

I hereby give notice that the public deliberation for a Special Consultative Procedure will be held on:

**Date:** Tuesday, 14 April 2020  
**Time:** 9.30am

**Venue:** These deliberations will be held remotely and a recording will be available on the Auckland Council website

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## **DELIBERATION REPORT**

### **FOOD SAFETY INFORMATION BYLAW**

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#### **PANEL MEMBERS**

**Chairperson** Cr Daniel Newman, JP  
**Members** Cr Tracy Mulholland  
Cr Paul Young  
IMSB Glenn Wilcox

**Julie McKee**  
**HEARINGS ADVISOR**

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**Note:** The reports contained within this document are for consideration and should not be construed as a decision of Council. Should panel members require further information relating to any reports, please contact the hearings advisor.

## **WHAT HAPPENS AT A SPECIAL CONSULTATIVE PROCEDURE PUBLIC DELIBERATION**

At the start of the meeting, the Chairperson will introduce the panel members and council staff and will briefly outline the procedure.

The hearing panel have attended a series of Have Your Say events to hear from the public and have read the officers report and written submissions.

The hearing panel will now deliberate on what they have heard and read and will make a recommendation to the Governing Body.

**SPECIAL CONSULTATIVE PROCEDURE - FOOD SAFETY INFORMATION BYLAW**

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Reporting Officer, Elizabeth Osborne – Policy Advisor, Social Policy and Bylaws

Reporting on the Have Your Say events and written submissions on the proposed Food Safety Information Bylaw.



# Deliberations on Food Safety Information Bylaw 2020

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## Te take mō te pūrongo

### Purpose of the report

1. To assist the Panel deliberations on public feedback to the proposal to make a new Food Safety Information Bylaw 2020.

## Whakarāpopototanga matua

### Executive summary

2. To assist Panel deliberations on public feedback to the proposal, staff have summarised the feedback and provided a structure for the deliberations (Attachment A).
3. Council received responses from 1498 people at the close of feedback on 2 February 2020.
4. The feedback is summarised into topics under the following categories:
  - food grade display by certain food businesses
  - display at physical sites
  - display at online sites.
5. Staff recommend that the Panel consider the feedback on the proposal and make the necessary recommendations to the Governing Body.
6. This approach will help complete the statutory process the council must follow. This includes considering the views of people interested in the proposal with an open mind before making a final decision.
7. There is a reputational risk that some people or organisations who provided feedback may not feel that their feedback is addressed. This risk is mitigated by the Panel considering all public feedback contained in this report and in its decision report to the Governing Body.
8. The final step in the statutory process is for the Governing Body to approve the Panel recommendations. If approved, staff will publicly notify the decision and publish any bylaw.

## Ngā tūhunga

### Recommendation/s

That the Panel:

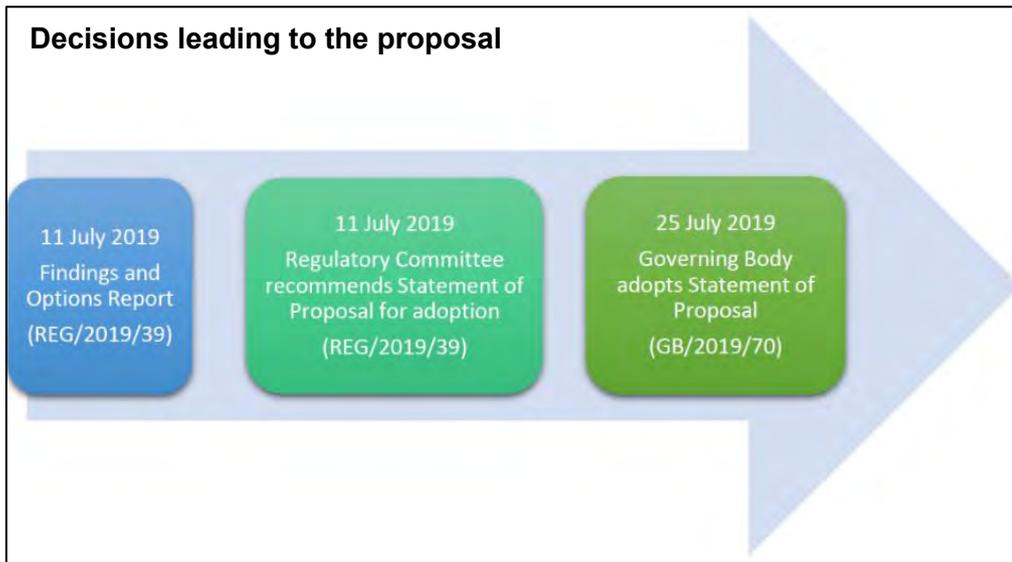
- a) thank those persons who gave public feedback on the proposed new Food Safety Information Bylaw 2020.
- b) acknowledge the impact of the COVID-19 pandemic on food businesses, and their staff.
- c) request that staff as delegated by the Chief Executive prepare a decision report to the Governing Body for approval of the Panel.

## Horopaki

### Context

#### The proposed new food bylaw aims to better protect public health

9. On 25 July 2019 the Governing Body adopted a proposal for public consultation to make a new Food Safety Information Bylaw 2020 (GB/2019/70, Attachment B).
10. The proposal arose from the review of the Whakapai Kai 2013, Food Safety Bylaw 2013. The figure below shows the decisions leading to the proposal.



11. The proposal aims to better protect public health by improving food grade display rules to:
- clarify that the requirement to display a food grade applies to all food businesses that operate under a Template Food Control Plan<sup>1</sup>, serve the public and are registered and verified by council (meaning most Auckland-only cafés, restaurants and takeaways)
  - specify physical locations for food grade display
  - introduce a new rule for food grade display on the homepage or similar of online platforms that the food business has control over (for example a café website managed by the café owner).

**Panel appointed to deliberate on public feedback to the proposal**

12. On 11 July 2019 the Regulatory Committee Chair appointed the Panel to attend public consultation events, deliberate and make recommendations to the Governing Body on public feedback to the proposal (REG/2019/39).
13. When deliberating, the Panel:<sup>2</sup>
- must receive public feedback with an open mind and give it due consideration
  - must provide the decisions and reasons to people who gave feedback
  - must ensure all meetings are open to the public
  - may consider or request comment or advice from staff or any other person to assist their decision-making.

**Feedback on the proposal was received from 1498 people from across Auckland**

14. The proposal was publicly notified for feedback from 2 December 2019 to 2 February 2020. During that period, council had received feedback from 1498 people (see table below).

**Summary of public notification and feedback**

Public consultation initiatives
<ul style="list-style-type: none"> <li>• public notice in Our Auckland December 2019 print edition</li> <li>• article on Our Auckland online in December 2019</li> <li>• email notification to all local board advisors, senior advisors and relationship managers</li> <li>• email or post notification to stakeholders and marae committees</li> <li>• one reminder notification to stakeholders and marae committees.</li> </ul>

<sup>1</sup> Food Act 2014, section 39 template food control plans.

<sup>2</sup> Sections 82(1)(e), 82(1)(f), 83(3) of the Local Government Act 2002 and sections 46 and 47 of the Local Government Official Information and Meetings Act 1987.

#### Public feedback opportunities

- in writing online, by email or by post
- in person at 'Have Your Say' events<sup>3</sup> at:
  - Avondale Market on 8 December 2019
  - Otara Market on 14 December 2019
  - Henderson Night Market on 16 January 2020
  - Pakuranga Night Market on 18 January 2020
  - Glenfield Night Market on 19 January 2020.
- in person one-on-one sessions for marae committees
- in person at a stakeholder feedback day at the Auckland Council Albert Street Building on 28 January 2020.

#### Consultation reach (number of responses)

- online and written feedback provided by 1300 people, including:
  - 188 via the online 'Have Your Say' feedback form. This included 80 from food business operators and organisations. Five of those organisations also provided feedback by email (Attachment C)
  - 1112 via an online feedback form by a representative People's Panel sample (Attachment D).
- attendee feedback at 'Have Your Say' events by 198 people
- no marae committees opted to provide feedback in one-on-one sessions
- no stakeholders opted to provide feedback at the stakeholder feedback day.

15. A full copy of feedback is contained in Attachment E and 'Have Your Say' event feedback is contained in Attachment F.
16. All local boards had an opportunity to provide input on the proposal. Three local boards sought to resolve formal feedback on the proposal (Attachment G) and were provided the opportunity to attend a session with the Panel prior to deliberations.

## Tātaritanga me ngā tohutohu Analysis and advice

17. To assist the Panel in its deliberations, staff have summarised bylaw-related public feedback into categories in Attachment A. This enables the Panel to deliberate and record its recommendations on each topic to meet its statutory requirements. The public feedback categories are:
  - food grade display by certain food businesses
  - display at physical sites
  - display at online sites
  - other bylaw related matters
  - COVID-19 considerations.
18. Staff have forwarded feedback on operational and non-bylaw matters (summarised in Attachment H) to council's Environmental Health Unit. This unit implements the Food Act 2014, any food bylaw and council's food safety grading scheme, Eatsafe Auckland.

## Tauākī whakaaweawe āhuarangi Climate impact statement

18. The impacts of a "business-as-usual" climate change scenario over the next five years<sup>4</sup> will influence food in terms of food resilience and a continued need for food waste minimisation.

<sup>3</sup> 'Have Your Say' events were drop-in opportunities for the public to learn more about the proposal, ask questions and provide feedback to council officers and panel members.

<sup>4</sup> Auckland's temperature is expected to increase and seasonal distribution of rainfall to change. Auckland region climate change projections and impacts, National Institute of Water and Atmospheric Research (NIWA), 2018.

19. The above impacts will not however affect the proposal which requires certain food businesses to continue to display a food grade. This means that the proposal is not inconsistent with the aims to reduce emissions in the Auckland's Climate Action Framework.

## **Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera**

### **Council group impacts and views**

20. Council's Environmental Health Unit provided input during the review of the Food Safety Bylaw 2013 and is aware of the impacts of the proposal and its implementation role.

## **Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe**

### **Local impacts and local board views**

21. The proposal impacts the Auckland region.
22. All local boards were provided opportunities to input into the decision making-process in writing and in person at a local board session with the Panel.
23. Three local boards provided written feedback on the proposal (Attachment G).
24. All local boards who provided input were supportive of the proposal.

## **Tauākī whakaaweawe Māori**

### **Māori impact statement**

25. Kai is significant for Māori as it is embedded in the tikanga of manaakitanga. There is specific tikanga around kai preparation and consumption. The sharing of kai with manuhiri is an essential part of marae tikanga.
26. Marae are exempt from verification under the Food Act 2014 where kai is prepared for customary purposes (for example at a tangi).
27. Marae committees were provided opportunities to give feedback on the proposal in writing, online and in person.
28. One committee provided written feedback. The Makaurau Marae Trust – Te Ahiwaru supports the proposal and notes the importance for food grades to be up to date.

## **Ngā ritenga ā-pūtea**

### **Financial implications**

29. The cost of the Panel recommendations will be met within existing budgets.

## **Ngā raru tūpono me ngā whakamaurutanga**

### **Risks and mitigations**

30. There is a reputational risk that some people or organisations who provided feedback may not feel that their feedback is addressed. This risk is mitigated by the Panel considering all public feedback contained in this report and in its decision report to the Governing Body.

## **Ngā koringa ā-muri**

### **Next steps**

31. Staff will prepare a report from the Panel to the Governing Body to implement the Panel directions on public feedback at its deliberations meeting. The report will be circulated to the Panel for approval and if necessary, the Panel can reconvene.
32. The final step in the statutory process is for the Governing Body to approve the Panel recommendations. If approved, council staff will publicly notify the decision and publish any new bylaw. Council's Environmental Health Unit will implement any new bylaw and respond to complaints using a graduated compliance model.

## Ngā tāpirihanga Attachments

Number	Title	Page
A	Deliberations Table	
B	Statement of Proposal	
C	Overview of Feedback – online feedback form	
D	Overview of Feedback – People’s Panel online feedback form	
E	Online, Email and Hard Copy Feedback	
F	“Have Your Say” Event Feedback	
G	Local Board Input	
H	Operational and Non-Bylaw Related Public Feedback	

## Ngā kaihaina Signatories

Authors	Elizabeth Osborne – Policy Advisor, Social Policy and Bylaws
Authorisers	Paul Wilson – Senior Policy Manager, Social Policy and Bylaws



**ATTACHMENT A**  
**DELIBERATIONS TABLE**



## Attachment A – Deliberations Table

This attachment is a summary of public feedback and local board input on the proposal to provide a structure for deliberations.

The Bylaw Panel will have read all the feedback and input in Attachments B to H to ensure that all matters raised receive due consideration.

### Note:

- feedback and input about Bylaw scope has been consolidated in Proposal 1
- feedback and input from Proposal 2<sup>1</sup> about:
  - proposal being too prescriptive has been consolidated in Proposal 1
  - physical food grade display has been consolidated in Proposal 3
  - online food grade display has been consolidated in Proposal 4.
- operational and non-bylaw related feedback is contained in Attachment H
- other key changes sought are consolidated in 'Other bylaw-related matters' (after Proposal 4).

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<sup>1</sup> In total Proposal 2 received 1296 feedback responses: 1097 in support (84.6 per cent), 139 opposed (10.7 per cent) and 769 comments.

Public feedback topic (Proposal 1) (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p><b>Certain food businesses must display a food safety information certificate (food grade) (clause 6)</b></p> <p>1296 feedback responses: <b>1249 support (96.4 per cent)</b>, 27 oppose (2 per cent) and 834 comments</p> <p><b>Key themes in support</b> (846):</p> <ul style="list-style-type: none"> <li>• useful for the public (365)</li> <li>• reasonable and important (285)</li> <li>• protects public health (196)</li> </ul> <p><b>Key themes opposed</b> (20):</p> <ul style="list-style-type: none"> <li>• unnecessary (11) – increases costs/time, food grades are not important to people, are unnoticed and don't improve food safety</li> <li>• too prescriptive/costly/exceeds council's mandate (9) – bureaucratic, disadvantages fundraisers and market stalls</li> </ul> <p><b>Other key themes</b></p> <ul style="list-style-type: none"> <li>• important for requirements and costs to be reasonable (13)</li> </ul> <p><b>Local board input</b></p> <ul style="list-style-type: none"> <li>• support proposal, noting it clarifies display rules and specifies physical and online display locations.</li> </ul>	<p><b>Current bylaw (clause 6):</b></p> <ul style="list-style-type: none"> <li>• defines which food businesses must display a food grade</li> <li>• assists transition from Food Hygiene Regulations 1974 to Food Act 2014.</li> </ul> <p><b>Proposal seeks to:</b></p> <ul style="list-style-type: none"> <li>• continue to require the same food businesses as in the current bylaw to display a food grade: those businesses which operate under a Template Food Control Plan under the Food Act (classed as 'higher-risk'), directly serve the public and are registered and verified by council</li> <li>• clarify that the operator of the food business is responsible for display and that the food grade must be valid</li> <li>• promote ease of understanding by clarifying wording and structure and providing related information about the Food Act and Bylaw scope.</li> </ul> <p><b>About 'unnecessary', 'prescriptive', 'reasonable' feedback:</b></p> <ul style="list-style-type: none"> <li>• proposal continues existing rules and does not impose additional costs</li> <li>• food grade is based on the verification score assessed by council</li> <li>• impact of food grading on foodborne illness is uncertain<sup>2</sup>, there is however strong support, awareness and advantages to the display of food grades from the public, operators and industry and public health organisations<sup>3</sup></li> <li>• a bylaw about food grade display does not exceed council's mandate under the Local Government Act 2002 or Health Act 1956<sup>4</sup></li> <li>• most fundraisers and market stalls are subject to food safety requirements like most other food businesses/activities</li> <li>• proposal is consistent with the approach of the Food Act by requiring display of food grades from high risk food businesses and activities which could include fundraisers and market stalls.</li> </ul>	<p>Not applicable. Recommendations made only in relation to key changes sought below.</p>

<sup>2</sup> Literature on food grade efficacy is divided and food safety interventions can be difficult to evaluate (Food Safety Bylaw 2013 Findings Report 2019, p. 29).

<sup>3</sup> For example, enabling informed choices and incentivizing high food safety standards (Food Safety Bylaw 2013 Findings Report 2019, pp. 26 – 27).

<sup>4</sup> Council may make a bylaw to protect, promote and maintain public health and safety under section 145(b) Local Government Act 2002, and to improve, promote or protect public health under section 64(1)(a) Health Act 1956.

Public feedback topic (Proposal 1) (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p><b>Key changes sought (Bylaw scope)</b></p> <ul style="list-style-type: none"> <li>amend types of food businesses, activities or premises required to display a grade (37): <ul style="list-style-type: none"> <li>include food trucks, market stalls, businesses operating on Facebook, fundraisers, supermarkets, dairies, wholesalers, distributors, manufacturers</li> <li>exempt fundraisers, home-made goods, food businesses operating from residential homes.</li> </ul> </li> <li>require all food businesses operating in Auckland to display a food grade regardless of registration or verification agency (13).</li> </ul>	<ul style="list-style-type: none"> <li>Proposal applies to businesses that use a Template Food Control Plan under the Food Act, directly serve the public, and are registered and verified by council: <ul style="list-style-type: none"> <li>includes food trucks, market stalls, businesses operating on Facebook or from homes, fundraising more than 20 times a year, and the sale of homemade goods more than once in a calendar year at an event (e.g. local fair)</li> <li>excludes supermarkets, dairies, wholesalers or distributors because they are considered low-risk and manufacturers of low-risk to high-risk foods.<sup>5</sup></li> </ul> </li> <li>Proposal cannot extend to all or more food businesses in Auckland because it may be inconsistent with principles in the Food Act (s15, 16(d) and 446(4)): <ul style="list-style-type: none"> <li>the need to minimise compliance costs. Council cannot access information to provide food grades for businesses it does not register or verify. Any extension to those business would likely incur an additional administration fee</li> <li>the need to develop and maintain productive working relationships and enhanced cooperation with the Ministry for Primary Industries, and the need for a coordinated and aligned approach. Further engagement with the ministry would be required to include wider businesses.<sup>6</sup></li> </ul> </li> </ul>	<p>That the proposal about which food businesses must display a food grade</p> <p>Either [Panel to decide]</p> <p>be <b>adopted as publicly notified.</b></p> <p>OR</p> <p>be <b>amended</b> to [Panel to insert].</p> <p>OR</p> <p>be <b>rejected and the proposal amended</b> to [Panel to insert].</p>
<p><b>Key changes sought (remove requirements)</b></p> <ul style="list-style-type: none"> <li>remove display requirement (3).</li> </ul>	<ul style="list-style-type: none"> <li>There is strong support and advantages to the display of food grades from the public, operators and industry and public health organisations.</li> </ul>	<p>AND</p> <p>Reasons include to [Panel to insert].</p>
<p><b>Key changes sought (grade history)</b></p> <ul style="list-style-type: none"> <li>require display of a food businesses' food grade history (3).</li> </ul>	<ul style="list-style-type: none"> <li>Display of grade history is inconsistent with the focus of council's Eatsafe Auckland food safety grading scheme on improvement and communication of current standards.</li> </ul>	
<p><b>Key changes sought (clarifications)</b></p> <ul style="list-style-type: none"> <li>clarify if proposal applies to (3) food importers, seafood suppliers, fundraisers [refer "Bylaw scope"].</li> </ul>	<ul style="list-style-type: none"> <li>Proposal does not apply to food importers and may apply to seafood suppliers.<sup>7</sup></li> <li><b>Panel could if it wishes consider including more examples of the above out-of-scope activities in the 'related information' note under clause 6.</b></li> </ul>	

<sup>5</sup> Low-risk examples include manufacturers of cereals, chips, confectionary, sauces and spreads (which operate under a National Programme) and high-risk examples include manufacturers of meat, poultry, fish and processed egg products (which operate under a Custom Food Control Plan).

<sup>6</sup> Council considered this option during the Food Safety Bylaw 2013 review but did not pursue it due to likely inconsistencies with the Food Act 2014.

<sup>7</sup> Food imported for sale in New Zealand must be safe, fit for human consumption, uncontaminated and imported through a Ministry for Primary Industries registered importer. Seafood businesses must meet legislative requirements and guidelines depending on the type of activity involved.

Public feedback topic (Proposal 3) (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p><b>Display at physical sites (clause 7)</b></p> <div style="border: 1px solid black; padding: 5px;"> <p>1293 feedback responses: <b>1160 support (89.7 per cent)</b>, 77 oppose (5.9 per cent) and 1593 comments<sup>8</sup></p> </div> <p><b>Key themes in support</b> (1071):</p> <ul style="list-style-type: none"> <li>• reasonable and important (599)</li> <li>• useful for the public (300)</li> <li>• protects public health (94)</li> <li>• important for grade to be visible before entering the premises or ordering (63)</li> <li>• benefits businesses (9)</li> <li>• location must be visible/clear/easy to find (6).</li> </ul> <p><b>Key themes opposed</b> (28):</p> <ul style="list-style-type: none"> <li>• unnecessary (18)</li> <li>• unnecessary to change current rules (7)</li> <li>• concern for forgery of food grade (2)</li> <li>• bylaw wording is too complex (1).</li> </ul> <p><b>Other key themes</b> (207):</p> <ul style="list-style-type: none"> <li>• locations specified can have limitations (60) – limited visibility, disrupts aesthetic, clutter/hazard risk, concerns about cleaning, removal, damage</li> <li>• any location sufficient if grade is visible (60)</li> <li>• grade placement/format important for visibility (70)</li> <li>• should not disrupt premises aesthetic/brand (17).</li> </ul> <p><b>Local board input</b></p> <ul style="list-style-type: none"> <li>• support proposal.</li> </ul>	<p><b>Current bylaw (clause 6):</b></p> <ul style="list-style-type: none"> <li>• requires food grades to be clearly and fully displayed at the ‘principal entrance’ to the physical premises of the food business</li> <li>• allows council to require display at an alternative position if necessary to ensure the food grade can be seen prior to entry.</li> </ul> <p><b>Proposal seeks to:</b></p> <ul style="list-style-type: none"> <li>• clarify that food grades must be clearly visible to the public at: <ul style="list-style-type: none"> <li>○ physical sites used in connection with the food business, at which food is sold directly to the public, and that operate under the same Food Control Plan</li> <li>○ any other location directed by council.</li> </ul> </li> <li>• clarify that food grades must be clearly displayed at physical sites at one of five locations, in order of preference depending on whether the location is possible: on all doors used by the public clearly visible in the direction of entry, or on windows adjacent to all doors used by the public, or at the main counter, or on a wall behind the main counter, or on any other external surface facing the public.</li> <li>• be easy to understand by providing examples of physical sites.</li> </ul> <p><b>About ‘forgery’ feedback:</b></p> <ul style="list-style-type: none"> <li>• food grade is already widely visible at physical premises.</li> </ul> <p><b>About ‘limitations’ feedback:</b></p> <ul style="list-style-type: none"> <li>• proposal allows flexibility for different food business premises. Council staff provide non-regulatory guidance around placement of food grades.</li> </ul>	<p>Not applicable. Recommendations made only in relation to key changes sought below.</p>

<sup>8</sup> Including 1106 comments from Proposal 3 and 487 comments from Proposal 2.

