



GLADSTONE
REGIONAL COUNCIL

Transfer 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 "Licence" is granted, subject to compliance with the *Food Act 2006*, to an individual or corporation. It applies per premises and cannot be transferred to a new owner when the business is sold. A 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 licence. In most cases this information can be established over the phone.

Prior to purchasing an existing food vending vehicle or similar, prospective buyers can request a **Health Compliance Inspection** accompanied by the appropriate fee. The request is usually forwarded through a solicitor but can be made personally with an appropriate letter. When the request is received an Environmental Health Officer will perform an inspection of the vehicle/s and operation to identify any areas where it does 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.

Once licensing of the vehicle/s has been amended, the current licensed owner is the person that Council deems responsible for fixing any 'faults' with the vehicle/s regardless of verbal or contractual arrangements between the relevant parties. Therefore it is recommended to get this inspection done prior to transfer of ownership.

Step 1: Applying to Amend a Licence

To transfer the food licence into the new owners name requires for the licensee details for the premises to be amended. The relevant amendment form and amendment fee are to be submitted to Councils Environmental Health Section. For a copy of the application form contact Gladstone Regional Council - Gladstone Office, Environmental Health Section on (07) 4976 6996 or visit Council's website at www.gladstonerc.qld.gov.au.

Step 2: Issuing the Approval to Operate

Your approval to operate will be sent to you once the amendment application form has been assessed. 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.

Food Safety Supervisors (FSS)

All licensed food businesses including existing premises will be 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. (See the attached 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.

The minimum competency standards for a FSS are listed in Table 1 of the Food Safety Supervisor Fact Sheet 18 and are dependent on the type of business the FSS is working within as detailed in Table 2. The minimum competencies apply regardless of whether the business has a food safety program. A copy of the Fact Sheet 18 can be found on Council's website at www.gladstonerc.qld.gov.au.

It is to be noted that food vendors have 30 days from the issue of their Food Business Licence to nominate to Council 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.