



SALE OF FOOD PREMISES

Sale of Food Premises - Transfer of Ownership

The steps below outline the procedures that should be followed when an existing premises is sold. A “**Food Licence**” is granted, subject to compliance with the *Food Act 2006*, to an individual or corporation. It is specific to a premise and cannot be transferred to a new owner when the business is sold. A Food Licence however can be amended to change the details of the licensee.

HEALTH COMPLIANCE INSPECTION (OPTIONAL)

It is important to check that the business you are looking at holds a current Food licence. In most cases this information can be established over the phone.

Prior to purchasing an existing food premises, vending vehicle or similar, prospective buyers can request a Regulatory Services - Health Compliance Search by completing the Health Compliance Search Request -Form and paying the applicable fee. The request form (which also needs to be signed by the current licensee) is usually forwarded through a solicitor but can be made personally with a current licensee signature and must also include the reason for requesting the Health Compliance Search. When the request is received, an Environmental Health Officer will perform an inspection of the premises or van (if mobile) and its operation to identify any ways in which the premise or equipment may not comply with the Food Safety Standards. A letter will then be completed identifying items of non-compliance and copies will be forwarded to the current owners and party requesting the Health Compliance Search. For a compliance search for Trade Waste please contact the Building and Plumbing Unit on (07) 4977 6851.

It is highly recommended that those looking to purchase a food business have a health compliance search completed prior to becoming the owners and operators for that business. Once amended, the new licensee is the person that Council deems responsible for all matters associated with compliance with the *Food Act 2006*, including fixing any ‘faults’ with the business regardless of verbal or contractual arrangements between the relevant parties and timely payment of all associated fees.

Step 1: Applying to Amend a Licence

Transfer of a food licence into a new owners name requires for the licensee details for the premises to be amended and must include the signatures of both the new and previous licensee. The relevant form and amendment fee are to be submitted to Councils Environmental Health Unit. For a copy of the Food Licence form contact Gladstone Regional Council - Gladstone Office, Environmental Health Unit on (07) 4977 6821 or visit Council's website at www.gladstone.qld.gov.au.

It is important to note that the *Food Act 2006* states that a Food Licence can only be granted to someone who has the skills and knowledge required to perform the required functions of the food business. Approval will not be granted without adequate proof of skills and knowledge in food safety.

Step 2: Issuing the Food Business Licence

Once the above documentation has been received and deemed to meet the relevant requirements, your Food Licence will be sent to you.

Food Safety Supervisors (FSS)

All licensed food businesses including existing premises are required to nominate a FSS, whose role is to ensure food hygiene and safety standards are achieved and maintained within the food business. To be nominated as a FSS, a person must:

- Hold a Statement of Attainment of specified competencies, issued by a Registered Training Organisation. (Refer to the Food Safety Supervisor Fact Sheet)
- Have the ability to supervise food handling in the food premises.
- Have the authority of supervise food handlers.
- Have skills and knowledge relating to food safety and identification of food safety hazards.
- Be readily available.

Further information on the minimum competency standards for a FSS can be found on the Food Safety Supervisor Fact Sheet. A copy of the Food Safety Supervisor Fact Sheet can be found on Council's website at www.gladstone.qld.gov.au.

Food vendors have 30 days from the issue of their Food Licence to nominate their food safety supervisor with a copy of the appropriate qualifications. The nominated Food Safety Supervisor must be reasonably available to be contacted at all times by Council or by persons working in the food business. A food business may have more than one Food Safety Supervisor and it is highly recommended that the person nominated is in regular attendance at the food business to ensure compliance with all relevant food safety matters.

Food Safety Programs (FSP)

A food safety program is a documented system that identifies the food safety hazards in the handling of food in a food business and details the way the hazards will be controlled in that business. It is a requirement for any food business that undertakes the following to hold an accredited food safety program:

- involves off-site catering; or
- primarily undertakes on-site catering; or
- process or serve potentially hazardous food to six or more vulnerable persons such as child care centres, aged care facilities or private hospitals.

For further information on this topic, please contact Gladstone Regional Council's Environmental Health Unit on (07) 4977 6821.