Public feedback topic (Proposal 3) (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p><b>Key changes sought (display location)</b> Require display at (127):</p> <ul style="list-style-type: none"> <li>• specific preferred locations (105) – wall behind main counter, main counter, menu, promotional material, footpath signs, entry, window, exterior, interior, website [refer to Proposal 4], phone messages</li> <li>• one standard location (17)</li> <li>• a location clearly visible to public only (5).</li> </ul>	<ul style="list-style-type: none"> <li>• Proposal does not require display at any one specific location because it recognises that this would not suit all types of premises or activities (e.g. a market stall lacks a door).</li> <li>• Proposal focuses only on the five specified locations because these are common to many premises and likely to be visible before entering, ordering or purchasing.</li> <li>• The fifth option ('any other external surface facing the public') allows businesses unable to display at other options to display anywhere as long as the food grade is clearly visible to the public.</li> </ul>	<p>That the proposal about food grade display at physical sites  <b>Either [Panel to decide]</b>  <b>be adopted as publicly notified.</b>  <b>OR</b></p>
<p><b>Key changes sought (multiple display locations)</b></p> <ul style="list-style-type: none"> <li>• require display in multiple locations – both interior and exterior to premises, all five options, any two of the five options, at least three of the options (49).</li> </ul>	<ul style="list-style-type: none"> <li>• Display at multiple locations is unnecessary. There is a high awareness of food grades, which are displayed at one location.<sup>9</sup></li> </ul>	<p><b>be amended to [Panel to insert].</b>  <b>OR</b></p>
<p><b>Key changes sought (order of display locations)</b></p> <ul style="list-style-type: none"> <li>• amend order of display locations – switch proposed higher preference options to lower options and vice versa; switch order for main counter and wall behind main counter (33).</li> </ul>	<ul style="list-style-type: none"> <li>• Proposal's order of display locations aims to communicate the food grade firstly before entry to the premises (i.e. door or window) or otherwise before ordering (i.e. counter or wall behind counter) to align with the proposal purpose.<sup>10</sup></li> </ul>	<p><b>be rejected and the proposal amended to [Panel to insert].</b>  <b>AND</b></p>
<p><b>Key changes sought (remove requirement)</b> Remove display requirement at: (25)</p> <ul style="list-style-type: none"> <li>• physical locations (20)</li> <li>• certain locations (4) – all doors, window, main counter</li> <li>• any other location directed by council (1).</li> </ul> <p>Further key changes sought continued on next page...</p>	<ul style="list-style-type: none"> <li>• There is strong support for food grade display.<sup>11</sup></li> <li>• Proposal focuses on locations common to many premises and likely to be visible before entering, ordering or purchasing.</li> <li>• Inclusion of 'any other location directed by council' continues existing rules allowing council to tailor requirements if necessary.</li> </ul> <p>Further key changes sought continued on next page...</p>	<p>Reasons include to <b>[Panel to insert].</b></p>

<sup>9</sup> People's Panel survey on 'Eatsafe Auckland' food safety grading scheme (Food Safety Bylaw 2013 Findings Report 2019, p. 27).

<sup>10</sup> The purpose of the proposed Bylaw is to protect public health by requiring food grade display to incentivise food businesses to achieve high food safety standards and raise public awareness to enable people to make informed decisions about where to purchase food.

<sup>11</sup> People's Panel survey on 'Eatsafe Auckland' food safety grading scheme (Food Safety Bylaw 2013 Findings Report 2019, p. 27).

Public feedback topic (Proposal 3) (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p><b>Key changes sought (further requirements)</b> (17)</p> <ul style="list-style-type: none"> <li>introduce further requirements to support grade display – prohibit photocopies of grade; require grade to be valid, appropriate height for shorter people and wheelchair-users, clean; require area of 5cm to 25cm around grade to avoid limited visibility from clutter.</li> </ul>	<ul style="list-style-type: none"> <li>Proposal allows photocopies of grade to comply with rules.</li> <li>Proposal already requires grade to be valid and clearly visible to the public, which includes shorter people and wheelchair-users.</li> <li>Council staff provide non-regulatory guidance around placement and condition of food grades.</li> <li><b>Panel could if it wishes consider adding a ‘related information’ note under clause 7 to clarify ‘clearly visible to the public’.</b></li> </ul>	
<p><b>Key changes sought (clarifications)</b> (10 comments)</p> <ul style="list-style-type: none"> <li>clarify – how grade must be attached to window, what are the requirements where there are multiple entrances to the premises, reasoning for display at ‘any other location if directed by council’ [refer to ‘remove requirement’ above], why definition of marae removed and its implications, criteria for what is ‘possible’.</li> </ul>	<ul style="list-style-type: none"> <li>Operational display matters are addressed by council staff.</li> <li>Proposal already addresses multiple entries by requiring display on all doors used by the public in the first instance.</li> <li>Proposal removes definitions already included in the Food Act 2014 (such as ‘marae’) to shorten and streamline the proposal. There are no implications from this change.</li> <li>‘Possible’ refers to whether a premises has a location (e.g. a door) where a grade would be clearly visible to the public at that location. <b>Panel could if it wishes consider adding a ‘related information’ note under clause 7 to further clarify the word ‘possible’.</b></li> </ul>	
<p><b>Key changes sought (bespoke requirements)</b> (5)</p> <ul style="list-style-type: none"> <li>allow bespoke display requirements – allow optional display for higher-scoring grades and require display anywhere clearly visible to the public at mobile premises (e.g. food trucks and market stalls).</li> </ul>	<ul style="list-style-type: none"> <li>Optional display for high grades is inconsistent with proposal purpose.<sup>10</sup></li> <li>Proposal already allows for display anywhere clearly visible at mobile premises because all proposed display options are likely inapplicable for mobile premises aside from the fifth option: ‘any other external surface facing the public’.<sup>12</sup></li> </ul>	
<p><b>Key changes sought (retain current rules)</b> (2)</p>	<ul style="list-style-type: none"> <li>Proposal clarifies current rules and allows flexibility for display to better provide for different types of premises.</li> </ul>	
<p><b>Key changes sought (display on invoices)</b> (1)</p> <ul style="list-style-type: none"> <li>require grade display on invoices.</li> </ul>	<ul style="list-style-type: none"> <li>Display on invoices is unnecessary as food is already purchased or consumed which would not align with proposal purpose.<sup>10</sup></li> </ul>	

<sup>12</sup> This is because many mobile premises likely lack a traditional premises door, window, main counter or wall behind main counter.

Public feedback topic (Proposal 4) (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p><b>Display at online sites (clause 7)</b></p> <div style="border: 1px solid black; padding: 5px;"> <p>1290 feedback responses: <b>971 support (75.3 per cent)</b>, 221 oppose (17.1 per cent) and 981 comments.<sup>13</sup></p> </div> <p><b>Key themes in support</b> (448):</p> <ul style="list-style-type: none"> <li>reasonable and important (271)</li> <li>useful for the public (136)</li> <li>protects public health (20)</li> <li>location must be visible/clear/easy to find (15)</li> <li>beneficial for food businesses (6)</li> </ul> <p><b>Key themes opposed</b> (178):</p> <ul style="list-style-type: none"> <li>unnecessary (51) – prefer business discretion, doesn't align with digital platform purpose, not international best practice</li> <li>can be impractical (45) or disadvantage businesses (32) – poor digital literacy of operators, incorrect/outdated grades, increases financial/time costs, coding/site limitations<sup>14</sup> could require platform redevelopment or maintenance, aesthetic/brand concerns, where there is one website for multiple premises</li> <li>difficult to enforce or unenforceable (40) – easy to outsource 'control' to third parties, difficult to enforce over multiple online platforms, forgery concerns</li> <li>too prescriptive (8)</li> <li>provides inconsistent information across platforms (2)</li> </ul> <p><b>Other key themes</b> (4 comments):</p> <ul style="list-style-type: none"> <li>food businesses have responsibility to ensure all platforms they appear on display grade (4)</li> </ul> <p><b>Local board input:</b></p> <ul style="list-style-type: none"> <li>support proposal.</li> </ul>	<p><b>Current bylaw (clause 6):</b></p> <ul style="list-style-type: none"> <li>does not require food grade display at online sites.</li> </ul> <p><b>Proposal seeks to clarify:</b></p> <ul style="list-style-type: none"> <li>food grades must be displayed at online sites related to the food business that the business has control over. This includes websites, apps, social media or similar.</li> <li>an image of the food grade must be clearly visible on the homepage or similar landing page or screen.</li> <li>definition of "online site" by providing examples.</li> </ul> <p><b>About 'unnecessary' feedback:</b></p> <ul style="list-style-type: none"> <li>proposal responds to increased use of digital platforms for trade and communication. Food grade information is relevant to platforms advertising or selling food.</li> </ul> <p><b>About 'impractical' feedback:</b></p> <ul style="list-style-type: none"> <li>proposal would require businesses with one website for multiple premises to provide food grade information for all relevant premises.</li> </ul> <p><b>About 'enforcement' feedback:</b></p> <ul style="list-style-type: none"> <li>outsourcing does not exempt a business from 'control' as it still controls the content</li> <li>risk of forgery already exists for physical display of food grades.</li> </ul>	<p>Not applicable. Recommendations made only in relation to key changes sought below.</p>

<sup>13</sup> Including 676 comments from Proposal 4 and 305 comments from Proposal 2.

<sup>14</sup> Incompatible website coding or online site with image format or placement, for example resulting in inability to display or lack of appropriate location.

Public feedback topic (Proposal 4) (number of comments in brackets)	Staff comment	Panel recommendation
<p><b>Key changes sought (other online sites)</b> (285) Require food businesses to display on (269):</p> <ul style="list-style-type: none"> <li>• <u>any</u> online site/platform on which the business appears/trades/advertises (189)</li> <li>• online sites/platforms where food is sold directly to the public or a booking can be made (40)</li> <li>• online sites that the business <u>chooses</u> to advertise or trade on (14) e.g. Hungry Panda, TripAdvisor, Uber Eats, Deliveroo, Menulog</li> <li>• <u>specific</u> online sites/platforms (10) e.g. TripAdvisor, Zomato, Google Maps, Uber Eats, Facebook, Yelp.</li> </ul> <p>Require online sites/platforms not controlled by food business to (16):</p> <ul style="list-style-type: none"> <li>• display/state grade or link to council website or food business' website/social media</li> <li>• recommend the public visit sites controlled by the business for grade information</li> <li>• prove to council that food businesses hosted comply with Food Act</li> <li>• state why no grade is displayed or if site/platform is not controlled by the food business hosted.</li> </ul>	<ul style="list-style-type: none"> <li>• For reasonableness and enforceability, the proposal limits online grade display to sites/platforms that the food business has control over and limits display responsibilities to food businesses.</li> <li>• Requiring display on sites/platforms that the food business does not control, or requiring sites/platforms that may not be controlled by the food business to be responsible for food grade information would impose additional requirements not presented in proposal. Some sites/platforms voluntarily look to include food grade information. Proposal is the first step towards online display which council could consider expanding at the Bylaw's first review in five years.</li> </ul>	<p>That the proposal about food grade display at online sites  <b>Either [Panel to decide] be adopted as publicly notified.</b>  <b>OR</b>  be <b>amended</b> to [Panel to insert].  <b>OR</b>  be <b>rejected and the proposal amended</b> to [Panel to insert].  <b>AND</b>  Reasons include to [Panel to insert].</p>
<p><b>Key changes sought (display location/manner)</b> Amend display location/manner (63):</p> <ul style="list-style-type: none"> <li>• include explanation of grading criteria</li> <li>• state low grades in 'about' section or display in cover photo.</li> <li>• include statement of which online sites featuring the business are not controlled by the business and will not display a grade</li> <li>• display at: any location at online sites at the businesses' discretion or on menu/menu page, business logo, checkout/about page, website footer or anywhere that is not the homepage</li> <li>• specify display location options or locations for websites and apps</li> </ul>	<ul style="list-style-type: none"> <li>• Grading criteria is provided on the council website.</li> <li>• Bespoke display locations for low food grades or statement of online sites/platforms not controlled by business are unnecessary.</li> <li>• Proposal requires display on the 'homepage or similar landing page or screen' of online sites/platforms. It does not specify location options or specific locations for websites and apps. This allows for food grade visibility and flexibility for different online sites/platforms.</li> <li>• Proposal requires display of an image of a food grade for consistency with physical display requirements however implementation could have limitations (refer to page 7).</li> <li>• <b>Panel could if it wishes consider amending clause 7 to allow a choice of how to provide food grade information:</b></li> </ul>	

Public feedback topic (Proposal 4) (number of comments in brackets)	Staff comment	Panel recommendation
<ul style="list-style-type: none"> <li>instead of displaying an image, state grade using approved council wording or link to grade information on council website.</li> </ul>	<p><b>either through displaying an image of the food grade, or providing a statement of the food grade and a link to the food grade search webpage on council’s website.</b></p> <ul style="list-style-type: none"> <li><b>Panel could if it wishes consider adding a ‘related information’ note under clause 7 to include examples of online display.</b></li> </ul>	
<p><b>Key changes sought (reduce requirements) (35)</b></p> <ul style="list-style-type: none"> <li>require display <u>only</u>: on online sites/platforms where food is sold directly to the public or a booking can be made (25) or by online food businesses without a physical premises (1)</li> <li>remove requirement for display on social media (6) or online apart from Instagram (1)</li> </ul>	<ul style="list-style-type: none"> <li>Limiting proposal to online sites/platforms where food is sold directly to the public or a booking can be made, or online food businesses without a physical premises, or Instagram would be inconsistent with purpose of proposal.<sup>10</sup></li> <li>Online display responds to increased use of digital platforms including social media for trade and communication.</li> </ul>	
<p><b>Key changes sought (clarifications) (27)</b></p> <ul style="list-style-type: none"> <li>clarify online sites/social mediums included</li> <li>clarify display location/manner [refer to ‘display location/manner’ above]</li> <li>what ‘control’ means</li> <li>who is responsible for grade accuracy</li> <li>enforcement methods/cost</li> <li>if alcohol licences must be displayed online</li> <li>if bylaw applies where there is one website for multiple premises of the same food business or for an attraction with a food business attached e.g. zoo/pool café.</li> </ul>	<ul style="list-style-type: none"> <li>Online sites/platforms vary for each food business. The word ‘control’ could be clarified. <b>Panel could if it wishes consider adding a ‘related information’ note under clause 7 to clarify that ‘control’ relates to having authority over the content about the food business.</b></li> <li>Proposal already clarifies that the operator of the food business is responsible for display of valid food grades.</li> <li>No additional cost for food businesses for online display and council uses a graduated compliance approach.</li> <li>Proposal does not require display of alcohol licenses.</li> <li>Food grade information must still be available on websites for multiple premises of the same food business or for an attraction with a food business attached e.g. zoo/pool café.</li> </ul>	
<p><b>Staff recommended changes</b></p> <ul style="list-style-type: none"> <li>refer to ‘digital platform’ rather than ‘online site’.</li> <li>move footnoted examples in clause 7 to a ‘related information’ note under clause 7.</li> </ul>	<ul style="list-style-type: none"> <li><b>Panel could if it wishes consider amending proposal to refer to ‘digital platform’ rather than ‘online site’ to better reflect the range of platforms included and move footnoted examples in clause 7 to a ‘related information’ note under clause 7 for consistency.</b></li> </ul>	

Public feedback topic (Other bylaw-related matters)	Staff comment	Panel recommendation
<b>Comment (council website)</b> • require food grade display on council's website.	• Food grades are already displayed on council's website.	The Panel considers that comments <b>be noted and decision made as per staff advice.</b> <b>OR</b> [Panel to insert].
<b>Comment (registration)</b> • require all food businesses in Auckland to be registered and verified by the council.	• Council has no authority to regulate registration and verification authorities of food activities. These authorities are determined in the Food Act.	
<b>Comment (separate grading)</b> • require separate grading of separate premises of a food business e.g. immobile premises and food trucks.	• Food grades are based on the verification score received under the Food Act. The Food Act focuses on the food production process, not premises where food is made.	
<b>Comment (calorie counts)</b> • require menus to display calorie counts.	• This matter is outside of council's authority under the Food Act.	
<b>Comment (advertising)</b> • prohibit businesses to advertise on an online site/platform that they do not control.	• Businesses do not always control which online sites/platforms they appear on, as some display information taken from other websites.	

COVID-19 considerations	Staff comment	Panel recommendation
<b>Staff recommended changes</b> • Delay the commencement of new online food grade display requirements.	<ul style="list-style-type: none"> <li>• The COVID-19 pandemic has a significant impact for food businesses. At COVID-19 Alert Level 4 - Eliminate, non-essential businesses must close. This includes restaurants, cafés and takeaways. Post-Alert Level 4, businesses will have staffing, supply and capital issues.</li> <li>• While physical food grade display rules are similar to current rules, the proposal requires compliance with new online food grade display rules from 23 May 2020, when the existing Food Safety Bylaw 2013 expires.</li> <li>• Given the impact of the COVID-19 pandemic, staff recommend the Panel consider delaying the requirement for online food grade display until a date 12 months after the expiry of the State of National Emergency.</li> </ul>	The Panel considers that [Panel to insert].

**ATTACHMENT B**  
**STATEMENT OF PROPOSAL**



# Looking after the health of Aucklanders

## Reducing the risk of foodborne illness

*display of food safety information certificates*



Statement of Proposal to make a new Auckland Council Food Safety Information Bylaw 2020.  
Public consultation takes place from **2 December 2019** to **2 February 2020**.

# 1 Have your say

## Looking after the health of Aucklanders

Every day Aucklanders choose to purchase food from a wide range of food businesses such as cafés, restaurants, takeaways, caterers and supermarkets.

Consumption of contaminated food and beverages purchased at a food business may result in foodborne illnesses such as campylobacteriosis, listeriosis, yersiniosis and salmonellosis.

Food and beverages can become contaminated due to improper storage, preparation or cooking, mixing raw meat with uncooked fruit and vegetables, food prepared by people infected with a virus or from contaminated water.

## How Auckland Council keeps you safe

Alongside the Ministry for Primary Industries, we help administer the Food Act 2014 which ensures food businesses sell safe and suitable food.

We also require most food businesses that serve the public (for example most Auckland-only cafés, restaurants, bars and takeaways) to display a food safety grade certificate (food grade) to:

- incentivise businesses to achieve high food safety standards
- empower you to make informed decisions about where you purchase food.

To make sure we are consistent with the Food Act, council only gives food grades to businesses that we register and verify.

The current rules are in the Tāmaki Makaurau Whakapai Kai 2013, [Auckland Council Food Safety Bylaw 2013](#).

## Improving food grade display rules

We recently checked how the rules are working and identified improvements. We propose a new bylaw that:

- requires most Auckland-only food businesses that serve the public (for example cafés, restaurants, bars and takeaways) to display a food grade. Specifically, this means Auckland food businesses that operate under a Template Food Control Plan, serve the public, and are registered and verified by council
- requires the food grade to be displayed until it expires or a new certificate is issued (whichever occurs first)
- requires the food grade to be displayed in specified locations visible to the public, depending on whether it is a physical and/or online site.

## We want to know what you think

Starting on **2 December 2019** through to **2 February 2020**, we want you to tell us what you think about the proposed new Auckland Council Food Safety Information Bylaw 2020. Visit

[www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say) for more information, give your feedback and find out where you can drop in to a 'have your say' event.

# 2 What is the Bylaw

The Tamaki Makaurau Whakapai Kai 2013, [Auckland Council Food Safety Bylaw 2013](#) was made on 23 May 2013.

The purpose of the Bylaw is to protect public health by requiring most Auckland-only food businesses (for example Auckland-only cafés, restaurants, bars and takeaways) to display a food grade at the main entrance to the premises.

Specifically, this means food businesses in Auckland that operate under a Template Food Control Plan and are registered and verified by council.

## Food Safety Bylaw 2013 framework

FOOD SAFETY BYLAW 2013 FRAMEWORK	
<p><b>Food grade display location</b></p> <ul style="list-style-type: none"> <li>• conspicuous</li> <li>• at principal entrance of premises</li> <li>• in full and unobscured view</li> </ul>	<p><b>Regrading</b></p> <ul style="list-style-type: none"> <li>• regrading applications in certain circumstances</li> </ul>
<p><b>Food grade display relocation</b></p> <ul style="list-style-type: none"> <li>• council may require relocation to more visible place</li> </ul>	<p><b>Certificate ownership</b></p> <ul style="list-style-type: none"> <li>• remains property of council</li> <li>• may be removed by council if standard falls below grade</li> </ul>
<p><b>Exemptions</b></p> <ul style="list-style-type: none"> <li>• food businesses not required to be registered by the council under the former Food Hygiene Regulations 1974</li> <li>• exempt food businesses may choose to waive the exemption.</li> </ul>	

# 3 What council proposes to change

## Improving food grade display rules

We recently checked how the rules are working and identified improvements.

Council is proposing to better reduce the risk of foodborne illness by making a new Food Safety Information Bylaw 2020.

The major proposals are to:

Major proposals	Reasons for proposals
<ul style="list-style-type: none"> <li>• require operators of food businesses to clearly display a valid food safety information certificate if they –               <ul style="list-style-type: none"> <li>○ operate under a template food control plan</li> <li>○ serve the public</li> <li>○ are registered and verified by council.</li> </ul> </li> <li>• require food safety information certificates to be displayed in specified locations depending on whether the food business has a physical and/or online site.</li> </ul>	<ul style="list-style-type: none"> <li>• better protects public health from foodborne illness</li> <li>• continues to require most food businesses that serve the public (estimated 6,711 or 70 per cent) to display a food safety information certificate, for example most Auckland-only based cafes, restaurants, bars and takeaways</li> <li>• incentivises most food businesses that serve the public to achieve high food safety standards</li> <li>• empowers the public to make informed decisions about where they purchase food</li> <li>• requires food safety information to be displayed in locations that are visible to the public at stores, market stalls, food trucks and online prior to entering a premises or making a purchase</li> <li>• rules are clearer and easier to understand.</li> </ul>

If you want to know more, **Appendix A** shows what the proposed new food safety information bylaw would look like. **Appendix B** provides a copy of the existing Food Safety Bylaw 2013. **Appendix C** provides a summary of the differences between the existing and proposed bylaw.

# 4 How we implement the Bylaw

Council uses a Voluntary, Assisted, Directed and Enforced (VADE) graduated response to bylaw complaints. This means that the response is based on the individual circumstances of the case including the seriousness of the harm and attitude to compliance.

We respond to lower risk issues in the first instance with education, advice and informal warnings. If this doesn't work, council may issue formal warnings. For serious or ongoing bylaw breaches, council may prosecute offenders. Penalties could include a fine of up to \$20,000.

## Voluntary, Assisted, Directed and Enforced (VADE) approach to compliance

<b>Voluntary – 'willing and able to comply'</b>	<b>Assisted – 'try to comply but don't always succeed'</b>	<b>Directed – 'don't want to comply'</b>	<b>Enforced – 'deliberate decisions not to comply'</b>
<p>Influence behaviours by making it easy for voluntary compliance to happen by ensuring people know what they need to do and how.</p>	<p>Assist people to comply by reinforcing expectations and obligations.</p>	<p>Enforced compliance is where the full extent of the law is applied.</p>	<p>Can be as a consequence of no noticeable behaviour change despite V, A and D interventions.</p>
<p>Understanding that the consequences of non-compliance are proportionate.</p>	<p>Interventions are shaped by information gathered through monitoring, inspection and business intelligence activities.</p>	<p>Directed compliance is a range of tools that can be applied to direct a desired behaviour change, ranging from Notices of Direction, Formal Warnings, Infringement Notices and when appropriate lower threshold prosecutions.</p>	<p>Is also for stakeholders who deliberately choose to break the law and where a lesser intervention is inappropriate; can be for serious offending or where legislation requires an enforcement action.</p>
<p>Compliance outcomes are achieved through education, training, engagement and communication of expectations and obligations.</p>	<p>Feedback loops help form a picture to determine if stakeholders are attempting to comply, are aware of their obligations or indeed choosing not to comply.</p> <p>Assisted compliance remains heavily focused on reminding stakeholders that they are being monitored and if no discernible behaviour change can be observed; formal direction or sanction will occur.</p>	<p>Deter by detection, convince people there is value in complying.</p>	<p>Cases are generally referred for formal investigation with a view to prosecution.</p>

### If someone breaches the rules

Council responds to complaints as soon as possible depending on the nature of the issues.

