Act 2003* (the "Act Dictionary").

**"Authorised Officer"** means a person appointed under Division 3 of Part 9.

**"Enforcement Agency"** means:

- a) the Food Authority, or
- b) a relevant body appointed as an enforcement agency under Division 2 of Part 9, or
- c) any person or body, or a person or body within a class of persons or bodies, prescribed by the regulations for the purposes of this definition (other than a relevant body within the meaning of Division 2 of Part 9).

**"Equipment"** means the whole or part of:

- a) any utensil, machinery, instrument, device, apparatus or appliance that is used, or that is designed or intended for use, in or in connection with the handling of food; or
- b) any substance, utensil, machinery, instrument, device, apparatus or appliance that is used, or that is designed or intended for use, in cleaning anything referred to in paragraph (a).

**"Food"** has the meaning given by section 5.

**"Food Authority"** means the NSW Food Authority constituted under Part 9.

**"Food Business"** has the meaning given by section 6.

**"Food Safety Standards"** means the standards contained in Chapter 3 of the Food Standards Code.

**"Food Standards Code"** means the Australia New Zealand Food Standards Code as defined in the *Food Standards Australia New Zealand Act 1991* of the Commonwealth, as modified in accordance with regulations referred to in section 140 or 141.

**"Handling of Food"** includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food.

**"Improvement Notice"** means an improvement notice issued under Part 5.

**"Premises"** includes:

- a) land (whether or not vacant), or
- b) the whole or any part of a building, tent, stall or other structure (whether of a permanent or temporary nature), or
- c) a pontoon, or
- d) a vehicle (other than a food transport vehicle while it is engaged in the transport of food).

**"Prohibition Order"** means a prohibition order made under Part 5.

**"Proprietor of a Food Business"** means:

- a) the person carrying on the food business, or
- b) if that person cannot be identified the person in charge of the food business.

**"Unsafe"** has the meaning given by section 8.

**"Unsuitable"** has the meaning given by section 9.