# 5 How we got here

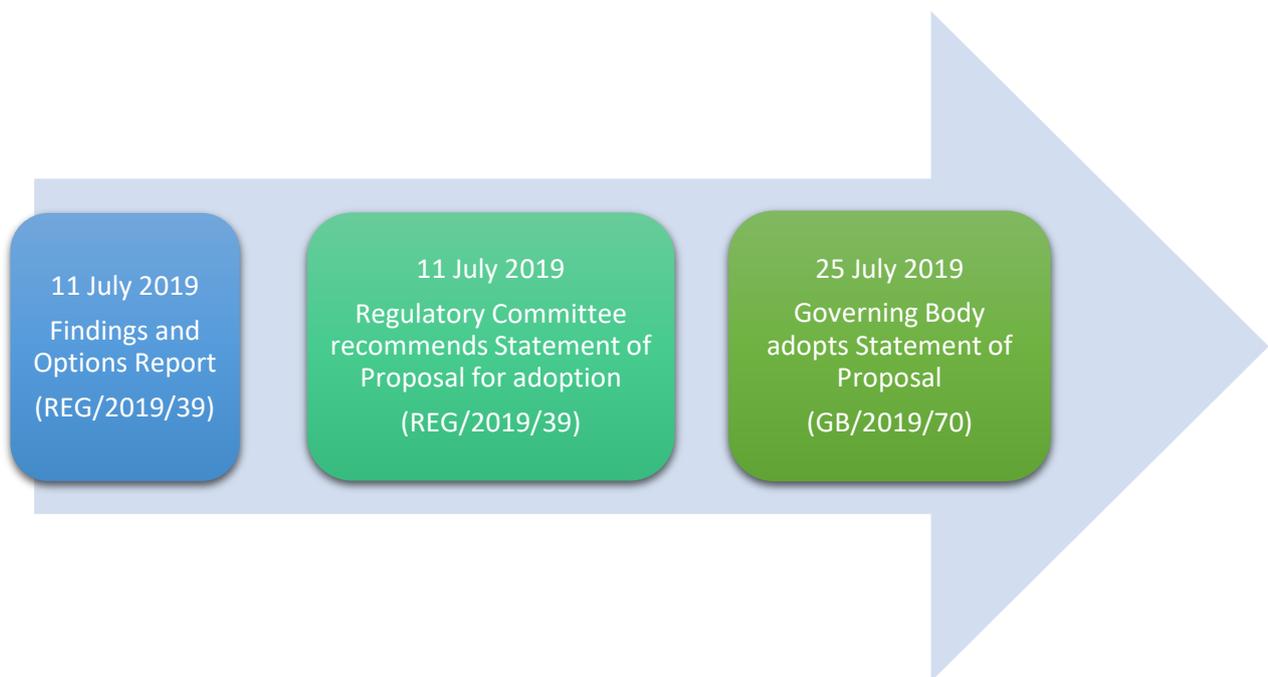
## Decisions leading to the proposed changes

The [Local Government Act 2002](#) requires council to review its bylaws to determine whether they are effective, efficient and still necessary. The Bylaw must not be inconsistent with the [Food Act 2014](#)<sup>1</sup> or the [New Zealand Bill of Rights Act 1990](#).

The existing Food Safety Bylaw 2013 is due to expire on 23 May 2020.

Auckland Council reviewed the existing bylaw, reported its findings and considered the options in July 2019.

## Bylaw review and approval process



This statement of proposal was approved for public consultation by the Governing Body in July 2019 to commence the process to make a new Food Safety Information Bylaw 2020.

Go to: [www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say) for copies of the above decisions including a summary of options considered.

<sup>1</sup> Food Act 2014, section 446.

# 6 We want your input

**You have an opportunity to tell us your views.**

We would like to know what you think about the proposed new food safety information bylaw.

## Give us your feedback

Starting on **2 December 2019** through to **2 February 2020** we are asking for feedback on the proposed new Auckland Council Food Safety Information Bylaw 2020.

You can give your feedback:

- in person at one of our 'Have your say' events – visit our website for details
- online at our website [www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say)

Visit [www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say) for more information.

*Online services are available at our libraries.*

*Your name and feedback will be available to the public in our reports and online. All other personal details will remain private.*

**Appendix A: Proposed new Auckland Council Food Safety Information Bylaw 2020**



# Whakapai kai 2020

## Food Safety Information Bylaw 2020

(as at 23 May 2020)

made by the Governing Body of Auckland Council

in resolution **GB/2020/##**

on 19 March 2020

Bylaw made under [section 145](#) of the Local Government Act 2002 and [section 64](#) of the Health Act 1956.

### Summary

This summary is not part of the Bylaw but explains the general effects.

The purpose of this Bylaw is to protect public health by requiring operators of certain food businesses to display a valid food safety information certificate (clause 6).

This means all food businesses in Auckland who operate using a Template Food Control Plan registered and verified by council under the Food Act 2014. For example, Auckland-only restaurants, cafés and takeaways.

The certificate (more commonly known as a 'food grade') must be displayed for specified durations and in specified locations. This must be in a way that is clearly visible to the public before they enter the premises or decide to make a purchase in person or online (clause 7).

Other parts of this Bylaw assist with its administration by –

- stating the name of this Bylaw, when it comes into force and where it applies (clauses 1, 2 and 3)
- stating the purpose of this Bylaw and defining terms (clauses 4 and 5)
- referencing council's powers to enforce this Bylaw and seek up to \$20,000 in penalties (Part 3).

### About Auckland Council's food grading scheme

Food safety information certificates (or food grades) are issued through council's Eatsafe Auckland food grading scheme, currently –

- food grades are based on the outcome of verification or inspection of food businesses under the Food Act 2014
- food grades range from A to E where council verification officers issue A to C grades (pass) and council food safety officers issue D and E grades (fail)
- all food businesses who are required in this Bylaw to display a food grade are automatically issued a grade at no additional cost
- other food businesses (for example Auckland-only dairies and superettes) registered and verified by council can choose to receive a food grade and whether to display it at no additional cost
- lower pass grades can be reassessed within an agreed timeframe by the verifier
- fail grades can only be reassessed by appealing to council about the action taken under the Food Act 2014 which resulted in a lower food grade.

The scheme does not form part of the Bylaw or the registration, verification and inspection processes under the Food Act 2014 and may be changed at any time.

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## 1 Title

- (1) This Bylaw is the Whakapai kai 2020, Food Safety Information Bylaw 2020.

## 2 Commencement

- (1) This Bylaw comes into force on 23 May 2020.

## 3 Application

- (1) This Bylaw applies to Auckland.

### Part 1

#### Preliminary provisions

## 4 Purpose

- (1) The purpose of this Bylaw is to protect public health by requiring operators of certain food businesses to publicly display a food safety information certificate to –
- (a) incentivise food businesses to achieve high food safety standards
  - (b) raise public awareness to enable people to make informed decisions about where to purchase food.

## 5 Interpretation

- (1) In this Bylaw, unless the context otherwise requires, –

**Auckland** has the meaning given by [section 4\(1\)](#) of the Local Government (Auckland Council) Act 2009.

Related information

The Local Government (Auckland Council) Act 2009 enabled the Local Government Commission to determine Auckland's boundaries in a map titled [LGC-Ak-R1](#). The boundaries were formally adopted by [Order in Council](#) on 15 March 2010, and came into effect on 1 November 2010.



**Council**, for the purposes of this Bylaw, means the Governing Body of the Auckland Council or any person delegated or authorised to act on its behalf.

Related information

Council's Environmental Health Unit has delegated authority to administer and enforce this Bylaw as at June 2019.

**Registered** means the process of registration under the Food Act 2014.

**Valid food safety information certificate** means an unexpired certificate issued by council and used by the food business to which it was issued.

**Verified** means the process of verification under the Food Act 2014.

- (2) A term or expression defined in the Food Act 2014 and used in this Bylaw has the same meaning as it has in that Act, unless defined differently in this Bylaw.
- (3) Related information does not form part of this Bylaw and may be inserted, changed or removed without any formality.
- (4) The [Interpretation Act 1999](#) applies to this Bylaw.

## Part 2

### Display of food safety information certificates

#### 6 Certain food businesses must display a food safety information certificate

- (1) The operator of a food business must display a valid food safety information certificate in a manner specified in clause 7 if that business –
  - (a) operates under a Template Food Control Plan in the Food Act 2014;
  - (b) directly serves the public; and
  - (c) is registered and verified by council.

Related information about food businesses subject to this Bylaw

The Food Act 2014 establishes a regulatory framework in which

- high-risk food businesses that operate only in Auckland (for example Auckland-only restaurants, bars, cafés and takeaways) must register and be verified by council
- high-risk food businesses with stores both in Auckland and other locations in New Zealand (for example fast food and supermarket chains) can register with the Ministry of Primary Industries and be verified by third-party verifiers (instead of council)
- medium to low risk food businesses must be registered and verified (for example bread bakeries, coffee carts and dairies or superettes)
- exempt and lower risk food businesses have a general responsibility to provide safe and suitable food (for example fundraisers, customary food at marae and farm gate sales)

This Bylaw applies to all high-risk food businesses that operate in Auckland-only and any food chains that choose to register and be verified by council. This Bylaw does not apply to:

- high-risk food businesses that are not registered and verified by council because council does not hold the information necessary to administer the Eatsafe Auckland food grading scheme
- medium or lower risk food businesses due to their lower risk to public health
- kai prepared and served on marae for customary activities such as tangi because food is not sold or traded
- marae that sell or trade food to fundraise for a charitable, benevolent or cultural purpose if the fundraising takes place no more than 20 times per year. If food is sold or traded more frequently, the marae will need to register with council and this Bylaw may apply.

**7 Food safety information certificates must be displayed for specified durations and in specified locations**

- (1) The operator of a food business specified in clause 6(1) must display a valid food safety information certificate –
  - (a) no later than the first business open day after the business receives the certificate, until the date the certificate expires or a new certificate is issued, whichever occurs first; and
  - (b) in one or more locations as specified in the below table; or
  - (c) in any other location directed by council.

Food business site type	Food safety information certificate display location
Any physical sites <sup>1</sup> – <ul style="list-style-type: none"><li>(i) used in connection with the food business;</li><li>(ii) at which food is sold directly to the public; and</li><li>(iii) that operate under the same Food Control Plan.</li></ul>	The certificate must be displayed in a manner that is clearly visible to the public (in order of preference) – <ul style="list-style-type: none"><li>(i) on all doors used by the public and clearly visible in the direction of entry; or if this is not possible</li><li>(ii) on windows adjacent to doors in (i) and clearly visible in the direction of entry; or if this is not possible</li><li>(iii) at the main counter; or if this is not possible</li><li>(iv) on a wall behind the main counter; or if this is not possible</li><li>(v) on any other external surface facing the public.</li></ul>
Any online site <sup>2</sup> – <ul style="list-style-type: none"><li>(i) related to the food business; and</li><li>(ii) that the business has control over.</li></ul>	An image of the certificate must be clearly visible on the food business homepage or similar landing page or screen.

<sup>1</sup> For example any building, structure or similar site, food truck, food stall, including restaurant, café, takeaway.

<sup>2</sup> For example a website, app, social media or similar medium.

- (2) The operator of the food business may copy a valid food safety information certificate for the purposes of complying with clause 7(1)(b).

**8 Food safety information certificates remain the property of council**

- (1) Food safety information certificates, including any copies, remain the property of council.
- (2) The operator of a food business must not display an invalid food safety information certificate.

### Part 3

#### Enforcement powers, offences and penalties

#### 9 Council can use statutory powers and other methods to enforce this Bylaw

- (1) Council may use its powers under the [Local Government Act 2002](#) and [Health Act 1956](#) or its powers as a service provider to enforce this Bylaw.

##### Related information about powers

- Relevant enforcement powers under the [Local Government Act 2002](#) (as reprinted on 1 July 2018) include court injunction (section [162](#)), powers of search and seizure (sections [164](#), [165](#), [166](#), [167](#), [168](#)), powers of entry (sections [171](#), [172](#), [173](#)), and power to request name and address (section [178](#)).
- Relevant enforcement powers under the [Health Act 1956](#) (as reprinted on 2 March 2018) include court orders (section [33](#)) and powers of entry and inspection (section [128](#)).
- Council can also use other methods to encourage compliance, for example providing advice, information or warnings.

#### 10 A person can be penalised for not complying with this Bylaw

- (1) A person who fails to comply with Part 2 of this Bylaw commits an offence and is liable to a penalty under the [Local Government Act 2002](#) or the [Health Act 1956](#).

##### Related information about penalties

A person who is convicted of an offence against a bylaw is liable to a fine not exceeding \$20,000 under [section 242](#) of the Local Government Act 2002 (as reprinted on 1 July 2018) or a fine not exceeding \$500 and a further \$50 per day for a continuing offence under [section 66](#) of the Health Act 1956 (as reprinted on 2 March 2018).

### Part 4

#### Savings and transitional provisions

#### 11 Existing inquiries to be completed under the Food Safety Bylaw 2013

- (1) Any compliance or enforcement action by council under the Whakapai kai 2013, Auckland Council Food Safety Bylaw 2013 that was not completed before the date this Bylaw commences, will continue to be actioned under that bylaw as if it were still in force and as if this Bylaw had not been made.

**Related information, Bylaw history**

Date	Description
01 November 2010	Made legacy bylaws about food safety <sup>1</sup> ( <a href="#">Section 63</a> Local Government (Auckland Transitional Provisions) Act 2010)
01 November 2010	Commencement of legacy bylaws about food safety ( <a href="#">Section 63</a> Local Government (Auckland Transitional Provisions) Act 2010)
14 December 2012	Review of legacy bylaws about food safety completed (REG/2012/##)
20 December 2012	Proposal to make new bylaw about food safety and to revoke legacy bylaws (GB/2012/177)
23 May 2013	Made the Auckland Council Food Safety Bylaw 2013 (GB/2013/48)
25 June 2013	Public notice of making of the Auckland Council Food Safety Bylaw 2013 and revocation of legacy bylaws
01 July 2013	Commencement of Auckland Council Food Safety Bylaw 2013 and revocation of legacy bylaws (GB/2013/48)
18 February 2016	Amendment to Auckland Council Food Safety Bylaw 2013 (GB/2016/8)
01 March 2016	Commencement of amendment to Auckland Council Food Safety Bylaw 2013 (GB/2016/8)
11 July 2019	Review of Auckland Council Food Safety Bylaw 2013 completed (REG/2019/39)
25 July 2019	Proposal to make a new bylaw about food safety (GB/2019/70)
[TBC]	Made the Auckland Council Food Safety Information Bylaw 2020 (GB/2019/###)
[TBC]	Public notice of making of the Auckland Council Food Safety Information Bylaw 2020
23 May 2020	Commencement of the Auckland Council Food Safety Information Bylaw 2020 (GB/2019/###) and expiry of the Auckland Council Food Safety Bylaw 2013 ( <a href="#">section 160A</a> Local Government Act 2002)

<sup>1</sup> Legacy bylaws made: Auckland City Council Food Premises Bylaw 2008, Auckland City Council Food Stalls Bylaw 2008, Franklin District Council Food Hygiene Bylaw 2010, Manukau City Council Food Hygiene and Food Handlers Training Bylaw 2008 (chapter 8), North Shore City Council Food Safety Bylaw 2000 (part 17), Rodney District Council Food Premises Bylaw 1998 (chapter 24) and Waitakere City Council Food Safety Bylaw 2005.

Find out more: **phone 09 301 0101**  
or visit **[aucklandCouncil.govt.nz](http://aucklandCouncil.govt.nz)**





## **Food Safety Bylaw 2013 Whakapai kai 2013**

(as at 28 February 2019)

**Made by Governing Body of Auckland Council**

**Resolution in Council**

**23 May 2013**

*(amended by minute GB/2016/8 with effect from 1 March 2016)*

Pursuant to the Local Government Act 2002 and the Health Act 1956, the Governing Body of Auckland Council makes the following bylaw.

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**1 Title**

- (1) This bylaw is the Food Safety Bylaw 2013.

**2 Commencement**

- (1) This bylaw comes into force on 1 July 2013.

*Explanatory notes:*

*Clauses 4, 5, 7, 8, 10, 11, 12 amended and Clauses 6, 9, 13, Schedules 1 and 2 have been revoked for consistency with the Food Act 2014 and the Food Regulations 2015 by minute GB/2016/8, in force on 01 March 2016.*

*Clause 5 and Part 3 amended to reflect expiry of Part 3 on 28 February 2019.*

**3 Application**

- (1) This bylaw applies to Auckland.

**Part 1**

**Preliminary provisions**

**4 Purpose**

- (1) The purpose of this bylaw is to promote and protect public health by -

- (a) requiring food businesses registered with the council that operate subject to a Food Control Plan to display a food safety grade certificate for public information;
- (b) *[consequential editorial deletion]*

*Explanatory note: clause 4(1)(b) removed for ease of reading because it relates to expired Part 3 Regulation of food businesses registered pursuant to the Food Hygiene Regulations 1974.*

**5 Interpretation**

- (1) In this bylaw, unless the context otherwise requires, -

**Approved basic food hygiene course** *[consequential editorial deletion]*

*Explanatory note: definition removed for ease of reading because it relates to expired Part 3 Regulation of food businesses registered pursuant to the Food Hygiene Regulations 1974.*

**Auckland** has the meaning given by the Local Government (Auckland Council) Act 2009.

*Explanatory note: As at 22 September 2009, the definition in Section 4(1) of the Local Government (Auckland Council) Act 2009 states: "Auckland means the area within the boundaries determined by the Local Government Commission under Section 33(1) (as that determination is given effect to by Order in Council under Section 35(1))".*

**Certificate of registration** *[consequential editorial deletion]*

*Explanatory note: definition removed for ease of reading because it relates to expired Part 3 Regulation of food businesses registered pursuant to the Food Hygiene Regulations 1974.*

**Council** means the Governing Body of the Auckland Council or any person delegated to act on its behalf.

**Food** has the meaning given by the Food Act 2014.

*Explanatory note: As at 1 June 2014, Section 9 of the Food Act 2014 includes the following definition: "food means anything that is used, capable of being used, or represented as being for use, for human consumption (whether raw, prepared, or partly prepared)".*

**Food business** has the meaning given by the Food Act 2014.

*Explanatory note: As at 1 June 2014, the definition in Section 10 of the Food Act 2014 states: "food business means -*

- (a) *a business, activity, or undertaking that trades in food (whether in whole or in part); and*
- (b) *includes a business, activity, or undertaking that—*
  - (i) *sells food on the internet; or*
  - (ii) *is declared by the Governor-General, by Order in Council made under Section 393, to be a food business for the purposes of this Act; but*
- (c) *does not include a business, activity, or undertaking—*
  - (i) *merely because it carries on a business other than trading in food and, in the course of doing so, acts as an intermediary between persons who trade in food by providing, for reward, a place (including mobile premises) or services (for example, an internet service provider or an auction site on the internet); or*
  - (ii) *that is declared by the Governor-General, by Order in Council made under Section 393, not to be a food business for the purposes of this Act".*

**Food Control Plan** has the meaning given by the Food Act 2014.

*Explanatory note: As at 1 June 2014, the definition in Section 36 of the Food Act 2014 states: "food control plan is a plan designed for a particular food business to identify, control, manage, and eliminate or minimise hazards or other relevant factors for the purpose of achieving safe and suitable food, taking into account—*

- (a) *each type of food that the food business trades in; and*
- (b) *each type of process or operation that is applied to the food; and*
- (c) *each place in which the food business trades in food.*

*As at 1 June 2014, the definition in Section 414 of the Food Act 2014 states: "deemed food control plan means a registered food safety programme that is deemed to be a registered food control plan".*

*As at 7 December 2015, the definition in Section 3 of the Food Regulations 2015 states: "template food control plan means a registered food control plan that is based on an official template or model".*

**Food handler** [consequential editorial deletion]

*Explanatory note: definition removed for ease of reading because it relates to expired Part 3 Regulation of food businesses registered pursuant to the Food Hygiene Regulations 1974.*

**Food premises** [consequential editorial deletion]

*Explanatory note: definition removed for ease of reading because it relates to expired Part 3 Regulation of food businesses registered pursuant to the Food Hygiene Regulations 1974.*

**Food stall or mobile food shop** [consequential editorial deletion]

*Explanatory note: definition removed for ease of reading because it relates to expired Part 3 Regulation of food businesses registered pursuant to the Food Hygiene Regulations 1974.*

**Grade and Grading** means the allocated grade resulting from an inspection of the food premises or assessment of a food business' compliance with their Food Control Plan by the council according to the grading system determined by the council from time to time.

*Explanatory note: For further information on the Auckland Council Food Safety Grading System refer to Section 7 of Additional Information to the Food Safety Bylaw 2013 – Guidelines to the Auckland Council Food Grading System.*

**Marae** has the meaning given by the Food Act 2014.

*Explanatory note: As at 1 June 2014, the definition in Section 8 of the Food Act 2014 states: "marae includes the area of land on which all buildings such as wharenuui (meeting house), wharekai (dining room), ablution blocks, and any other associated buildings are situated".*

**Occupier** *[consequential editorial deletion]*

*Explanatory note: definition removed for ease of reading because it relates to expired Part 3 Regulation of food businesses registered pursuant to the Food Hygiene Regulations 1974.*

**Operator of a food business** has the meaning given by the Food Act 2014.

*Explanatory note: As at 1 June 2014, the definition in Section 8 of the Food Act 2014 states: "operator of a food business means the owner or other person in control of the business".*

**Operator of a Food Control Plan** has the meaning given by the Food Act 2014.

*Explanatory note: As at 1 June 2014, the definition in Section 8 of the Food Act 2014 states: "operator of a food control plan or operator of a registered food control plan means—*

- (a) if the plan applies to only one food business, the operator of the food business; or*
- (b) if the plan applies to more than one food business, the person responsible for the plan".*

**Operator verification** has the meaning given by the Food Act 2014 and the Food Regulations 2015.

*Explanatory note: As at 1 June 2014, the definition in Section 8 of the Food Act 2014 states: "operator verification means a process to ensure that internal practices, procedures, and activities comply with the applicable requirements of this Act". As at 7 December 2015, in Section 32 of the Food Regulations 2015, the process for operator verification includes regular checks of:*

- (a) places of food business, facilities, and equipment; and*
- (b) staff and visitors; and*
- (c) practices, procedures, and activities".*

**Place of food business** has the meaning given by the Food Regulations 2015.

*Explanatory note: As at 7 December 2015, the definition in Section 3 of the Food Regulations 2015 states: "place of food business means a place where a food business does either or both of the following:*

- (a) produces food*
- (b) processes and handles food; and*
- (c) that is covered by a food control plan or subject to a national programme".*

**Processing and handling** has the meaning given by the Food Act 2014.

*Explanatory note: As at 1 June 2014, the definition in Section 11 of the Food Act 2014 states: "processing and handling in relation to food for sale, includes any one or more of the following:*

- (a) preparing the food*
- (b) manufacturing the food*
- (c) packing the food*
- (d) labelling the food*
- (e) transporting the food*
- (f) storing the food*
- (g) displaying the food*
- (h) serving the food".*

**Readily perishable food** [consequential editorial deletion]

*Explanatory note: definition removed for ease of reading because it relates to expired Part 3 Regulation of food businesses registered pursuant to the Food Hygiene Regulations 1974.*

**Safety and suitability** has the meaning given by the Food Act 2014.

*Explanatory note: As at 1 June 2014, the definition in Section 12 of the Food Act 2014 provides that: "safety" means a condition in which food, in terms of its intended use, is unlikely to cause or lead to illness or injury to human life or public health. "Suitability" means that the composition, labelling, identification, and condition of the food are appropriate in terms of its intended use; but does not include matters of quality or presentation of the food that relate to a purely commercial decision by the person trading in the food. Food is unsuitable if it—*

- (a) is in a condition that is offensive;*
- (b) is damaged, deteriorated, or perished to the extent of affecting its reasonable intended use;*
- (c) contains, or has attached to it or enclosed with it, any damaged, deteriorated, perished, or contaminated substance to the extent of affecting its reasonable intended use;*
- (d) contains a biological or chemical agent, or other substance, that is foreign to the nature of the food and the presence of which would be unexpected and unreasonable in food prepared or packed for sale in accordance with good trade practice;*
- (e) has packaging that is damaged, deteriorated, perished, or contaminated to the extent of affecting the food's reasonable intended use.*

*Food is not unsafe or unsuitable merely because—*

- (a) any part of the community objects to it on moral, ethical, cultural, spiritual, or religious grounds; or*
- (b) any person objects to it because of personal preference; or*
- (c) its consumption of inappropriate quantities may damage a person's health; or*
- (d) its presence or consumption is unhealthy for any person who has an allergy or other personal health condition".*

**Sale** has the meaning given by the Food Act 2014.

*Explanatory note: As at 1 June 2014, the definition in Section 13 of the Food Act 2014 states: “sale means—*

- (a) *selling food for processing and handling or for human consumption; and*
- (b) *includes reselling food for processing and handling or for human consumption; and*
- (c) *includes the following activities relating to food for human consumption;*
  - (i) *(offering food for sale or attempting to sell food, or receiving or having food in possession for sale, or exposing food for sale, or sending or delivering food for sale, or causing or permitting food to be sold, offered for sale, or exposed for sale;*
  - (ii) *bartering food;*
  - (iii) *supplying food, together with any accommodation, service, or entertainment, as part of an inclusive charge;*
  - (iv) *supplying food in exchange for payment or in relation to which payment is to be made in a shop, hotel, or restaurant, at a stall, in or on a craft or vehicle, or in any other place;*
  - (v) *supplying food to an employee or other person in accordance with an employment agreement or an agreement for services;*
  - (vi) *for the purpose of advertisement or to promote any trade or business, giving away food or, whether or not on payment of money, offering food as a prize or reward to the public;*
  - (vii) *exporting food;*
  - (viii) *every other method of disposition of food for valuable consideration; but*
- (d) *does not include—*
  - (i) *exchanging food for food or other goods or services as part of a personal relationship between individuals that is not commercial in nature; or*
  - (ii) *supplying food together with accommodation to a person residing at a private dwelling or farm in exchange for services or labour by the person; or*
  - (iii) *supplying drinking water by network reticulation to the point of supply of any dwelling or commercial premises”.*

- (2) A term or expression that is defined in the Food Act 2014 and Food Regulations 2015 and is used in this bylaw but not defined by this bylaw, has the meaning given by the legislation.

*Explanatory note: consequential editorial amendment to clause 5(2) to remove reference to Food Hygiene Regulations 1974 for ease of reading because it relates to expired Part 3.*

- (3) Any explanatory notes and attachments are for information purposes only, but do not form part of this bylaw, and may be made, amended, revoked or replaced by the council at any time.
- (4) The Interpretation Act 1999 applies to this bylaw.

## Part 2

### Grading of food businesses registered pursuant to the Food Act 2014

#### 6 Display of food safety grade certificates

- (1) The council will assess the following food businesses that operate subject to a deemed or template Food Control Plan registered with the council to provide a grading for those businesses:
  - (a) the food retail sector where food businesses prepare or manufacture and sell food, and
  - (b) the food service sectors specified in Schedule 1 of the Food Act 2014.
- (2) The current food safety grade certificate issued by the council must be conspicuously displayed at the principal entrance to the place of food business in full and un-obscured view. The council may require an alternative display position in situations where the council deems it necessary to ensure that the grading certificate can be seen before a person enters the place of food business.
- (3) The current food safety grade certificate issued by the council must be displayed at every site where food is sold directly to the public, including food stalls and mobile shops.
- (4) Applications for re-grading must be made in writing and subject to the prescribed fee.
- (5) The grading certificate will remain the property of the council and may be withdrawn and removed by the council if the performance of the food business falls below the grading standard prescribed by the council.
- (6) Clauses 6(1) to 6(5) do not apply to any food business:
  - (c) that was operating prior to 1 March 2016, and that was not required to be registered by the council pursuant to the Food Hygiene Regulations 1974; or
  - (d) that is established from 1 March 2016, and that would not have been required to be registered by the council pursuant to the Food Hygiene Regulations 1974 had it been operating prior to 1 March 2016.

*Explanatory note: The Food Act 2014 introduces regulatory requirements for food sectors that were not subject to registration under the Food Hygiene Regulations 1974, such as businesses that sell food from marae, school tuckshops and work cafeterias. The grading requirements of this bylaw are not intended to apply to those businesses that would not have been subject to grading under the bylaw prior to 1 March 2016.*

- (7) Notwithstanding Clause 6(6), the operator of any food business that would otherwise be exempt from grading may notify the council in writing that the food business elects to waive the exemption, in which case Clauses 6(1) to 6(5) will apply to that food business.

*Explanatory note: For further information on the Auckland Council Food Safety Grading System refer to Section 7 of Additional Information to the Food Safety Bylaw 2013.*

## Part 3

### Regulation of food businesses registered pursuant to the Food Hygiene Regulations 1974

*[Expired]*

#### 7 Display of food safety grade certificates

*[Expired]*

*Explanatory note: clause 7 expired as all food businesses now regulated under the Food Act 2014.*

#### 8 Training of staff at food premises

*[Expired]*

*Explanatory note: clause 8 expired as all food businesses now regulated under the Food Act 2014.*

**9 Food stalls and mobile food shops**

*[Expired]*

*Explanatory note: clause 9 expired as all food businesses now regulated under the Food Act 2014.*

**Part 4**

**Enforcement, offences and penalties**

**10 Non-compliance with bylaw**

- (1) The council may use its powers under the Health Act 1956 and the Local Government Act 2002 to enforce this bylaw.

**11 Offences and penalties**

- (1) A person who fails to comply with this bylaw commits an offence against Section 239 of the Local Government Act 2002 and is liable on conviction to the penalties set out in Section 242(4) of the Local Government Act 2002.

# Additional Information to the Food Safety Bylaw 2013

This document contains matters for information purposes only and does not form part of the bylaw. They include matters to assist in the ease of understanding, use and maintenance of the bylaw.

The information contained in this document may be updated at any time.

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## Section 1 History of bylaw

Action	Description	Date of Decision	Decision Reference	Commencement
Make	<p>Following food safety bylaws in force on 31 Oct 2010 deemed to have been made by Auckland Council</p> <ul style="list-style-type: none"> <li>• Auckland City Council Food Premises Bylaw 2008</li> <li>• Auckland City Council Food Stalls Bylaw 2008</li> <li>• Franklin District Council Food Hygiene Bylaw 2010</li> <li>• Manukau City Council Food Hygiene and Food Handlers Training Bylaw 2008 (chapter 8)</li> <li>• North Shore City Council Food Safety Bylaw 2000 (part 17)</li> <li>• Rodney District Council Food Premises Bylaw 1998 (chapter 24)</li> <li>• Waitakere City Council Food Safety Bylaw 2005</li> </ul>	01 Nov 2010	Section 63 Local Government (Auckland Transitional Provisions) Act 2010	01 Nov 2010
Revoke	<ul style="list-style-type: none"> <li>• Auckland City Council Food Premises Bylaw 2008</li> <li>• Auckland City Council Food Stalls Bylaw 2008</li> <li>• Franklin District Council Food Hygiene Bylaw 2010</li> <li>• Manukau City Council Food Hygiene and Food Handlers Training Bylaw 2008 (chapter 8)</li> <li>• North Shore City Council Food Safety Bylaw 2000 (part 17)</li> <li>• Rodney District Council Food Premises Bylaw 1998 (chapter 24)</li> <li>• Waitakere City Council Food Safety Bylaw 2005</li> </ul>	23 May 2013	GB/2013/48	01 July 2013
Make	Auckland Council Food Safety Bylaw 2013	23 May 2013	GB/2013/48	01 July 2013
Amend	Auckland Council Food Safety Bylaw 2013	18 Feb 2016	GB/2016/8	01 March 2016
Update	Auckland Council Food Safety Bylaw 2013	28 Feb 2019	n/a	n/a

## Section 2 Related documents

Document Title	Description of Document	Location of Document
Decision Minutes and Agenda of the Governing Body for 18 February 2016	Decision on amendments to the Food Safety Bylaw 2013	<a href="http://www.aucklandcouncil.govt.nz">www.aucklandcouncil.govt.nz</a>
Decision Minutes and Agenda of the Governing Body for 23 May 2013	Decisions on submissions to proposed food safety bylaw	<a href="http://www.aucklandcouncil.govt.nz">www.aucklandcouncil.govt.nz</a>
Background report for the hearing of submissions to	Background and summary of submissions to proposed food safety bylaw	<a href="http://www.aucklandcouncil.govt.nz">www.aucklandcouncil.govt.nz</a>

Document Title	Description of Document	Location of Document
the proposed Food Safety Bylaw 2013 - 19 April 2013		
Food Safety Bylaw Review Statement of Proposal - Decision Minutes and Agenda of the Governing Body for 20 December 2012	Provides background to the proposed food safety bylaw	www.aucklandcouncil.govt.nz
Long Term Plan	Outlines financial plans	www.aucklandcouncil.govt.nz
Annual Plan	Sets fees for food operators	www.aucklandcouncil.govt.nz
Local Government Act 2002	Provides certain functions, duties, powers and penalties to make and enforce this bylaw	www.legislation.govt.nz
Health Act 1956	Provides certain functions, duties, powers and penalties to make and enforce this bylaw	www.legislation.govt.nz
Local Government (Auckland Transitional Provisions) Act 2010	Provides certain functions, duties, powers and penalties to make and enforce this bylaw	www.legislation.govt.nz
Bylaws Act 1910	Provides for certain matters related to the validity of bylaws	www.legislation.govt.nz
Interpretations Act 2009	Provides for certain matters related to the interpretation of bylaws	www.legislation.govt.nz
Health (Registration of Premises) Regulations 1966	Provides for the registration of premises	www.legislation.govt.nz
Food Act 1981	Provides for exemptions to the Food Hygiene Regulations 1974, food standards and enforcement	www.legislation.govt.nz
Food Hygiene Regulations 1974	Provides regulations for registration, conduct, maintenance, application to food premises, workers, manufacturers and specific provisions for types of premises and types of food sold	www.legislation.govt.nz
Food Act 2014	Provides for the regulation of food businesses through risk-based measures to achieve the safety and suitability of food for sale and minimise and manage risks to public health	www.legislation.govt.nz
Food Regulations 2015	Provides regulations for food businesses subject to risk-based measures under the Food Act	www.legislation.govt.nz

### Section 3 Delegations for matters contained in the bylaw

Clause	Function, duty, power to be delegated	Delegated authority	Date of delegation decision	Decision reference	Commencement of delegation
Clause 5(1)	Determining the grading system.	Tier 4 Manager Environmental Health	23 May 2013	Resolution number GB/2013/48	1 July 2013
Clause 5(3)	Amending explanatory notes and attachments to the bylaw.	Tier 5 Manager Social Policy and Bylaws	23 May 2013	Resolution number GB/2013/48	1 July 2013
Clause 6(5) and 7(5)	Prescribing standards relating food safety for businesses that operate at a lower standard than the issued grade.	Tier 4 Manager Environmental Health	23 May 2013	Resolution number GB/2013/48	1 July 2013

Clause	Function, duty, power to be delegated	Delegated authority	Date of delegation decision	Decision reference	Commencement of delegation
Clause 9	Determining the appropriate controls for food stalls.	Tier 4 Manager Environmental Health	23 May 2013	Resolution number GB/2013/48	1 July 2013

#### Section 4 Register of controls

Action	Description	Date of decision	Decision reference	Commencement
None	N/A	N/A	N/A	N/A

#### Section 5 Enforcement powers

Legislative provision	Description
<b>Health Act 1956</b>	23 General powers and duties of local authorities in respect of public health 30 Penalties for permitting or causing nuisances 33 Proceedings in respect of nuisances 34 Power to abate nuisance without notice 41 Owners or occupiers may be required to cleanse premises 42 Local authority may require repairs and issue closing order 65 General provisions as to bylaws 66 Penalties for breach of bylaws 137 Offences punishable on summary conviction
<b>Local Government Act 2002</b>	162 Injunctions restraining commission of offences and breaches of bylaws 163 Removal of works in breach of bylaws 164 Seizure of property not on private land 165 Seizure of property from private land 168 Power to dispose of property seized and impounded 171 General power of entry 172 Power of entry for enforcement purposes 173 Power of entry in cases of emergency 175 Power to recover for damage by wilful or negligent behaviour 176 Costs of remedying damage arising from breach of bylaw 178 Enforcement officers may require certain information 183 Removal of fire hazards 185 Occupier may act if owner of premises makes default 186 Local authority may execute works if owner or occupier defaults 187 Recovery of cost of works by local authority 188 Liability for payments in respect of private land

#### Section 6 Offences and penalties

Clause	Description of offence	Fine	Infringement fee	Other penalty
All	A person who fails to comply with Part 2 or Part 3 of this bylaw commits a breach of this bylaw and is liable to a penalty under the Local Government Act 2002 and/or the Health Act 1956.	Under Section 242 of the Local Government Act 2002 person who is convicted of an offence against a bylaw is liable to a fine not exceeding \$20,000. Under Section 66 of the Health Act 1956, any person who breaches a bylaw is liable to a fine not exceeding \$500 and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day on which the offence has continued.	nil	

## Appendix C: Summary of the differences between the existing and proposed bylaw

Table 1 shows a comparison of the existing and proposed food safety bylaws.

In general, the new food safety bylaw uses a different structure to make the bylaw easier to understand.

The differences between the structures make a comparison difficult for some clauses. To mitigate this Table 1 –

- follows the order of the proposed new food safety information bylaw
- equivalent clauses from the existing bylaw in the first column may appear out of sequence or are repeated
- differences that are less significant are referenced as opposed to stated.

**IMPORTANT: The proposed new bylaw in Appendix A prevails in the event of any differences between the proposed bylaw in Appendix A and Table 1.**

**Table 1: Summary of differences between the existing Food Safety Bylaw 2013 and proposed new Food Safety Information Bylaw 2020**

Existing Bylaw	Proposed Bylaw	Reasons
Bylaw made pursuant to section 145 of the Local Government Act 2002 and section 64 of the Health Act 1956.	Bylaw made pursuant to section 145 of the Local Government Act 2002 and section 64 of the Health Act 1956.	
<b>Contents</b> [Not shown]	<b>Summary and Contents</b> [Not shown because differences only relevant to that bylaw]	
<b>1 Title</b> (1) This bylaw is the Food Safety Bylaw 2013.	<b>1 Title</b> (1) This Bylaw is the Whakapai kai 2013, Food Safety Information Bylaw 2020.	<ul style="list-style-type: none"> <li>• New bylaw has clearer focus on the display of food grades.</li> </ul>
<b>2 Commencement</b> [Not shown]	<b>2 Commencement</b> [Not shown because differences only relevant to that bylaw]	
<b>3 Application</b> (1) This bylaw applies to Auckland.	<b>3 Application</b> (1) This Bylaw applies to Auckland.	
<b>Part 1 Preliminary provisions</b>	<b>Part 1 Preliminary provisions</b>	
<b>4 Purpose</b> (1) The purpose of this bylaw is to promote and protect public health by – (a) requiring food businesses registered with the council that operate subject to a Food Control Plan to display a food safety grade certificate for public information; (b) <i>[consequential editorial deletion]</i>	<b>4 Purpose</b> (1) The purpose of this Bylaw is to protect public health by requiring operators of certain food businesses to publicly display a food safety information certificate to – (a) incentivise food businesses to achieve high food safety standards (b) raise public awareness to enable people to make informed decisions about where to purchase food.	<ul style="list-style-type: none"> <li>• New bylaw better reflects its purpose and methods to protect public health.</li> </ul>

Existing Bylaw	Proposed Bylaw	Reasons
<p><i>Explanatory note: clause 4(1)(b) removed for ease of reading because it relates to expired Part 3 Regulation of food businesses registered pursuant to the Food Hygiene Regulations 1974.</i></p>		
<p><b>5 Interpretation</b> (1) In this bylaw, unless the context otherwise requires, –</p>	<p><b>5 Interpretation</b> (1) In this Bylaw, unless the context otherwise requires, –</p>	
<p><b>Approved basic food hygiene course</b> [consequential editorial deletion] <i>Explanatory note: definition removed for ease of reading because it relates to expired Part 3 Regulation of food businesses registered pursuant to the Food Hygiene Regulations 1974.</i></p>		<ul style="list-style-type: none"> <li>• Term not used in new bylaw.</li> </ul>
<p><b>Auckland</b> has the meaning given by the Local Government (Auckland Council) Act 2009. <i>Explanatory note: As at 22 September 2009, the definition in Section 4(1) of the Local Government (Auckland Council) Act 2009 states: “Auckland means the area within the boundaries determined by the Local Government Commission under Section 33(1) (as that determination is given effect to by Order in Council under Section 35(1))”.</i></p>	<p><b>Auckland</b> has the meaning given by <a href="#">section 4(1)</a> of the Local Government (Auckland Council) Act 2009.</p> <p><b>Related information</b> The Local Government (Auckland Council) Act 2009 enabled the Local Government Commission to determine Auckland’s boundaries in a map titled <a href="#">LGC-Ak-R1</a>. The boundaries were formally adopted by <a href="#">Order in Council</a> on 15 March 2010, and came into effect on 1 November 2010.</p> 	<ul style="list-style-type: none"> <li>• New bylaw definition improves certainty.</li> <li>• New bylaw provides related information for clarity.</li> </ul>
<p><b>Certificate of registration</b> [consequential editorial deletion] <i>Explanatory note: definition removed for ease of reading because it relates to expired Part 3 Regulation of food businesses registered pursuant to the Food Hygiene Regulations 1974.</i></p>		<ul style="list-style-type: none"> <li>• Term not used in new bylaw.</li> </ul>
<p><b>Council</b> means the Governing Body of the Auckland Council or any person delegated to act on its behalf.</p>	<p><b>Council</b>, for the purposes of this Bylaw, means the Governing Body of the Auckland Council or any person delegated or authorised to act on its behalf.</p> <p><b>Related information</b> Council’s Environmental Health Unit has delegated authority to administer and enforce this Bylaw as at June 2019.</p>	<ul style="list-style-type: none"> <li>• New bylaw definition improves certainty.</li> <li>• New bylaw provides related information for clarity.</li> </ul>
<p><b>Food</b> has the meaning given by the Food Act 2014. <i>Explanatory note: As at 1 June 2014, Section 9 of the Food Act 2014 includes the following definition: “food means anything that is used, capable of being used, or represented as being for use, for human consumption (whether raw, prepared, or partly prepared)”.</i></p>		<ul style="list-style-type: none"> <li>• New bylaw clarifies that terms or expressions defined in the Food Act 2014 and used in this Bylaw have the same meaning as in that Act</li> </ul>

Existing Bylaw	Proposed Bylaw	Reasons
<p><b>Food business</b> has the meaning given by the Food Act 2014.  <i>Explanatory note: As at 1 June 2014, the definition in Section 10 of the Food Act 2014 states: “food business means -</i>  <i>(a) a business, activity, or undertaking that trades in food (whether in whole or in part); and</i>  <i>(b) includes a business, activity, or undertaking that—</i>  <i>(i) sells food on the internet; or</i>  <i>(ii) is declared by the Governor-General, by Order in Council made under Section 393, to be a food business for the purposes of this Act; but</i>  <i>(c) does not include a business, activity, or undertaking—</i>  <i>(i) merely because it carries on a business other than trading in food and, in the course of doing so, acts as an intermediary between persons who trade in food by providing, for reward, a place (including mobile premises) or services (for example, an internet service provider or an auction site on the internet); or</i>  <i>(ii) that is declared by the Governor-General, by Order in Council made under Section 393, not to be a food business for the purposes of this Act”.</i></p>		<p>(unless defined differently in this Bylaw).</p> <ul style="list-style-type: none"> <li>• New bylaw clarifies that terms or expressions defined in the Food Act 2014 and used in this Bylaw have the same meaning as in that Act (unless defined differently in this Bylaw).</li> </ul>
<p><b>Food Control Plan</b> has the meaning given by the Food Act 2014.  <i>Explanatory note: As at 1 June 2014, the definition in Section 36 of the Food Act 2014 states: “food control plan is a plan designed for a particular food business to identify, control, manage, and eliminate or minimise hazards or other relevant factors for the purpose of achieving safe and suitable food, taking into account—</i>  <i>(a) each type of food that the food business trades in; and</i>  <i>(b) each type of process or operation that is applied to the food; and</i>  <i>(c) each place in which the food business trades in food.</i>  <i>As at 1 June 2014, the definition in Section 414 of the Food Act 2014 states: “deemed food control plan means a registered food</i></p>		<ul style="list-style-type: none"> <li>• New bylaw clarifies that terms or expressions defined in the Food Act 2014 and used in this Bylaw have the same meaning as in that Act (unless defined differently in this Bylaw).</li> </ul>

Existing Bylaw	Proposed Bylaw	Reasons
<p><i>safety programme that is deemed to be a registered food control plan”.</i></p> <p><i>As at 7 December 2015, the definition in Section 3 of the Food Regulations 2015 states: “template food control plan means a registered food control plan that is based on an official template or model”.</i></p>		
<p><b>Food handler</b> [consequential editorial deletion]</p> <p><i>Explanatory note: definition removed for ease of reading because it relates to expired Part 3 Regulation of food businesses registered pursuant to the Food Hygiene Regulations 1974.</i></p>		<ul style="list-style-type: none"> <li>• Term not used in new bylaw.</li> </ul>
<p><b>Food premises</b> [consequential editorial deletion]</p> <p><i>Explanatory note: definition removed for ease of reading because it relates to expired Part 3 Regulation of food businesses registered pursuant to the Food Hygiene Regulations 1974.</i></p>		<ul style="list-style-type: none"> <li>• Term not used in new bylaw.</li> </ul>
<p><b>Food stall or mobile food shop</b> [consequential editorial deletion]</p> <p><i>Explanatory note: definition removed for ease of reading because it relates to expired Part 3 Regulation of food businesses registered pursuant to the Food Hygiene Regulations 1974.</i></p>		<ul style="list-style-type: none"> <li>• Definition of term unnecessary in new bylaw.</li> </ul>
<p><b>Grade and Grading</b> means the allocated grade resulting from an inspection of the food premises or assessment of a food business’ compliance with their Food Control Plan by the council according to the grading system determined by the council from time to time.</p> <p><i>Explanatory note: For further information on the Auckland Council Food Safety Grading System refer to Section 7 of Additional Information to the Food Safety Bylaw 2013 – Guidelines to the Auckland Council Food Grading System.</i></p>		<ul style="list-style-type: none"> <li>• New bylaw clarifies definition of food grades in Summary.</li> </ul>
<p><b>Marae</b> has the meaning given by the Food Act 2014.</p> <p><i>Explanatory note: As at 1 June 2014, the definition in Section 8 of the Food Act 2014 states: “marae includes the area of land on which all buildings such as wharenuī (meeting house), wharekai (dining room), ablution blocks, and any other associated buildings are situated”.</i></p>		<ul style="list-style-type: none"> <li>• Term not used in new bylaw.</li> </ul>
<p><b>Occupier</b> [consequential editorial deletion]</p>		<ul style="list-style-type: none"> <li>• Term not used in new bylaw.</li> </ul>

Existing Bylaw	Proposed Bylaw	Reasons
<p><i>Explanatory note: definition removed for ease of reading because it relates to expired Part 3 Regulation of food businesses registered pursuant to the Food Hygiene Regulations 1974.</i></p>		
<p><b>Operator of a food business</b> has the meaning given by the Food Act 2014.  <i>Explanatory note: As at 1 June 2014, the definition in Section 8 of the Food Act 2014 states: “operator of a food business means the owner or other person in control of the business”.</i></p>		<ul style="list-style-type: none"> <li>• New bylaw clarifies that terms or expressions defined in the Food Act 2014 and used in this Bylaw have the same meaning as in that Act (unless defined differently in this Bylaw).</li> </ul>
<p><b>Operator of a Food Control Plan</b> has the meaning given by the Food Act 2014.  <i>Explanatory note: As at 1 June 2014, the definition in Section 8 of the Food Act 2014 states: “operator of a food control plan or operator of a registered food control plan means—</i>  <i>(a) if the plan applies to only one food business, the operator of the food business; or</i>  <i>(b) if the plan applies to more than one food business, the person responsible for the plan”.</i></p>		<ul style="list-style-type: none"> <li>• Term not used in new bylaw.</li> </ul>
<p><b>Operator verification</b> has the meaning given by the Food Act 2014 and the Food Regulations 2015.  <i>Explanatory note: As at 1 June 2014, the definition in Section 8 of the Food Act 2014 states: “operator verification means a process to ensure that internal practices, procedures, and activities comply with the applicable requirements of this Act”. As at 7 December 2015, in Section 32 of the Food Regulations 2015, the process for operator verification includes regular checks of:</i>  <i>(a) places of food business, facilities, and equipment; and</i>  <i>(b) staff and visitors; and</i>  <i>(c) practices, procedures, and activities”.</i></p>		<ul style="list-style-type: none"> <li>• Term not used in new bylaw.</li> </ul>
<p><b>Place of food business</b> has the meaning given by the Food Regulations 2015.</p>		<ul style="list-style-type: none"> <li>• Term not used in new bylaw.</li> </ul>

Existing Bylaw	Proposed Bylaw	Reasons
<p><i>Explanatory note: As at 7 December 2015, the definition in Section 3 of the Food Regulations 2015 states: “place of food business means a place where a food business does either or both of the following:</i></p> <p><i>(a) produces food</i></p> <p><i>(b) processes and handles food; and</i></p> <p><i>(c) that is covered by a food control plan or subject to a national programme”.</i></p>		
<p><b>Processing and handling</b> has the meaning given by the Food Act 2014.</p> <p><i>Explanatory note: As at 1 June 2014, the definition in Section 11 of the Food Act 2014 states: “processing and handling in relation to food for sale, includes any one or more of the following:</i></p> <p><i>(a) preparing the food</i></p> <p><i>(b) manufacturing the food</i></p> <p><i>(c) packing the food</i></p> <p><i>(d) labelling the food</i></p> <p><i>(e) transporting the food</i></p> <p><i>(f) storing the food</i></p> <p><i>(g) displaying the food</i></p> <p><i>(h) serving the food”.</i></p>		<ul style="list-style-type: none"> <li>• Term not used in new bylaw.</li> </ul>
<p><b>Readily perishable food</b> [consequential editorial deletion]</p> <p><i>Explanatory note: definition removed for ease of reading because it relates to expired Part 3 Regulation of food businesses registered pursuant to the Food Hygiene Regulations 1974.</i></p>		<ul style="list-style-type: none"> <li>• Term not used in new bylaw.</li> </ul>
	<p><b>Registered</b> means the process of registration under the Food Act 2014.</p>	<ul style="list-style-type: none"> <li>• New bylaw definition improves clarity.</li> </ul>
<p><b>Safety and suitability</b> has the meaning given by the Food Act 2014.</p> <p><i>Explanatory note: As at 1 June 2014, the definition in Section 12 of the Food Act 2014 provides that: “safety” means a condition in which food, in terms of its intended use, is unlikely to cause or lead to illness or injury to human life or public health. “Suitability” means that the composition, labelling, identification, and condition of the food are appropriate in terms of its intended use; but does not include matters of quality or presentation of the food that</i></p>		<ul style="list-style-type: none"> <li>• Term not used in new bylaw.</li> </ul>

Existing Bylaw	Proposed Bylaw	Reasons
<p><i>relate to a purely commercial decision by the person trading in the food. Food is unsuitable if it—</i></p> <ul style="list-style-type: none"> <li><i>(a) is in a condition that is offensive;</i></li> <li><i>(b) is damaged, deteriorated, or perished to the extent of affecting its reasonable intended use;</i></li> <li><i>(c) contains, or has attached to it or enclosed with it, any damaged, deteriorated, perished, or contaminated substance to the extent of affecting its reasonable intended use;</i></li> <li><i>(d) contains a biological or chemical agent, or other substance, that is foreign to the nature of the food and the presence of which would be unexpected and unreasonable in food prepared or packed for sale in accordance with good trade practice;</i></li> <li><i>(e) has packaging that is damaged, deteriorated, perished, or contaminated to the extent of affecting the food's reasonable intended use.</i> <p><i>Food is not unsafe or unsuitable merely because—</i></p> <ul style="list-style-type: none"> <li><i>(a) any part of the community objects to it on moral, ethical, cultural, spiritual, or religious grounds; or</i></li> <li><i>(b) any person objects to it because of personal preference; or</i></li> <li><i>(c) its consumption of inappropriate quantities may damage a person's health; or</i></li> <li><i>(d) its presence or consumption is unhealthy for any person who has an allergy or other personal health condition”.</i> </li></ul></li></ul>		
<p><b>Sale</b> has the meaning given by the Food Act 2014.  <i>Explanatory note: As at 1 June 2014, the definition in Section 13 of the Food Act 2014 states: “sale means—</i></p> <ul style="list-style-type: none"> <li><i>(a) selling food for processing and handling or for human consumption; and</i></li> <li><i>(b) includes reselling food for processing and handling or for human consumption; and</i></li> <li><i>(c) includes the following activities relating to food for human consumption;</i> <ul style="list-style-type: none"> <li><i>(i) offering food for sale or attempting to sell food, or receiving or having food in possession for sale, or exposing</i></li> </ul> </li> </ul>		<ul style="list-style-type: none"> <li>• Term not used in new bylaw.</li> </ul>

Existing Bylaw	Proposed Bylaw	Reasons
<p><i>food for sale, or sending or delivering food for sale, or causing or permitting food to be sold, offered for sale, or exposed for sale:</i></p> <p><i>(ii) bartering food;</i></p> <p><i>(iii) supplying food, together with any accommodation, service, or entertainment, as part of an inclusive charge;</i></p> <p><i>(iv) supplying food in exchange for payment or in relation to which payment is to be made in a shop, hotel, or restaurant, at a stall, in or on a craft or vehicle, or in any other place:</i></p> <p><i>(v) supplying food to an employee or other person in accordance with an employment agreement or an agreement for services;</i></p> <p><i>(vi) for the purpose of advertisement or to promote any trade or business, giving away food or, whether or not on payment of money, offering food as a prize or reward to the public;</i></p> <p><i>(vii) exporting food;</i></p> <p><i>(viii) every other method of disposition of food for valuable consideration; but</i></p> <p><i>(d) does not include—</i></p> <p><i>(i) exchanging food for food or other goods or services as part of a personal relationship between individuals that is not commercial in nature; or</i></p> <p><i>(ii) supplying food together with accommodation to a person residing at a private dwelling or farm in exchange for services or labour by the person; or</i></p> <p><i>(iii) supplying drinking water by network reticulation to the point of supply of any dwelling or commercial premises”.</i></p>		
	<p><b>Valid food safety information certificate</b> means an unexpired certificate issued by council and used by the food business to which it was issued.</p>	<ul style="list-style-type: none"> <li>• New bylaw definition improves clarity.</li> </ul>
	<p><b>Verified</b> means the process of verification under the Food Act 2014.</p>	<ul style="list-style-type: none"> <li>• New bylaw definition improves clarity.</li> </ul>

Existing Bylaw	Proposed Bylaw	Reasons
<p>(2) A term or expression that is defined in the Food Act 2014 and Food Regulations 2015 and is used in this bylaw but not defined by this bylaw, has the meaning given by the legislation.</p> <p><i>Explanatory note: consequential editorial amendment to clause 5(2) to remove reference to Food Hygiene Regulations 1974 for ease of reading because it relates to expired Part 3.</i></p> <p>(3) Any explanatory notes and attachments are for information purposes only, but do not form part of this bylaw, and may be made, amended, revoked or replaced by the council at any time.</p> <p>(4) The Interpretation Act 1999 applies to this bylaw.</p>	<p>(2) A term or expression defined in the Food Act 2014 and used in this Bylaw has the same meaning as it has in that Act, unless defined differently in this Bylaw.</p> <p>(3) Related information does not form part of this Bylaw and may be inserted, changed or removed without any formality.</p> <p>(4) The <a href="#">Interpretation Act 1999</a> applies to this Bylaw.</p>	<ul style="list-style-type: none"> <li>• New bylaw subclauses remove unnecessary detail to improve certainty.</li> </ul>
<p><b>Part 2</b> <b>Grading of food businesses registered pursuant to the Food Act 2014</b></p>	<p><b>Part 2</b> <b>Display of food safety information certificates</b></p>	
<p><b>6 Display of food safety grade certificates</b></p> <p>(1) The council will assess the following food businesses that operate subject to a deemed or template Food Control Plan registered with the council to provide a grading for those businesses:</p> <p>(a) the food retail sector where food businesses prepare or manufacture and sell food, and</p> <p>(b) the food service sectors specified in Schedule 1 of the Food Act 2014.</p> <p>(2) The current food safety grade certificate issued by the council must be conspicuously displayed at the principal entrance to the place of food business in full and un-obscured view. The council may require an alternative display position in situations where the council deems it necessary to ensure that the grading certificate can be seen before a person enters the place of food business.</p> <p>(3) The current food safety grade certificate issued by the council must be displayed at every site where food is sold directly to the public, including food stalls and mobile shops.</p>	<p><b>6 Certain food businesses must display a food safety information certificate</b></p> <p>(1) The operator of a food business must display a valid food safety information certificate in a manner specified in clause 7 if that business –</p> <p>(a) operates under a Template Food Control Plan in the Food Act 2014;</p> <p>(b) directly serves the public; and</p> <p>(c) is registered and verified by council.</p>	<ul style="list-style-type: none"> <li>• New bylaw clarifies that operators of food businesses are responsible for the display of food safety information certificates.</li> <li>• New bylaw clarifies which food businesses are required to display a food safety information certificate.</li> <li>• New bylaw provides related information for clarity about which food businesses are subject to this Bylaw.</li> <li>• New bylaw provides Summary section at</li> </ul>

Existing Bylaw	Proposed Bylaw	Reasons
<p>(4) Applications for re-grading must be made in writing and subject to the prescribed fee.</p> <p>(6) Clauses 6(1) to 6(5) do not apply to any food business:</p> <p>(a) that was operating prior to 1 March 2016, and that was not required to be registered by the council pursuant to the Food Hygiene Regulations 1974; or</p> <p>(b) that is established from 1 March 2016, and that would not have been required to be registered by the council pursuant to the Food Hygiene Regulations 1974 had it been operating prior to 1 March 2016.</p> <p><i>Explanatory note: The Food Act 2014 introduces regulatory requirements for food sectors that were not subject to registration under the Food Hygiene Regulations 1974, such as businesses that sell food from marae, school tuckshops and work cafeterias. The grading requirements of this bylaw are not intended to apply to those businesses that would not have been subject to grading under the bylaw prior to 1 March 2016.</i></p> <p>(7) Notwithstanding Clause 6(6), the operator of any food business that would otherwise be exempt from grading may notify the council in writing that the food business elects to waive the exemption, in which case Clauses 6(1) to 6(5) will apply to that food business.</p> <p><i>Explanatory note: For further information on the Auckland Council Food Safety Grading System refer to Section 7 of Additional Information to the Food Safety Bylaw 2013.</i></p>	<p><b>Related information about food businesses subject to this Bylaw</b></p> <p>The Food Act 2014 establishes a regulatory framework in which</p> <ul style="list-style-type: none"> <li>high-risk food businesses that operate only in Auckland (for example Auckland-only restaurants, bars, cafés and takeaways) must register and be verified by council</li> <li>high-risk food businesses with stores both in Auckland and other locations in New Zealand (for example fast food and supermarket chains) can register with the Ministry of Primary Industries and be verified by third-party verifiers (instead of council)</li> <li>medium to low risk food businesses must be registered and verified (for example bread bakeries, coffee carts and dairies or superettes)</li> <li>exempt and lower risk food businesses have a general responsibility to provide safe and suitable food (for example fundraisers, customary food at marae and farm gate sales)</li> </ul> <p>This Bylaw applies to all high-risk food businesses that operate in Auckland-only and any food chains that choose to register and be verified by council. This Bylaw does not apply to:</p> <ul style="list-style-type: none"> <li>high-risk food businesses that are not registered and verified by council because council does not hold the information necessary to administer the Eatsafe Auckland food grading scheme</li> <li>medium or lower risk food businesses due to their lower risk to public health.</li> </ul>	<p>the beginning of the Bylaw to clarify the council food grading scheme and opportunity to opt-in to the Bylaw.</p>
<p><b>6 Display of food safety grade certificates</b></p> <p>(2) The current food safety grade certificate issued by the council must be conspicuously displayed at the principal entrance to the place of food business in full and un-obscured view. The council may require an alternative display position in situations where the council deems it necessary to ensure that the grading certificate can be seen before a person enters the place of food business.</p>	<p><b>7 Food safety information certificates must be displayed for specified durations and in specified locations</b></p> <p>(1) The operator of a food business specified in clause 6(1) must display a valid food safety information certificate –</p> <p>(a) no later than the first business open day after the business receives the certificate, until the date the certificate expires or a new certificate is issued, whichever occurs first; and</p> <p>(b) in one or more locations as specified in the below table; or</p> <p>(c) in any other location directed by council.</p>	<ul style="list-style-type: none"> <li>New bylaw clarifies duration and location of display of food safety information certificates depending on the type of food business site.</li> <li>New bylaw clarifies that a valid food safety information</li> </ul>

Existing Bylaw	Proposed Bylaw		Reasons						
<p>(3) The current food safety grade certificate issued by the council must be displayed at every site where food is sold directly to the public, including food stalls and mobile shops.</p>	<table border="1"> <thead> <tr> <th data-bbox="954 229 1227 300">Food business site type</th> <th data-bbox="1238 229 1778 300">Food safety information certificate display location</th> </tr> </thead> <tbody> <tr> <td data-bbox="954 300 1227 794">           Any physical sites<sup>1</sup> –            (i) used in connection with the food business;            (ii) at which food is sold directly to the public; and            (iii) that operate under the same Food Control Plan.         </td> <td data-bbox="1238 300 1778 794">           The certificate must be displayed in a manner that is clearly visible to the public (in order of preference) –            (i) on all doors used by the public and clearly visible in the direction of entry; or if this is not possible            (ii) on windows adjacent to doors in (i) and clearly visible in the direction of entry; or if this is not possible            (iii) at the main counter; or if this is not possible            (iv) on a wall behind the main counter; or if this is not possible            (v) on any other external surface facing the public.         </td> </tr> <tr> <td data-bbox="954 794 1227 987">           Any online site<sup>2</sup> –            (i) related to the food business; and            (ii) that the business has control over.         </td> <td data-bbox="1238 794 1778 987">           An image of the certificate must be clearly visible on the food business homepage or similar landing page or screen.         </td> </tr> </tbody> </table>	Food business site type	Food safety information certificate display location	Any physical sites <sup>1</sup> – (i) used in connection with the food business; (ii) at which food is sold directly to the public; and (iii) that operate under the same Food Control Plan.	The certificate must be displayed in a manner that is clearly visible to the public (in order of preference) – (i) on all doors used by the public and clearly visible in the direction of entry; or if this is not possible (ii) on windows adjacent to doors in (i) and clearly visible in the direction of entry; or if this is not possible (iii) at the main counter; or if this is not possible (iv) on a wall behind the main counter; or if this is not possible (v) on any other external surface facing the public.	Any online site <sup>2</sup> – (i) related to the food business; and (ii) that the business has control over.	An image of the certificate must be clearly visible on the food business homepage or similar landing page or screen.	<p>The certificate must be displayed in a manner that is clearly visible to the public (in order of preference) –</p> <p>(i) on all doors used by the public and clearly visible in the direction of entry; or if this is not possible</p> <p>(ii) on windows adjacent to doors in (i) and clearly visible in the direction of entry; or if this is not possible</p> <p>(iii) at the main counter; or if this is not possible</p> <p>(iv) on a wall behind the main counter; or if this is not possible</p> <p>(v) on any other external surface facing the public.</p>	<p>certificate may be copied to display at multiple food business sites.</p>
Food business site type	Food safety information certificate display location								
Any physical sites <sup>1</sup> – (i) used in connection with the food business; (ii) at which food is sold directly to the public; and (iii) that operate under the same Food Control Plan.	The certificate must be displayed in a manner that is clearly visible to the public (in order of preference) – (i) on all doors used by the public and clearly visible in the direction of entry; or if this is not possible (ii) on windows adjacent to doors in (i) and clearly visible in the direction of entry; or if this is not possible (iii) at the main counter; or if this is not possible (iv) on a wall behind the main counter; or if this is not possible (v) on any other external surface facing the public.								
Any online site <sup>2</sup> – (i) related to the food business; and (ii) that the business has control over.	An image of the certificate must be clearly visible on the food business homepage or similar landing page or screen.								
<p><b>6 Display of food safety grade certificates</b></p> <p>(5) The grading certificate will remain the property of the council and may be withdrawn and removed by the council if the performance of the food business falls below the grading standard prescribed by the council.</p>	<p><b>8 Food safety information certificates remain the property of council</b></p> <p>(1) Food safety information certificates, including any copies, remain the property of council.</p> <p>(2) The operator of a food business must not display an invalid food safety information certificate.</p>		<ul style="list-style-type: none"> <li>• New bylaw clarifies that food safety information certificates (including</li> </ul>						

Existing Bylaw	Proposed Bylaw	Reasons
		<p>any copies) remain property of council.</p> <ul style="list-style-type: none"> <li>• New bylaw clarifies that an invalid food safety information certificate must not be displayed.</li> </ul>
<p align="center"><b>Part 3</b> <b>Regulation of food businesses registered pursuant to the Food Hygiene Regulations 1974</b> <i>[Expired]</i></p>		
<p><b>7 Display of food safety grade certificates</b> <i>[Expired]</i> <i>Explanatory note: clause 7 expired as all food businesses now regulated under the Food Act 2014.</i></p>		<ul style="list-style-type: none"> <li>• Bylaw clause unnecessary in new bylaw.</li> </ul>
<p><b>8 Training of staff at food premises</b> <i>[Expired]</i> <i>Explanatory note: clause 8 expired as all food businesses now regulated under the Food Act 2014.</i></p>		<ul style="list-style-type: none"> <li>• Bylaw clause unnecessary in new bylaw.</li> </ul>
<p><b>9 Food stalls and mobile food shops</b> <i>[Expired]</i> <i>Explanatory note: clause 9 expired as all food businesses now regulated under the Food Act 2014.</i></p>		<ul style="list-style-type: none"> <li>• Bylaw clause unnecessary in new bylaw</li> </ul>
<p align="center"><b>Part 4</b> <b>Enforcement, offences and penalties</b></p>	<p align="center"><b>Part 3</b> <b>Enforcement powers, offences and penalties</b></p>	
<p><b>10 Non-compliance with bylaw</b> (1) The council may use its powers under the Health Act 1956 and the Local Government Act 2002 to enforce this bylaw.</p>	<p><b>9 Council can use statutory powers and other methods to enforce this Bylaw</b> (1) Council may use its powers under the <a href="#">Local Government Act 2002</a> and <a href="#">Health Act 1956</a> or its powers as a service provider to enforce this Bylaw.</p>	<ul style="list-style-type: none"> <li>• New bylaw clarifies enforcement powers under the Local Government Act 2002 and the Health Act 1956.</li> <li>• New bylaw provides related information for clarity.</li> </ul>

Existing Bylaw	Proposed Bylaw	Reasons
	<p><b>Related information about powers</b></p> <ul style="list-style-type: none"> <li>Relevant enforcement powers under the <a href="#">Local Government Act 2002</a> (as reprinted on 1 July 2018) include court injunction (section <a href="#">162</a>), powers of search and seizure (sections <a href="#">164</a>, <a href="#">165</a>, <a href="#">166</a>, <a href="#">167</a>, <a href="#">168</a>), powers of entry (sections <a href="#">171</a>, <a href="#">172</a>, <a href="#">173</a>), and power to request name and address (section <a href="#">178</a>).</li> <li>Relevant enforcement powers under the <a href="#">Health Act 1956</a> (as reprinted on 2 March 2018) include court orders (section <a href="#">33</a>) and powers of entry and inspection (section <a href="#">128</a>).</li> <li>Council can also use other methods to encourage compliance, for example providing advice, information or warnings.</li> </ul>	
<p><b>11 Offences and penalties</b></p> <p>(1) A person who fails to comply with this bylaw commits an offence against Section 239 of the Local Government Act 2002 and is liable on conviction to the penalties set out in Section 242(4) of the Local Government Act 2002.</p>	<p><b>10 A person can be penalised for not complying with this Bylaw</b></p> <p>(1) A person who fails to comply with Part 2 of this Bylaw commits an offence and is liable to a penalty under the <a href="#">Local Government Act 2002</a> or the <a href="#">Health Act 1956</a>.</p> <p><b>Related information about penalties</b></p> <p>A person who is convicted of an offence against a bylaw is liable to a fine not exceeding \$20,000 under <a href="#">section 242</a> of the Local Government Act 2002 (as reprinted on 1 July 2018) or a fine not exceeding \$500 and a further \$50 per day for a continuing offence under <a href="#">section 66</a> of the Health Act 1956 (as reprinted on 2 March 2018).</p>	<ul style="list-style-type: none"> <li>New bylaw clarifies penalties for non-compliance under the Local Government Act 2002 and Health Act 1956.</li> <li>New bylaw provides related information for clarity.</li> </ul>
	<p><b>Part 4</b></p> <p><b>Savings and transitional provisions</b></p>	
	<p><b>11 Existing inquiries to be completed under the Food Safety Bylaw 2013</b></p> <p>(1) Any compliance or enforcement action by council under the Whakapai kai 2013, Auckland Council Food Safety Bylaw 2013 that was not completed before the date this Bylaw commences, will continue to be actioned under that bylaw as if it were still in force and as if this Bylaw had not been made.</p>	<ul style="list-style-type: none"> <li>New bylaw clarifies that existing compliance or enforcement action by council will be completed under the Food Safety Bylaw 2013 as if it were still in force.</li> </ul>



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# **ATTACHMENT C**

## **OVERVIEW OF FEEDBACK – ONLINE FEEDBACK FORM**



# FOOD SAFETY INFORMATION BYLAW 2020

## FEEDBACK OVERVIEW



**TOTAL SUBMISSIONS RECEIVED: 188**

### EXECUTIVE SUMMARY

The Food Safety Information Bylaw 2020 feedback period opened 2 December 2019 and closed 2 February 2020.

### Feedback

Submitters were asked their opinions on the following four proposals:

#### Proposal 1: Continue to require certain food businesses to display a food safety information certificate (Clause 6)

- 184 submitters responded to this proposal
- 94% (173 submitters) agreed with this proposal.

#### Proposal 2: Clarify that a food safety information certificate must be displayed at physical and online locations (Clause 7)

- 184 submitters responded to this proposal
- 82% (150 submitters) agreed with this proposal.

#### Proposal 3: Clarify where at physical sites a food information certificate must be displayed (Clause 7)

- 181 submitters responded to this proposal
- 87% (157 submitters) agreed with this proposal.

#### Proposal 4: Require display of a food safety information certificate at specific online sites (Clause 7)

- 178 submitters responded to this proposal
- 76% (136 submitters) agreed with this proposal.

### Other Feedback

#### Other Feedback

Submitters were also asked whether they had any other comments on the proposed Food Safety Information Bylaw 2020, with **28** submitters providing comments.

### Views of Māori submitters

3.2% of submissions (4) were received from individuals or organisations identifying as Māori.

Table below compares responses from Māori submitters to the overall responses for each proposal.

	PROPOSAL 1			
	Māori (n=3)		Overall (n=184)	
	Number	Percent	Number	Percent
Agree	3	100%	173	94%
Disagree			6	3%
Other			5	3%
<b>Total</b>	<b>3</b>		<b>184</b>	

	PROPOSAL 2			
	Māori (n=4)		Overall (n=184)	
	Number	Percent	Number	Percent
Agree	3	75%	150	82%
Disagree	1	25%	23	12%
Other			11	6%
<b>Total</b>	<b>4</b>		<b>184</b>	

	PROPOSAL 3			
	Māori (n=4)		Overall (n=181)	
	Number	Percent	Number	Percent
Agree	4	100%	157	87%
Disagree			11	6%
Other			13	7%
<b>Total</b>	<b>4</b>	<b>100%</b>	<b>181</b>	

	PROPOSAL 4			
	Māori (n=3)		Overall (n=178)	
	Number	Percent	Number	Percent
Agree	3	100%	136	76%
Disagree			28	16%
Other			14	8%
<b>Total</b>	<b>3</b>	<b>100%</b>	<b>178</b>	

For each proposal, there was a slightly higher percentage of Māori submitters that agreed with the proposal than the overall submitters. However, the number of responses from Māori represented a very small portion of the total.

## Views of Industry submitters

Submitters were asked their industry status.

The following tables illustrate the difference in responses between these groups. Numbers are expressed as percentages to allow easy comparison.

PROPOSAL 1				PROPOSAL 2			
	Agree	Other	Disagree		Agree	Other	Disagree
I do not own or work in a food related business	95%	1%	4%	I do not own or work in a food related business	93%	3%	4%
I own a restaurant/café/other food service business	97%		3%	I own a restaurant/café/other food service business	71%	8%	21%
I own another type or food related business	93%	7%		I own another type or food related business	80%	7%	1%
I work at a restaurant/café/other food related business	75%		25%	I work at a restaurant/café/other food related business	73%	9%	18%

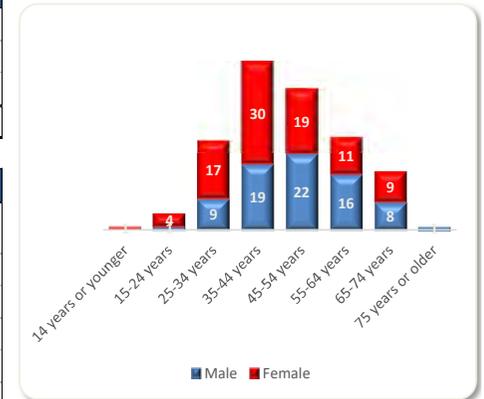
PROPOSAL 3				PROPOSAL 4			
	Agree	Other	Disagree		Agree	Other	Disagree
I do not own or work in a food related business	92%	8%		I do not own or work in a food related business	90%	6%	4%
I own a restaurant/café/other food service business	86%	3%	11%	I own a restaurant/café/other food service business	61%	9%	30%
I own another type or food related business	73%	20%	7%	I own another type or food related business	79%	7%	14%
I work at a restaurant/café/other food related business	64%	18%	18%	I work at a restaurant/café/other food related business	58%	25%	17%

## WHO WE HEARD FROM

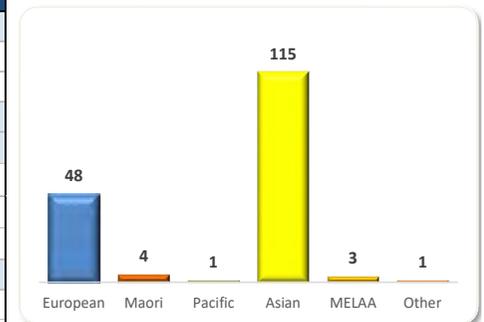
The tables below indicate the demographic information people who responded identified with, i.e. the graphs only include a breakdown of those that provided demographic information.

GENDER	#	%
Male	94	55%
Female	78	45%
Gender diverse	0	
<b>Total submitters providing data</b>	<b>172</b>	<b>100%</b>

AGE	Male	Female	Diverse	Total	%
14 or younger		1	0	1	1%
15 – 24	1	4	0	5	3%
25 – 34	9	17	0	26	16%
35 – 44	19	30	0	49	29%
45 – 54	22	19	0	41	25%
55 – 64	16	11	0	27	16%
65 – 74	8	9	0	17	10%
75 +	1	0		1	1%
<b>Total submitters providing data</b>				<b>167</b>	<b>100%</b>

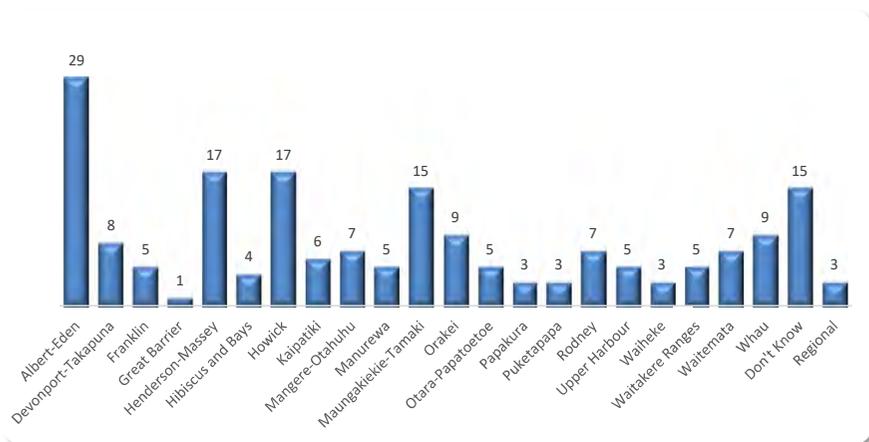


ETHNICITY	#	%
<b>European</b>	<b>48</b>	<b>28%</b>
Pakeha/NZ European	42	24%
Other European	6	3%
<b>Māori</b>	<b>4</b>	<b>2%</b>
Pacific	1	1%
Samoan	0	0%
Tongan	0	0%
Other Pasifika	1	1%
<b>Asian</b>	<b>115</b>	<b>67%</b>
Chinese	76	44%
Korean	7	4%
Indian	22	13%
Other Asian	10	6%
<b>Middle Eastern/Latin American/African</b>	<b>3</b>	<b>2%</b>
<b>Other</b>	<b>1</b>	<b>1%</b>
New Zealander/Kiwi	0	
Other	1	1%
<b>Total submitters providing data</b>	<b>172</b>	



The table below indicates the total number of submissions received by the local board that submitters live in.

RESIDENTIAL LOCAL BOARD	#	%
Albert-Eden Local Board	29	15%
Devonport-Takapuna Local Board	8	4%
Franklin Local Board	5	3%
Great Barrier Local Board	1	1%
Henderson-Massey Local Board	17	9%
Hibiscus and Bays Local Board	4	2%
Howick Local Board	17	9%
Kaipātiki Local Board	6	3%
Māngere-Ōtāhuhu Local Board	7	4%
Manurewa Local Board	5	3%
Maungakiekie-Tāmaki Local Board	15	8%
Ōrākei Local Board	9	5%
Ōtara-Papatoetoe Local Board	5	3%
Papakura Local Board	3	2%
Puketāpapa Local Board	3	2%
Rodney Local Board	7	4%
Upper Harbour Local Board	5	3%
Waiheke Local Board	3	2%
Waitākere Ranges Local Board	5	3%
Waitematā Local Board	7	4%
Whau Local Board	9	5%
Not supplied	15	8%
Regional	3	2%
<b>Total</b>	<b>188</b>	<b>100%</b>



## Proposal responses by local board

The tables below show the responses to each proposal broken down by local board.

NOTE: Not all submitters provided a response to all proposals.

PROPOSAL 1 RESPONSES					
Local Board	Agree	Disagree	Other	Total	% agreement
Albert-Eden	28	1		29	97%
Devonport-Takapuna	8			8	100%
Franklin	5			5	100%
Great Barrier	1			1	100%
Henderson-Massey	15		1	16	94%
Hibiscus and Bays	4			4	100%
Howick	16	1		17	94%
Kaipātiki	5		1	6	83%
Māngere-Ōtāhuhu	7			7	100%
Manurewa	4		1	5	80%
Maungakiekie-Tāmaki	13	1	1	15	87%
Ōrākei	9			9	100%
Ōtara-Papatoetoe	5			5	100%
Papakura	3			3	100%
Puketāpapa	3			3	100%
Rodney	6	1		7	86%
Upper Harbour	5			5	100%
Waiheke	2			2	100%
Waitākere Ranges	5			5	100%
Waitemata	6			6	86%
Whau	8	1		9	89%
Regional	1	1		2	50%
Not supplied	14		1	15	93%
<b>Grand Total</b>	<b>173</b>	<b>6</b>	<b>5</b>	<b>188</b>	

PROPOSAL 2 RESPONSES					
Local Board	Agree	Disagree	Other	Total	% agreement
Albert-Eden	22	5	2	29	76%
Devonport-Takapuna	7	1		8	88%
Franklin	3	1	1	5	60%
Great Barrier	1			1	100%
Henderson-Massey	15		2	17	88%
Hibiscus and Bays	4			4	100%
Howick	14	3		17	82%
Kaipatiki	5			5	100%
Mangere-Otahuhu	5	2		7	71%
Manurewa	4		1	5	80%
Maungakiekie-Tamaki	12		3	15	80%
Orakei	6	2	1	9	67%
Otara-Papatoetoe	4	1		5	80%
Papakura	3			3	100%
Puketapapa	2	1		3	67%
Rodney	6	1		7	86%
Upper Harbour	3	2		5	60%
Waiheke	2	1		3	67%
Waitakere Ranges	4	1		5	80%
Waitemata	6	1		7	86%
Whau	8	1		9	89%
Regional				0	N/A
Not supplied	14		1	15	93%
<b>Grand Total</b>	<b>150</b>	<b>23</b>	<b>11</b>	<b>184</b>	

PROPOSAL 3 RESPONSES					
Local Board	Agree	Disagree	Other	Total	% agreement
Albert-Eden	24	2	2	28	86%
Devonport-Takapuna	7	1		8	88%
Franklin	3	1	1	5	60%
Great Barrier	1			1	100%
Henderson-Massey	15	1	1	17	88%
Hibiscus and Bays	4			4	100%
Howick	15	2		17	88%
Kaipatiki	6			6	100%
Mangere-Otahuhu	6		1	7	86%
Manurewa	4		1	5	80%
Maungakiekie-Tamaki	14	1		15	93%
Orakei	5	1	3	9	56%
Otara-Papatoetoe	4	1		5	80%
Papakura	3			3	100%
Puketapapa	2			2	100%
Rodney	5		2	7	71%
Upper Harbour	5			5	100%
Waiheke	1	1	1	3	33%
Waitakere Ranges	3			3	100%
Waitemata	6		1	7	86%
Whau	9			9	100%
Regional				0	N/A
Not supplied	15			15	100%
<b>Grand Total</b>	<b>157</b>	<b>11</b>	<b>13</b>	<b>181</b>	

PROPOSAL 4 RESPONSES					
Local Board	Agree	Disagree	Other	Total	% agreement
Albert-Eden	18	7	3	28	64%
Devonport-Takapuna	7	1		8	88%
Franklin	2	1	2	5	40%
Great Barrier	1			1	100%
Henderson-Massey	15		1	16	94%
Hibiscus and Bays	4			4	100%
Howick	13	4		17	76%
Kaipatiki	4		1	5	80%
Mangere-Otahuhu	5	2		7	71%
Manurewa	4		1	5	80%
Maungakiekie-Tamaki	12	2	1	15	80%
Orakei	4	2	2	8	50%
Otara-Papatoetoe	1	3		4	25%
Papakura	3			3	100%
Puketapapa	2	1		3	67%
Rodney	6		1	7	86%
Upper Harbour	4	1		5	80%
Waiheke	1	1		2	50%
Waitakere Ranges	3	1		4	75%
Waitemata	4	1	1	6	67%
Whau	8	1		9	89%
Regional			1	1	0%
Not supplied	15			15	100%
<b>Grand Total</b>	<b>136</b>	<b>28</b>	<b>14</b>	<b>178</b>	

## CONSULTATION FEEDBACK

### PROPOSAL 1: Continue to require certain food businesses to display a food safety information certificate (Clause 6)

#### Reason

We propose that a food business operator must display a valid food safety information certificate (food grade) if that business:

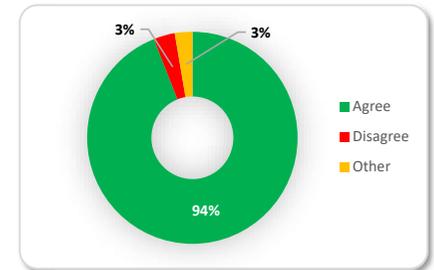
- operates under a Template Food Control Plan in the Food Act 2014
- directly serves food to the public and
- is registered and verified by council.

This means most Auckland-only cafés, restaurants, bars and takeaways.

#### What is your opinion on this proposal?

Submitters were asked to select one of the following response options. (n=184 responses)

RESPONSE	TOTAL	%
Agree	173	94%
Disagree	6	3%
Other	5	3%
<b>Total</b>	<b>184</b>	<b>100%</b>



#### Please tell us why:

65 comments were received relating to this proposal.

A breakdown of comments showing numbers for each theme is shown below.

#### Note:

- The total may exceed the number of comments as comments may be recorded against more than one theme.
- Examples given for key changes sought may exceed the number of responses as examples cover both the People's Panel and non-People's Panel feedback form responses.

COMMENTS BY THEME	TOTAL	%
Grade display is useful for the public	31	40%
Grade display protects public health	18	22%
Grade display is reasonable and important	16	20%
Advocates for alternate grade display requirements	4	5%
Notes wider concerns about food businesses/food service industry	3	4%

COMMENTS BY THEME	TOTAL	%
Grade display is unnecessary	2	3%
Proposal is too prescriptive	1	1%
Concerned about whether proposal applies to their business	1	1%
Other	3	4%
<b>Total</b>	<b>79</b>	<b>100%</b>

COMMENTS BY KEY CHANGE SOUGHT	TOTAL	%
Require all food businesses operating in Auckland to display a grade	3	60%
Require all food businesses in Auckland to be registered and verified by the council	1	20%
Require menus to display calorie counts	1	20%
<b>Total</b>	<b>5</b>	<b>100%</b>

## PROPOSAL 2: Clarify that a food safety information certificate must be displayed at physical and online locations (Clause 7)

### Reason

We propose to clarify that a food safety information certificate (food grade) must be displayed at:

- physical sites at which food is sold directly to the public
- online sites (including websites, apps, social media or similar) that the business has control over
- any other location if directed by council.

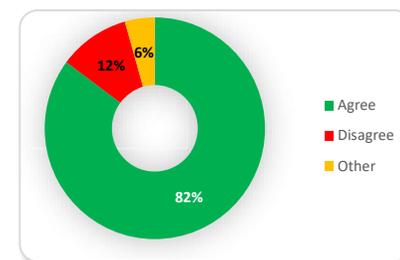
For example, Carlos operates his food business from a restaurant and a food truck. Both sites are under the same Template Food Control Plan. He also has a website and a Facebook page for his food business. Carlos must display a food grade at both the food truck and restaurant, and on the website and Facebook page.

Carlos' restaurant also appears on another website. The food grade does not need to be displayed at that website because Carlos does not control the content of that website

### What is your opinion of this proposal?

Submitters were asked to select one of the following response options.  
(n=184 responses)

RESPONSE	TOTAL	%
Agree	150	82%
Disagree	23	12%
Other	11	6%
<b>Total</b>	<b>184</b>	<b>100%</b>



### Please tell us why:

A total of 68 comments were received relating to this proposal.

A breakdown of comments showing numbers for each theme is shown below.

#### Note:

- The total may exceed the number of comments as comments may be recorded against more than one theme.
- Examples given for key changes sought may exceed the number of responses as examples cover both the People's Panel and non-People's Panel feedback form responses.

COMMENTS BY THEME - GENERAL	TOTAL	%
Grade display is reasonable and important	8	33%
Grade display protects public health	7	29%
Grade display is unnecessary	2	8%
Proposal is too prescriptive/costly/exceeds council's mandate	2	8%
Unregistered online businesses are an issue	1	4%
Other	1	4%

COMMENTS BY THEME - GENERAL	TOTAL	%
Misunderstood proposal	3	13%
<b>Total</b>	<b>24</b>	<b>100%</b>

COMMENTS BY THEME – ONLINE DISPLAY SPECIFICALLY	TOTAL	%
Online grade display is reasonable and important	9	24%
Online grade display is useful for the public	7	18%
Seeks clarification on online grade display	5	13%
Online grade display would be difficult to enforce or be unenforceable	5	13%
Online grade display can be impractical	5	13%
Online grade display could disadvantage businesses	5	13%
Online grade display is unnecessary	2	5%
<b>Total</b>	<b>38</b>	<b>100%</b>

COMMENTS BY KEY CHANGE SOUGHT -GENERAL	TOTAL	%
<b>Require specific food businesses to be verified and graded</b> (e.g. businesses operating on Facebook, manufacturers/processors/wholesalers/distributors/food trucks, exclude fundraisers, separately grade separate premises of same food business)	2	40%
<b>Remove display location “any other location if directed by council”</b> (e.g. removes certainty for businesses, unnecessary increase in council’s power)	1	20%
<b>Allow alternate display requirements for different types of grade</b> (e.g. require food grade of C or lower to be stated in business description or part of cover photo, allow optional display if grade scores above a threshold e.g. 96%)	1	20%
<b>Advocate to central government for wider range of legislative enforcement tools</b> (e.g. infringement notices)	1	20%
<b>Total</b>	<b>5</b>	<b>100%</b>

COMMENTS BY KEY CHANGE SOUGHT – ONLINE DISPLAY SPECIFICALLY	TOTAL	%
<b>Clarify requirements for online grade display</b> (e.g. which online mediums/social media included, display location, display method – scan, link, image, what ‘control’ means, who responsible for grade accuracy, requirement where one website for multiple premises, compliance methods/cost, if imported food included, how applies to food businesses related to another business e.g. zoo/pool café)	5	29%
<b>Require display <u>only</u> on online platforms where food is sold directly to the public or a booking can be made</b> (e.g. for delivery or pickup/where online order is possible/where booking possible/where food provided in that medium/at point of sale)	4	23%

COMMENTS BY KEY CHANGE SOUGHT – ONLINE DISPLAY SPECIFICALLY	TOTAL	%
<b>Amend grade display location/manner of display</b> (e.g. state grade and provide approved wording, require link, explain reasoning for grade, link also to council website to affirm grade, include specific location options, require at specific location (e.g. business name/logo, menu, anywhere not on homepage, checkout page, about page), require anywhere easily accessed at discretion of business, require to be large/large font, regulate colour)	3	18%
<b>Remove online requirement and display grades on council’s website</b> (e.g. display grades solely on council website, provide online database of grades on council website allowing access by third party websites to automatically update grade data)	2	12%
<b>Remove requirement to display on social media</b> (e.g. in particular Facebook/Instagram, cannot order through social media, easy to make fake pages which are difficult to remove)	2	12%
<b>Provide support to businesses for online requirement</b> (e.g. provide API from council website/database to automatically update grades on websites, ensure costs to businesses do not increase, issue grades in appropriate format for online display)	1	6%
<b>Total</b>	<b>17</b>	<b>100%</b>

**PROPOSAL 3: Clarify where at physical sites a food safety information certificate must be displayed (Clause 7)**

**Reason**

We propose to clarify where a food safety information certificate (food grade) must be clearly displayed at physical sites. The display location depends on the limitations of the physical site. For example, display on a window may be possible at a restaurant but not at a food truck.

We propose five places for display of food grades in order of preference below (number one being most preferred)

- (1) All doors used by the public and clearly visible in the direction of entry;



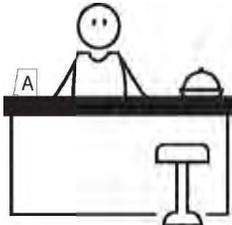
or if this is not possible

- (2) on windows beside all doors used by the public and clearly visible in the direction of entry



or if this is not possible

- (3) at the main counter clearly visible to the public;



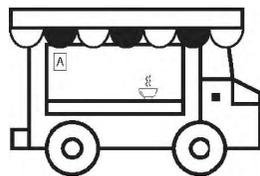
Or if this is not possible

- (4) on a wall behind the main counter clearly visible to the public



Or if this is not possible

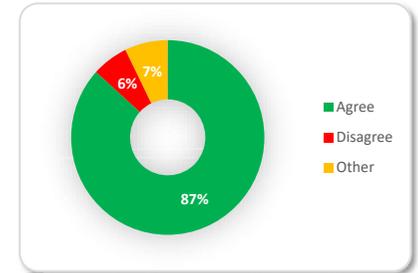
- (5) on any other external surface clearly visible to the public (i.e. where other locations are not available)



**What is your opinion on our proposed order of preference?**

Submitters were asked to select one of the following response options. (n=181 responses)

RESPONSE	TOTAL	%
Agree	157	87%
Disagree	11	6%
Other	13	7%
<b>Total</b>	<b>181</b>	<b>100%</b>



**Please tell us why:**

64 comments were received on question 3A.

A breakdown of comments showing numbers for each theme is shown below.

**Note:**

- The total may exceed the number of comments as comments may be recorded against more than one theme.
- Examples given for key changes sought may exceed the number of responses as examples cover both the People's Panel and non-People's Panel feedback form responses.

**3A - KEY COMMENT THEMES**

COMMENTS BY KEY THEME	TOTAL	%
Proposal is reasonable and important	16	22%
Grade visibility is more important than exact display location	14	19%
Grade display is useful for the public	8	11%
Prefers certain locations	7	10%
Prefers different order of locations	6	8%
Grade should not detract from aesthetic and brand of premises	5	7%
Locations specified can have limitations or are not suitable	4	6%
Grade display is unnecessary	3	4%
Unnecessary to change current requirements	2	3%
Clarify requirements	2	3%
Grade display benefits businesses	1	1%
Important for grade to be visible before entering the premises or ordering	1	1%
Advocates to amend businesses included/for alternate grading system	1	1%
Advocates for display in multiple locations	1	1%
Misunderstood proposal	1	1%
<b>Total</b>	<b>72</b>	<b>100%</b>

### 3A - KEY CHANGES REQUESTED

COMMENTS BY KEY CHANGE	TOTAL	%
<b>Remove requirement to display at physical locations</b>	10	35%
<b>Require display at specific preferred locations</b> (e.g. menu/promotional material/public display menu board)	7	24%
<b>Amend order of display locations</b> (e.g. move to top of preference order: options 3 and 4/2/4; move to back of preference order: options 2 and 1/3 and 1)	6	21%
<b>Clarify requirements</b> (e.g. method of attaching attach grade to window, requirements where there are multiple entries to the business, criteria for what is 'possible' to display)	2	7%
<b>Allow alternate display requirements</b> (e.g. for mobile premises require display anywhere visible, for immobile premises display at least two of the options; allow higher grades optional display)	1	3%
<b>Require display solely in a location clearly visible to the public and remove specific display locations</b>	1	3%
<b>Require display in multiple locations</b> (e.g. any two of the five options)	1	3%
<b>Retain current rules</b>	1	3%
<b>Total</b>	<b>29</b>	<b>100%</b>

37 comments were received on question 3B.

A breakdown of comments showing numbers for each theme is shown below.

Note:

- The total may exceed the number of comments as comments may be recorded against more than one theme.
- Examples given for key changes sought may exceed the number of responses as examples cover both the People's Panel and non-People's Panel feedback form responses.

### 3B – KEY COMMENT THEMES

COMMENTS BY KEY THEME	TOTAL	%
<b>Grade visibility is more important than exact display location</b>	6	18%
<b>Prefers different order of locations</b>	5	15%
<b>Proposal is reasonable and important</b>	4	12%
<b>Prefers certain locations</b>	4	6%
<b>Placement and format of grade is important for visibility</b>	2	6%
<b>Grade display is useful for the public</b>	2	6%
<b>Grade should not detract from aesthetic and brand of premises</b>	2	6%
<b>Grade display is unnecessary</b>	2	6%
<b>Locations specified can have limitations or are not suitable</b>	1	3%
<b>Comments on enforcement and compliance</b>	1	3%
<b>Clarify requirements</b>	1	3%
<b>Advocates to amend businesses included/for alternate grading system</b>	1	3%
<b>Grade display benefits businesses</b>	1	3%
<b>Advocates for display in multiple locations</b>	1	3%
<b>Unnecessary to change current requirements</b>	1	3%
<b>Total</b>	<b>34</b>	<b>100%</b>

### 3B - KEY CHANGES REQUESTED

COMMENTS BY KEY CHANGE	TOTAL	%
<b>Require grade display at one standard location</b> (e.g. one common location, door, window, wall behind counter, near counter)	6	32%
<b>Amend order of display locations</b> (e.g. move to back of preference order: options 2, 3, 1; switch around options 3 and 4; move to top of preference order: options 3, 4; move option 2 to third option)	5	26
<b>Require display at specific preferred location</b> (e.g. only inside premises, door, behind main counter/main counter)	4	21
<b>Amend grade certificate format for understanding/effectiveness</b> (e.g. include trading name, registration number, date of issue, expiry date, grade criteria; minimum size/large size, alternate size for different display locations; large/bold font, bright, laminated, include Braille)	1	5%
<b>Amend businesses included/alternate grading system</b> (e.g. include manufacturers, exempt fundraisers, introduce grades for different aspects e.g. storage, rubbish disposal)	1	5%
<b>Clarify requirements</b> (e.g. method of attaching grade to window, requirements where there are multiple entries to the business)	1	5%
<b>Require display in multiple locations</b> (e.g. any two of the five options)	1	5%
<b>Total</b>	<b>19</b>	<b>100%</b>

### PROPOSAL 4: Clarify that a food safety information certificate must be displayed at specific online sites (Clause 7)

#### Reason

We propose that a food safety information certificate (**food grade**) must be clearly displayed on the homepage or similar of online sites that the food business has control over.

For example, Ani owns a restaurant in Auckland and runs a website for her restaurant. She has inserted an image of her food safety information certificate on the welcome page of her restaurant website.

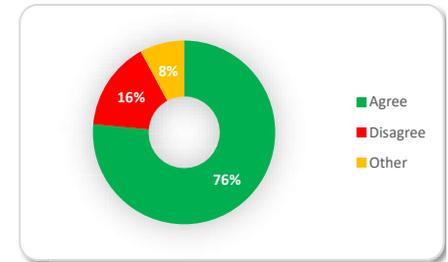
Ani's restaurant also appears on another website. The food grade does not need to be displayed at that website because Ani does not control the content of that website.

#### What is your opinion on this proposal?

Submitters were asked to select one of the following response options.

(n=178 responses)

RESPONSE	TOTAL	%
Agree	136	76%
Disagree	28	16%
Other	14	8%
<b>Total</b>	<b>178</b>	<b>100%</b>



#### Please tell us why:

61 comments were received.

A breakdown of comments showing numbers for each theme is shown below.

#### Note:

- The total may exceed the number of comments as comments may be recorded against more than one theme.
- Examples given for key changes sought may exceed the number of responses as examples cover both the People's Panel and non-People's Panel feedback form responses.

COMMENTS BY THEME	TOTAL	%
<b>Online display is unnecessary</b>	12	16%
<b>Online display disadvantages businesses</b>	11	14%
<b>Grade display is useful for the public</b>	10	13% <sup>3</sup>
<b>Online display can be impractical</b>	8	10%
<b>Online display is reasonable and important</b>	7	7%
<b>Seeks clarification</b>	4	5%
<b>Online display would be difficult to enforce or be unenforceable</b>	3	4%
<b>Grade display protects public health</b>	3	4%
<b>Location must be visible/clear/easy to find</b>	1	1%

COMMENTS BY THEME	TOTAL	%
Proposal is too prescriptive and costly	1	1%
Online display is beneficial for food businesses	1	1%
Misunderstood proposal	2	3%
Other	0	0%
<b>Total</b>	<b>77</b>	<b>100%</b>

COMMENTS BY KEY CHANGE SOUGHT	TOTAL	%
<b>Amend grade display location/manner of display</b> (e.g. state grade and provide approved wording, require link, explain reasoning for grade, link also to council website to affirm grade, include specific location options, require at specific location (e.g. beside business name/logo, menu, anywhere not on homepage, checkout page, about page), require anywhere easily accessed at discretion of business, require to be large/large font, regulate colour)	9	30%
<b>Require display <u>only</u> on online platforms where food is sold directly to the public or a booking can be made</b> (e.g. for delivery or pickup/where online order is possible/where booking possible/where food provided in that medium/at point of sale)	4	13%
<b>Clarify requirements</b> (e.g. which online mediums/social media included, display location, display method – scan, link, image, what 'control' means, who responsible for grade accuracy, requirement where one website for multiple premises, compliance methods/cost, if imported food included, how applies to food businesses related to another business e.g. zoo/pool café)	4	13%
<b>Require display on all online platforms regardless of control by food business</b> (e.g. any platform where business is advertised/appears on/trades regardless of who controls content)	3	10%
<b>Provide support to businesses for online requirement</b> (e.g. provide API from council website/database to automatically update grades on websites, ensure costs to businesses do not increase, issue grades in appropriate format for online display)	2	7%
<b>In addition require display of grades on council's website</b>	2	7%
<b>Require display <u>in addition</u> on platforms where food is sold directly to the public or a booking can be made</b> (e.g. for delivery or pickup/where online order is possible/where booking possible/where food provided in that medium/at point of sale)	1	3%
<b>Require third party platforms to be responsible for providing grade information</b> (e.g. display grade/seek grade from operators, state why no grade displayed, link to operator website which will have grade, register with council to prove businesses they host are registered under Food Act, check that all businesses they host are registered and then receive certification from council, require statement recommending the public check the business website for grade information)	1	3%
<b>Require calorie information on menus</b>	1	3%
<b>Remove online requirement and display grades on council's website</b> (e.g. display grades solely on council website, provide online database of grades on council website allowing access by third party websites to automatically update grade data)	1	3%
<b>Require display solely on Instagram; remove requirement to display on other online platforms</b>	1	3%
<b>Undertake further industry consultation on online display</b>	1	3%
<b>Total</b>	<b>30</b>	<b>100%</b>

## OTHER FEEDBACK

Submitters were asked for any other feedback about the Bylaw

There were **21** comments received.

A breakdown of comments showing numbers for each theme is shown below.

### Note:

- The total may exceed the number of comments as comments may be recorded against more than one theme.
- Examples given may exceed the number of responses as examples cover both the People's Panel and non-People's Panel feedback form responses.

COMMENTS BY THEME/KEY CHANGE	TOTAL	%
<b>Proposal is unnecessary and disadvantages businesses</b>	5	19%
<b>Important for proposal requirements and costs to be reasonable</b>	3	12%
<b>Clarify verification process and enable the public to obtain more information about food grading</b> (e.g. clarify frequency and nature of inspection/whether fundraisers must display/criteria for each grade/process where new grade not received, create grade information app/publish grade criteria on council website, promote food grading on TV advertisements)	2	8%
<b>Address unregistered food businesses</b>	2	8%
<b>Proposal is reasonable/important/useful</b>	1	4%
<b>Require separate premises of the same business to be separately registered and verified</b>	1	4%
<b>Clarify whether liquor licenses will be required to be displayed online also</b>	1	4%
<b>Require menus to display calorie counts</b>	1	4%
<b>Amend bylaw wording/clarify reasoning</b> (e.g. clarify reasoning behind proposal, explain why definition of marae removed from proposed bylaw and what this means; bylaw wording is too complex)	1	4%
<b>Comments on other food issues</b> (e.g. improve food ingredient labelling/regulation to ensure healthy food options, imported products are an issue, food businesses should have a customer toilet)	1	4%
<b>Provide e-version of grade to businesses to avoid aesthetically unappealing scans of grades</b>	1	4%
<b>Advocates for regular and strict enforcement</b> (e.g. enforcement important, increase frequency of verification/random checks, penalize underperforming/unregistered businesses, adjust verification frequency based on verification score, check hotspots for unregistered mobile food vendors)	1	4%
<b>Clarify implementation of online display for businesses with multiple premises including those outside of Auckland</b>	1	4%
<b>Comments on collaborative operational opportunities with an online marketplace</b>	1	4%
<b>Allow alternate display requirements for higher grades</b>	1	4%

COMMENTS BY THEME/KEY CHANGE	TOTAL	%
(e.g. allow high-scoring businesses option to display or decrease inspection frequency)		
<b>Require display in specific location/manner</b> (e.g. display on footpath signs, front door/entrance, Google Maps, UberEats, menu page of websites, solely provide link to grade on website, on footer of website to avoid aesthetic disruption, difficult location for mobile/immobile premises/websites/apps)	1	4%
Other	2	8%
<b>Total</b>	<b>26</b>	<b>100%</b>

## **ATTACHMENT D**

### **OVERVIEW OF FEEDBACK – PEOPLE’S PANEL ONLINE FEEDBACK FORM**



## FOOD SAFETY INFORMATION BYLAW 2020

### FEEDBACK OVERVIEW – PEOPLE’S PANEL



**TOTAL SUBMISSIONS RECEIVED: 1112**

#### EXECUTIVE SUMMARY

The Food Safety Information Bylaw 2020 feedback period opened 2 December 2019 and closed 2 February 2020. The People’s Panel survey was sent out on 2 December 2019 and closed 20 January 2020.

#### Feedback

Submitters were asked their opinions on the following four proposals:

##### Proposal 1: Continue to require certain food businesses to display a food safety information certificate (Clause 6)

- 1112 submitters responded to this proposal
- 97% (1076 submitters) agreed with this proposal.

##### Proposal 2: Clarify that a food safety information certificate must be displayed at physical and online locations (Clause 7)

- 1112 submitters responded to this proposal
- 85% (947 submitters) agreed with this proposal.

##### Proposal 3: Clarify where at physical sites a food information certificate must be displayed (Clause 7)

- 1112 submitters responded to this proposal
- 90% (1003 submitters) agreed with this proposal.

##### Proposal 4: Require display of a food safety information certificate at specific online sites (Clause 7)

- 1112 submitters responded to this proposal
- 75% (831 submitters) agreed with this proposal.

#### Other Feedback

##### Other Feedback

Submitters were also asked whether they had any other comments on the proposed Food Safety Information Bylaw 2020, with **230** submitters providing comments.

#### Views of Māori submitters

6% of submissions (64) were received from individuals or organisations identifying as Māori. Table below compares responses from Māori submitters to the overall responses for each proposal.

	PROPOSAL 1			
	Māori		Overall	
	Number	Percent	Number	Percent
Agree	64	100%	1076	97
Disagree			21	2
Other			15	1
<b>Total</b>	<b>64</b>	<b>100%</b>	<b>1112</b>	<b>100%</b>

	PROPOSAL 2			
	Māori		Overall	
	Number	Percent	Number	Percent
Agree	58	91	947	85
Disagree	5	8	116	11
Other	1	1	49	4
<b>Total</b>	<b>64</b>		<b>1112</b>	<b>100%</b>

	PROPOSAL 3			
	Māori		Overall	
	Number	Percent	Number	Percent
Agree	59	92%	1003	90%
Disagree	3	5%	67	6%
Other	1	3%	72	4%
<b>Total</b>	<b>64</b>			

	PROPOSAL 4			
	Māori		Overall	
	Number	Percent	Number	Percent
Agree	54	85%	831	75%
Disagree	6	9%	194	17%
Other	4	5%	87	8%
<b>Total</b>	<b>64</b>		<b>1112</b>	<b>100%</b>

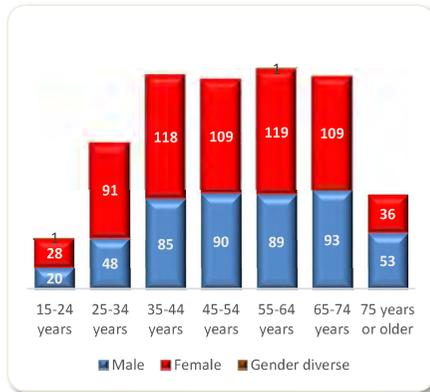
For each proposal, there was a slightly higher percentage of Maori submitters that agreed with the proposal than the overall submitters.

## WHO WE HEARD FROM

At the close of public feedback on 20 January 2020 council had received feedback from 1112 People's Panel members. The respondents were not asked whether they were responding on behalf of a business, so all have been treated as personal submissions.

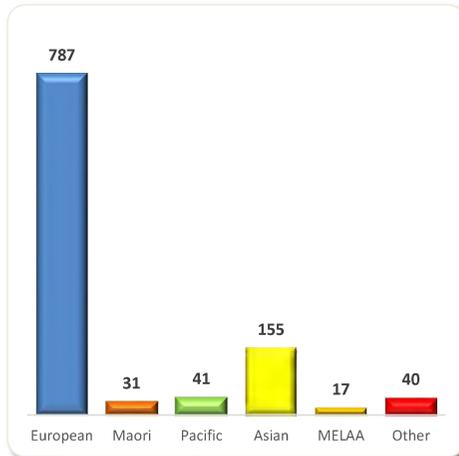
The tables below indicate the demographic information people who responded identified with, i.e. the graphs only include a breakdown of those that provided demographic information.

GENDER	#	%
Male	486	44%
Female	616	55.8%
Gender diverse	2	0.2%
<b>Total submitters providing data</b>	<b>1104</b>	<b>100%</b>



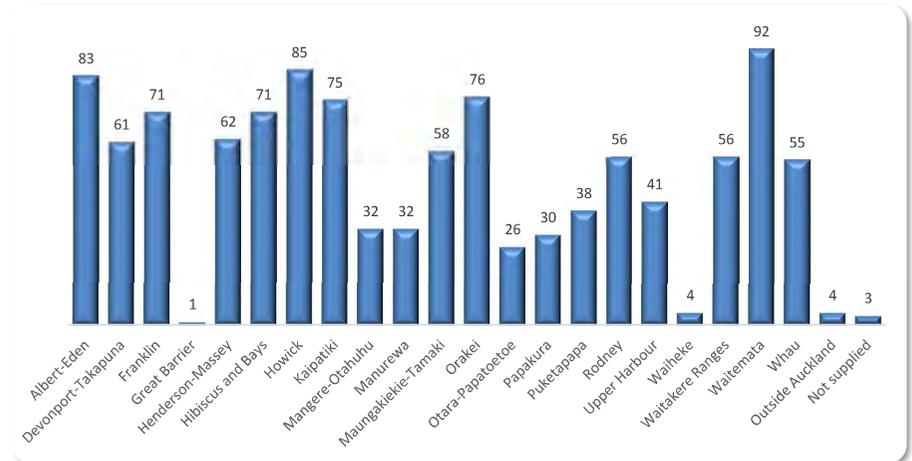
AGE	Male	Female	Diverse	Total	%
15 – 24	20	28	1	49	4%
25 – 34	48	91		139	13%
35 – 44	85	118		203	18%
45 – 54	90	109		199	18%
55 – 64	89	119	1	209	19%
65 – 74	93	109		202	18%
75 +	53	36		89	8%
<b>Total submitters providing data</b>	<b>1090</b>	<b>100%</b>			

ETHNICITY	#	%
<b>European</b>	<b>787</b>	<b>90%</b>
Pakeha/NZ European	692	76%
Other European	95	15%
<b>Māori</b>	<b>31</b>	<b>7%</b>
<b>Pacific</b>	<b>41</b>	<b>1%</b>
Samoan	20	0%
Tongan	6	0%
Other Pasifika	15	0%
<b>Asian</b>	<b>155</b>	<b>7%</b>
Chinese	56	3%
Korean	50	1%
Indian	5	3%
Other Asian	44	0%
<b>Middle Eastern/Latin American/African</b>	<b>17</b>	<b>4%</b>
<b>Other</b>	<b>40</b>	<b>4%</b>
New Zealander/Kiwi	29	1%
Other	11	3%
<b>Total submitters providing data</b>	<b>1072</b>	



The table below indicates the total number of submissions received by the local board that submitters live in.

RESIDENTIAL LOCAL BOARD	#	%
Albert-Eden Local Board	83	7.5%
Devonport-Takapuna Local Board	61	5.5%
Franklin Local Board	71	6.4%
Great Barrier Local Board	1	0.1%
Henderson-Massey Local Board	62	5.6%
Hibiscus and Bays Local Board	71	6.4%
Howick Local Board	85	7.6%
Kaipātiki Local Board	75	6.7%
Māngere-Ōtāhuhu Local Board	32	2.9%
Manurewa Local Board	32	2.9%
Maungakiekie-Tāmaki Local Board	58	5.2%
Ōrākei Local Board	76	6.8%
Ōtara-Papatoetoe Local Board	26	2.3%
Papakura Local Board	30	2.7%
Puketāpapa Local Board	38	3.4%
Rodney Local Board	56	5.0%
Upper Harbour Local Board	41	3.7%
Waiheke Local Board	4	0.4%
Waitākere Ranges Local Board	56	5.0%
Waitematā Local Board	92	8.3%
Whau Local Board	55	4.9%
Outside Auckland	4	0.4%
Not supplied	3	0.3%
<b>Total</b>	<b>1112</b>	<b>100%</b>



## Proposal responses by local board

The tables below show the responses to each proposal broken down by local board.

PROPOSAL 1 RESPONSES					
Local Board	Agree	Disagree	Other	Total	% agreement
Albert-Eden	81	1	1	83	98%
Devonport-Takapuna	60	1		61	98%
Franklin	68	1	2	71	96%
Great Barrier		1		1	0%
Henderson-Massey	59	3		62	95%
Hibiscus and Bays	71			71	100%
Howick	80	3	2	85	94%
Kaipatiki	72	2	1	75	96%
Mangere-Otahuhu	28	3	1	32	88%
Manurewa	30	1	1	32	94%
Maungakiekie-Tamaki	56	2		58	97%
Orakei	73	1	2	76	96%
Otara-Papatoetoe	26			26	100%
Papakura	29	1		30	97%
Puketapapa	37		1	38	97%
Rodney	54		2	56	96%
Upper Harbour	41			41	100%
Waiheke	4			4	100%
Waitakere Ranges	56			56	100%
Waitemata	91	1		92	99%
Whau	53		2	55	96%
Regional				0	N/A
Not supplied	7			7	100%
<b>Grand Total</b>	<b>1076</b>	<b>21</b>	<b>15</b>	<b>1112</b>	

PROPOSAL 2 RESPONSES					
Local Board	Agree	Disagree	Other	Total	% agreement
Albert-Eden	70	9	4	83	84%
Devonport-Takapuna	52	9		61	85%
Franklin	59	8	4	71	83%
Great Barrier	1			1	100%
Henderson-Massey	51	6	5	62	82%
Hibiscus and Bays	61	9	1	71	86%
Howick	75	8	2	85	88%
Kaipatiki	64	9	2	75	85%
Mangere-Otahuhu	25	6	1	32	78%
Manurewa	24	7	1	32	75%
Maungakiekie-Tamaki	51	5	2	58	88%
Orakei	62	6	8	76	82%
Otara-Papatoetoe	22	2	2	26	85%
Papakura	27	3		30	90%
Puketapapa	33	4	1	38	87%
Rodney	48	3	5	56	86%
Upper Harbour	36	4	1	41	88%
Waiheke	4			4	100%
Waitakere Ranges	48	5	3	56	86%
Waitemata	78	9	5	92	85%
Whau	49	4	2	55	89%
Regional				0	N/A
Not supplied	7			7	100%
<b>Grand Total</b>	<b>947</b>	<b>116</b>	<b>49</b>	<b>1112</b>	

PROPOSAL 3 RESPONSES					
Local Board	Agree	Disagree	Other	Total	% agreement
Albert-Eden	79	3	1	83	95%
Devonport-Takapuna	56	5		61	92%
Franklin	60	7	4	71	85%
Great Barrier	1			1	100%
Henderson-Massey	60		2	62	97%
Hibiscus and Bays	63	6	2	71	89%
Howick	76	5	4	85	89%
Kaipatiki	68	2	5	75	91%
Mangere-Otahuhu	29	3		32	91%
Manurewa	25	6	1	32	78%
Maungakiekie-Tamaki	51	5	2	58	88%
Orakei	60	9	7	76	79%
Otara-Papatoetoe	26			26	100%
Papakura	27	3		30	90%
Puketapapa	38			38	100%
Rodney	51	2	3	56	91%
Upper Harbour	38	1	2	41	93%
Waiheke	4			4	100%
Waitakere Ranges	49	3	4	56	88%
Waitemata	85	5	2	92	92%
Whau	53	1	1	55	96%
Regional				0	N/A
Not supplied	4		3	7	57%
<b>Grand Total</b>	<b>1003</b>	<b>67</b>	<b>42</b>	<b>1112</b>	

PROPOSAL 4 RESPONSES					
Local Board	Agree	Disagree	Other	Total	% agreement
Albert-Eden	63	14	6	83	76%
Devonport-Takapuna	45	11	5	61	74%
Franklin	56	10	5	71	79%
Great Barrier	1			1	100%
Henderson-Massey	40	18	4	62	65%
Hibiscus and Bays	57	9	5	71	80%
Howick	63	15	7	85	74%
Kaipatiki	53	17	5	75	71%
Mangere-Otahuhu	22	9	1	32	69%
Manurewa	23	7	2	32	72%
Maungakiekie-Tamaki	44	7	7	58	76%
Orakei	52	14	10	76	68%
Otara-Papatoetoe	22	2	2	26	85%
Papakura	22	7	1	30	73%
Puketapapa	29	7	2	38	76%
Rodney	44	7	5	56	79%
Upper Harbour	37	4		41	90%
Waiheke	3		1	4	75%
Waitakere Ranges	42	9	5	56	75%
Waitemata	67	15	10	92	73%
Whau	45	9	1	55	82%
Regional				0	N/A
Not supplied	5	2		7	71%
<b>Grand Total</b>	<b>835</b>	<b>193</b>	<b>84</b>	<b>1112</b>	

## CONSULTATION FEEDBACK

### PROPOSAL 1: Continue to require certain food businesses to display a food safety information certificate (Clause 6)

#### Reason

We propose that a food business operator must display a valid food safety information certificate (food grade) if that business:

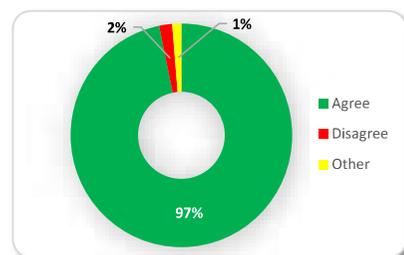
- operates under a Template Food Control Plan in the Food Act 2014
- directly serves food to the public and
- is registered and verified by council.

This means most Auckland-only cafés, restaurants, bars and takeaways.

#### What is your opinion on this proposal?

Submitters were asked to select one of the following response options. (n=1112 responses)

RESPONSE	TOTAL	%
Agree	1076	97%
Disagree	21	2%
Other	15	1%
<b>Total</b>	<b>1112</b>	<b>100%</b>



#### Please tell us why:

769 comments were received relating to this proposal.

A breakdown of comments showing numbers for each theme is shown below.

#### Note:

- The total may exceed the number of comments as comments may be recorded against more than one theme.
- Examples given for key changes sought may exceed the number of responses as examples cover both the People's Panel and non-People's Panel feedback form responses.

COMMENTS BY THEME	TOTAL	%
Grade display is useful for the public	334	39%
Grade display is reasonable and important	269	32%
Grade display protects public health	178	21%
Advocates for alternate grade display requirements	32	4%
Notes wider concerns about food businesses/food service industry	10	1%
Grade display is unnecessary	9	1%
Proposal is too prescriptive	4	0%

COMMENTS BY THEME	TOTAL	%
Comments on enforcement and compliance	3	0%
Other	12	1%
<b>Total</b>	<b>851</b>	

COMMENTS BY KEY CHANGE SOUGHT	TOTAL	%
Require all food businesses operating in Auckland to display a grade	10	26%
Require wider range of food businesses to display a grade (e.g. supermarkets, food trucks, markets, fundraisers, wholesalers, distributors, manufacturers)	7	18%
Amend grading system to two types of grade (e.g. pass and fail, or two pass grades and a fail grade)	5	13%
Provide more enforcement and assistance to food businesses (e.g. reduce 'red tape', assist establishment of food control plans, increase verification frequency/do random check-ups/close underperforming businesses)	5	13%
Remove display requirement	3	8%
Require all food businesses in Auckland to be registered and verified by the council	3	8%
Require food grades to be displayed on online mediums such as Uber Eats	2	5%
Require menus to display calorie counts	1	3%
Exempt fundraising initiatives and home-made goods	1	3%
Require display on food businesses' websites	1	3%
<b>Total</b>	<b>38</b>	<b>100%</b>

**PROPOSAL 2: Clarify that a food safety information certificate must be displayed at physical and online locations (Clause 7)**

**Reason**

We propose to clarify that a food safety information certificate (food grade) must be displayed at:

- physical sites at which food is sold directly to the public
- online sites (including websites, apps, social media or similar) that the business has control over
- any other location if directed by council.

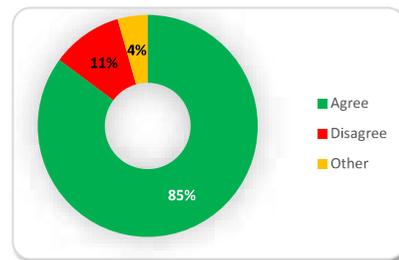
For example, Carlos operates his food business from a restaurant and a food truck. Both sites are under the same Template Food Control Plan. He also has a website and a Facebook page for his food business. Carlos must display a food grade at both the food truck and restaurant, and on the website and Facebook page.

Carlos’ restaurant also appears on another website. The food grade does not need to be displayed at that website because Carlos does not control the content of that website

**What is your opinion of this proposal?**

Submitters were asked to select one of the following response options.  
(n=1112 responses)

RESPONSE	TOTAL	%
Agree	947	85%
Disagree	116	11%
Other	49	4%
<b>Total</b>	<b>1112</b>	



**Please tell us why:**

A total of **701** comments were received relating to this proposal.

A breakdown of comments showing numbers for each theme is shown below.

**Note:**

- The total may exceed the number of comments as comments may be recorded against more than one theme.
- Examples given for key changes sought may exceed the number of responses as examples cover both the People’s Panel and non-People’s Panel feedback form responses.

COMMENTS BY THEME - GENERAL	TOTAL	%
Grade display is useful for the public	196	40%
Grade display is reasonable and important	166	34%
Grade display protects public health	87	18%
Food trucks should be separately verified and graded	8	2%
Location must be visible/clear/easy to find	6	1%
Grade display is unnecessary	5	1%
Grade display is beneficial for food businesses	3	1%

COMMENTS BY THEME - GENERAL	TOTAL	%
Proposal is too prescriptive/costly/exceeds council’s mandate	2	0%
Seeks clarification on reasoning for proposal	1	0%
Other	8	2%
Misunderstood proposal	4	1%
<b>Total</b>	<b>486</b>	<b>100%</b>

COMMENTS BY THEME – ONLINE DISPLAY SPECIFICALLY	TOTAL	%
Online grade display is reasonable and important	78	56%
Online grade display is useful for the public	22	16%
Online grade display can be impractical	12	9%
Online grade display would be difficult to enforce or be unenforceable	7	5%
Online grade display could disadvantage businesses	7	5%
Seeks clarification on online grade display	8	6%
Online grade display is unnecessary	6	4%
<b>Total</b>	<b>140</b>	<b>100%</b>

COMMENTS BY KEY CHANGE SOUGHT -GENERAL	TOTAL	%
<b>Require specific food businesses to be verified and graded</b> (e.g. businesses operating on Facebook, manufacturers/processors/wholesalers/distributors/food trucks, exclude fundraisers, separately grade separate premises of same food business)	12	50%
<b>Require third party platforms to be responsible for providing grade information</b> (e.g. display grade/seek grade from operators, state why no grade displayed, link to operator website which will have grade, register with council to prove businesses they host are registered under Food Act, check that all businesses they host are registered and then receive certification from council, require statement recommending the public check the business website for grade information)	4	17%
<b>Clarify general grade display requirements/reasoning</b> (e.g. clarify reasoning for 'any other location', accuracy of grade, does it apply to online seafood suppliers)	2	8%
<b>Require grade to include additional information</b> (e.g. expiry date, cooking process, ingredients)	2	8%
<b>In addition require display of grades on council's website</b>	2	8%
<b>Allow alternate display requirements for different types of grade</b> (e.g. require food grade of C or lower to be stated in business description or part of cover photo, allow optional display if grade scores above a threshold e.g. 96%)	1	4%
<b>Require grade display on invoices</b>	1	4%
<b>Total</b>	<b>24</b>	<b>100%</b>

COMMENTS BY KEY CHANGE SOUGHT – ONLINE DISPLAY SPECIFICALLY	TOTAL	%
<b>Require display on all online platforms regardless of control by food business</b> (e.g. any platform where business is advertised/appears on/trades regardless of who controls content)	60	48%
<b>Require display <u>in addition</u> on online platforms where food is sold directly to the public or a booking can be made</b> (e.g. for delivery or pickup/where online order is possible/where booking possible/where food provided in that medium/at point of sale)	22	18%
<b>Require display <u>only</u> on online platforms where food is sold directly to the public or a booking can be made</b> (e.g. for delivery or pickup/where online order is possible/where booking possible/where food provided in that medium/at point of sale)	12	10%
<b>Clarify requirements for online grade display</b> (e.g. which online mediums/social media included, display location, display method – scan, link, image, what 'control' means, who responsible for grade accuracy, requirement where one website for multiple premises, compliance methods/cost, if imported food included, how applies to food businesses related to another business e.g. zoo/pool café)	8	6%
<b>Amend grade display location/manner of display</b> (e.g. state grade and provide approved wording, require link, explain reasoning for grade, link also to council website to affirm grade, include specific location options, require at specific location (e.g. beside business name/logo, menu, anywhere not on homepage, checkout page, about page), require anywhere easily accessed at discretion of business, require to be large/large font, regulate colour)	6	5%
<b>Provide support to businesses for online requirement</b> (e.g. provide API from council website/database to automatically update grades on websites, ensure costs to businesses do not increase, issue grades in appropriate format for online display)	5	4%
<b>Remove online requirement and display grades on council's website</b> (e.g. display grades solely on council website, provide online database of grades on council website allowing access by third party websites to automatically update grade data)	5	4%
<b>Remove requirement to display on social media</b> (e.g. in particular Facebook/Instagram, cannot order through social media, easy to make fake pages which are difficult to remove)	3	2%
<b>Require display on specific online platforms regardless of control/choice of operator to appear on them</b> (e.g. review sites such as TripAdvisor, Zomato, Yelp; Google Maps, Uber Eats, Facebook)	2	2%
<b>Require display on platforms that operator chooses to advertise or trade on</b> (e.g. pays to advertise/appear e.g. delivery apps (Uber Eats, Deliveroo, Hungry Panda Menulog), TripAdvisor)	1	1%
<b>Total</b>	<b>124</b>	<b>100%</b>

**PROPOSAL 3: Clarify where at physical sites a food safety information certificate must be displayed (Clause 7)**

**Reason**

We propose to clarify where a food safety information certificate (food grade) must be clearly displayed at physical sites. The display location depends on the limitations of the physical site. For example, display on a window may be possible at a restaurant but not at a food truck.

We propose five places for display of food grades in order of preference below (number one being most preferred)

- (1) All doors used by the public and clearly visible in the direction of entry;



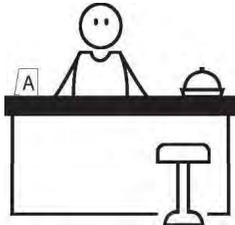
or if this is not possible

- (2) on windows beside all doors used by the public and clearly visible in the direction of entry



or if this is not possible

- (3) at the main counter clearly visible to the public;



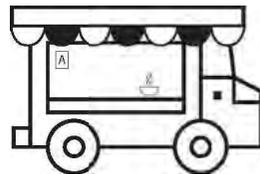
Or if this is not possible

- (4) on a wall behind the main counter clearly visible to the public



Or if this is not possible

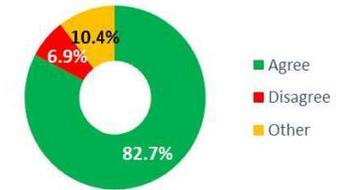
- (5) on any other external surface clearly visible to the public (i.e. where other locations are not available)



**What is your opinion on our proposed order of preference?**

Submitters were asked to select one of the following response options. (n=1112 responses)

RESPONSE	TOTAL	%
Agree	359	82.7%
Disagree	30	6.9%
Other	45	10.4%
<b>Total</b>	<b>434</b>	<b>100%</b>



**Please tell us why:**

639 comments were received on question 3A.

A breakdown of comments showing numbers for each theme is shown below.

**Note:**

- The total may exceed the number of comments as comments may be recorded against more than one theme.
- Examples given for key changes sought may exceed the number of responses as examples cover both the People's Panel and non-People's Panel feedback form responses.

**3A - KEY COMMENT THEMES**

COMMENTS BY KEY THEME	TOTAL	%
Proposal is reasonable and important	349	50%
Grade display is useful for the public	90	13%
Prefers certain locations	50	7%
Important for grade to be visible before entering the premises or ordering	49	7%
Locations specified can have limitations or are not suitable	43	6%
Grade visibility is more important than exact display location	26	4%
Advocates for display in multiple locations	23	3%
Prefers different order of locations	19	3%
Placement and format of grade is important for visibility	11	2%
Grade should not detract from aesthetic and brand of premises	7	1%
Prefers grade display in one standard location	7	1%
Grade display is unnecessary	4	1%
Grade display benefits businesses	4	1%
Unnecessary to change current requirements	3	0%
Comments on enforcement and compliance	1	0%
Misunderstood proposal	5	1%
Other	5	1%

COMMENTS BY KEY THEME	TOTAL	%
<b>Total</b>	<b>696</b>	<b>100%</b>

### 3A - KEY CHANGES REQUESTED

COMMENTS BY KEY CHANGE	TOTAL	%
<b>Require display at specific preferred locations</b> (e.g. wall behind main counter/main counter, menu/promotional material/public display menu board, window, exterior, website/phone messages)	50	41%
<b>Require display in multiple locations</b> (e.g. both interior and exterior, in all five options, any two of the five options)	23	18%
<b>Amend order of display locations</b> (e.g. move to back of preference order: options 4, 3, 1; switch around options 3 and 4; move to top of preference order: options 3, 4, 5; move option 2 to third option)	19	15%
<b>Remove requirement to display at physical locations</b>	9	7%
<b>Require grade display at one standard location</b> (e.g. one common location, door, window, wall behind counter, near counter)	7	6%
<b>Introduce further requirements to support grade display</b> (e.g. grade to be current/clean, require area of 5cm or 25cm around grade, avoid clutter around grade, grade to be eye-level, lower height for shorter people/those in wheelchairs, avoid photocopies)	5	5%
<b>Amend grade certificate format for understanding/effectiveness</b> (e.g. include trading name, registration number, date of issue, expiry date, grade criteria; minimum size/large size, alternate size for different display locations; large/bold font, bright, laminated, include Braille)	3	3%
<b>Allow alternate display requirements</b> (e.g. for mobile premises require display anywhere visible, for immobile premises display at at least two of the options, allow higher grades optional display)	2	2%
<b>Require display solely in a location clearly visible to the public and remove specific display locations</b>	2	2%
<b>Remove display requirement for certain locations</b> (e.g. all doors is overboard, main counter, window)	2	2%
<b>Introduce operational changes</b> (e.g. fines if grade hidden, educate for public awareness, enforce non-display/alterations/poor locations, encourage public to report, provide assistance to poorly-graded businesses, require display by all businesses providing food to the public)	1	1%
<b>Total</b>	<b>123</b>	<b>100%</b>

366 comments were received on question 3B.

A breakdown of comments showing numbers for each theme is shown below.

Note:

- The total may exceed the number of comments as comments may be recorded against more than one theme.
- Examples given for key changes sought may exceed the number of responses as examples cover both the People's Panel and non-People's Panel feedback form responses.

### 3B – KEY COMMENT THEMES

COMMENTS BY KEY THEME	TOTAL	%
<b>Placement and format of grade is important for visibility</b>	57	22%
<b>Proposal is reasonable and important</b>	56	21%
<b>Prefers certain locations</b>	44	17%
<b>Advocates for display in multiple locations</b>	24	9%
<b>Grade visibility is more important than exact display location</b>	14	5%
<b>Important for grade to be visible before entering the premises or ordering</b>	13	5%
<b>Locations specified can have limitations or are not suitable</b>	12	5%
<b>Comments on enforcement and compliance</b>	11	4%
<b>Grade display is useful for the public</b>	4	2%
<b>Clarify requirements</b>	4	2%
<b>Prefers grade display in one standard location</b>	4	1%
<b>Grade should not detract from aesthetic and brand of premises</b>	3	1%
<b>Prefers different order of locations</b>	3	1%
<b>Advocates to amend businesses included/for alternate grading system</b>	3	1%
<b>Grade display is unnecessary</b>	2	1%
<b>Important for food trucks to display grade</b>	2	1%
<b>Concern for privacy/accuracy of grade</b>	2	1%
<b>Unnecessary to change current requirements</b>	1	0%
<b>Misunderstood proposal</b>	2	1%
<b>Other</b>	3	1%
<b>Total</b>	<b>264</b>	<b>100%</b>

**3B - KEY CHANGES REQUESTED**

COMMENTS BY KEY CHANGE	TOTAL	%
<b>Require display at specific preferred locations</b> (e.g. menu/promotional material/public display menu board, wall behind main counter/main counter, window/door, website/phone messages, inside, visible to outside, include QR code)	44	32%
<b>Amend grade certificate format for understanding/effectiveness</b> (e.g. include trading name, registration number, date of issue, expiry date, grade criteria; minimum size/large size, alternate size for different display locations; large/bold font, bright, laminated, include Braille)	32	23%
<b>Require display in multiple locations</b> (e.g. both interior and exterior, in all five options, any two of the five options, in at least three locations, on menu, not specified)	24	18%
<b>Introduce further requirements to support grade display</b> (e.g. grade to be current/clean, require area of 5cm or 25cm around grade, avoid clutter around grade, grade to be eye-level, lower height for shorter people/those in wheelchairs, avoid photocopies)	12	9%
<b>Introduce operational changes</b> (e.g. fines if grade hidden, educate for public awareness, enforce non-display/alterations/poor locations, encourage public to report, provide assistance to poorly-graded businesses, require display by all businesses providing food to the public)	5	4%
<b>Require grade display at one standard location</b> (e.g. one common location, door, window, wall behind counter, near counter)	4	3%
<b>Clarify requirements</b> (e.g. method of attaching grade to window, requirements where there are multiple entries to the business)	4	3%
<b>Amend order of display locations</b> (e.g. switch order of options 3 and 4; move to top of preference order options 4 or 2)	3	2%
<b>Amend businesses included/alternate grading system</b> (e.g. include manufacturers, exempt fundraisers, introduce grades for different aspects e.g. storage, rubbish disposal)	3	2%
<b>Require grade display solely in a location clearly visible to the public and remove specific display locations</b>	2	1%
<b>Remove display requirement for certain locations</b> (e.g. all doors is overboard, main counter, window)	2	1%
<b>Remove requirement to display at physical locations</b>	1	1%
<b>Retain current rules</b>	1	1%
<b>Total</b>	<b>137</b>	<b>100%</b>

**PROPOSAL 4: Clarify that a food safety information certificate must be displayed at specific online sites (Clause 7)**

**Reason**

We propose that a food safety information certificate (food grade) must be clearly displayed on the homepage or similar of online sites that the food business has control over.

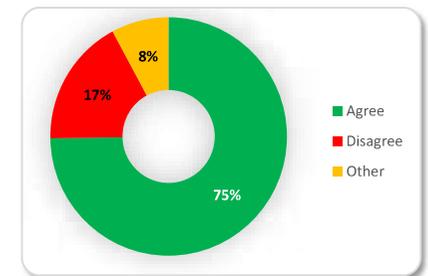
For example, Ani owns a restaurant in Auckland and runs a website for her restaurant. She has inserted an image of her food safety information certificate on the welcome page of her restaurant website.

Ani's restaurant also appears on another website. The food grade does not need to be displayed at that website because Ani does not control the content of that website.

**What is your opinion on this proposal?**

Submitters were asked to select one of the following response options. (n=1112 responses)

RESPONSE	TOTAL	%
Agree	831	75%
Disagree	194	17%
Other	87	8%
<b>Total</b>	<b>1112</b>	<b>100%</b>



**Please tell us why:**

615 comments were received.

A breakdown of comments showing numbers for each theme is shown below.

**Note:**

- The total may exceed the number of comments as comments may be recorded against more than one theme.
- Examples given for key changes sought may exceed the number of responses as examples cover both the People's Panel and non-People's Panel feedback form responses.

COMMENTS BY THEME	TOTAL	%
Online grade display is reasonable and important	177	26%
Grade display is useful for the public	97	14%
Online display is unnecessary	31	5%
Online display would be difficult to enforce or be unenforceable	25	4%
Online display can be impractical	20	3%
Grade display protects public health	17	3%
Location must be visible/clear/easy to find	14	2%
Seeks clarification	10	1%
Online display disadvantages businesses	9	1%

COMMENTS BY THEME	TOTAL	%
<b>Proposal is too prescriptive and costly</b>	7	1%
<b>Online grade display is beneficial for food businesses</b>	5	1%
<b>Food businesses are responsible for any advertising of their business whether they directly manage the advertising platform or not</b>	4	1%
<b>Proposal provides inconsistent information</b>	2	0%
<b>Food trucks should be separately verified and graded</b>	1	0%
<b>Misunderstood proposal</b>	3	0%
<b>Other</b>	24	4%
<b>Total</b>	674	100%

COMMENTS BY KEY CHANGE SOUGHT	TOTAL	%
<b>Require display on all online platforms regardless of control by food business</b> (e.g. any platform where business is advertised/appears on/trades regardless of who controls content)	126	51%
<b>Amend grade display location/manner of display</b> (e.g. state grade and provide approved wording, require link, explain reasoning for grade, link also to council website to affirm grade, include specific location options, require at specific location (e.g. beside business name/logo, menu, anywhere not on homepage, checkout page, about page), require anywhere easily accessed at discretion of business, require to be large/large font, regulate colour)	45	18%
<b>Require display <u>in addition</u> on platforms where food is sold directly to the public or a booking can be made</b> (e.g. for delivery or pickup/where online order is possible/where booking possible/where food provided in that medium/at point of sale)	17	7%
<b>Require display on platforms that operator chooses to advertise or trade on</b> (e.g. pays to advertise/appear e.g. delivery apps (Uber Eats, Deliveroo, Hungry Panda Menulog), TripAdvisor)	13	5%
<b>Require third party platforms to be responsible for providing grade information</b> (e.g. display grade/seek grade from operators, state why no grade displayed, link to operator website which will have grade, register with council to prove businesses they host are registered under Food Act, check that all businesses they host are registered and then receive certification from council, require statement recommending the public check the business website for grade information)	11	4%
<b>Clarify requirements</b> (e.g. which online mediums/social media included, display location, display method – scan, link, image, what ‘control’ means, who responsible for grade accuracy, requirement where one website for multiple premises, compliance methods/cost, if imported food included, how applies to food businesses related to another business e.g. zoo/pool café)	10	4%
<b>Require display on specific platforms regardless of control/choice of operator to appear on them</b>	8	3%

COMMENTS BY KEY CHANGE SOUGHT	TOTAL	%
(e.g. review sites such as TripAdvisor, Zomato, Yelp; Google Maps, Uber Eats, Facebook)		
<b>Require display <u>only</u> on online platforms where food is sold directly to the public or a booking can be made</b> (e.g. for delivery or pickup/where online order is possible/where booking possible/where food provided in that medium/at point of sale)	5	2%
<b>Provide support to businesses for online requirement</b> (e.g. provide API from council website/database to automatically update grades on websites, ensure costs to businesses do not increase, issue grades in appropriate format for online display)	5	2%
<b>Remove online requirement and display grades on council’s website</b> (e.g. display grades solely on council website, provide online database of grades on council website allowing access by third party websites to automatically update grade data)	4	2%
<b>Require display only by online food businesses without physical premises</b>	1	0%
<b>Remove requirement to display on social media</b> (e.g. in particular Facebook/Instagram, cannot order through social media, easy to make fake pages which are difficult to remove)	1	0%
<b>In addition require display of grades on council’s website</b>	1	0%
<b>Prohibit businesses to advertise on an online platform that they lack control over</b>	1	0%
<b>Require specific food businesses or premises to be verified and graded</b> (e.g. businesses operating on Facebook, manufacturers/processers/wholesalers/distributors/food trucks, exclude fundraisers, separately grade separate premises of same food business)	1	0%
<b>Total</b>	249	100%

## OTHER FEEDBACK:

Submitters were asked for any other feedback about the Bylaw

There were **200** comments received.

A breakdown of comments showing numbers for each theme is shown below.

### Note:

- The total may exceed the number of comments as comments may be recorded against more than one theme.
- Examples given may exceed the number of responses as examples cover both the People's Panel and non-People's Panel feedback form responses.

COMMENTS BY THEME/KEY CHANGE	TOTAL	%
<b>Proposal is reasonable/important/useful</b>	63	30%
<b>Notes concerns about poor hygiene at food businesses</b> (i.e. some businesses with an A look unclean, some hospitality workers don't wash hands or wear appropriate clothing, issues with food transportation)	40	19%
<b>Exempt fundraising initiatives and businesses operating from homes</b>	11	5%
<b>Important for proposal requirements and costs to be reasonable</b>	10	5%
<b>Clarify verification process and enable the public to obtain more information about food grading</b> (e.g. clarify frequency and nature of inspection/whether fundraisers must display/criteria for each grade/process where new grade not received, create grade information app/publish grade criteria on council website, promote food grading on TV advertisements)	9	4%
<b>Comments on other food issues</b> (e.g. improve food ingredient labelling/regulation to ensure healthy food options, imported products are an issue, food businesses should have a customer toilet)	8	4%
<b>Advocates for regular and strict enforcement</b> (e.g. enforcement important, increase frequency of verification/random checks, penalize underperforming/unregistered businesses, adjust verification frequency based on verification score, check hotspots for unregistered mobile food vendors)	7	3%
<b>Require display in specific location/manner</b> (e.g. display on footpath signs, front door/entrance, Google Maps, UberEats, menu page of websites, solely provide link to grade on website, on footer of website to avoid aesthetic disruption, different location for mobile/immobile premises/websites/apps)	7	3%
<b>Proposal is unnecessary and disadvantages businesses</b>	6	3%
<b>Require wider range of food businesses to display grade</b> (e.g. supermarkets, retailers of fresh/unwrapped foods, dairies, all food businesses operating in Auckland)	5	2%
<b>Amend verification process</b> (i.e. keep previous grade on display while new grade is pending, allow businesses to rectify poor ratings quickly, add general knowledge test)	4	2%

COMMENTS BY THEME/KEY CHANGE	TOTAL	%
<b>Amend grade certificate format</b> (e.g. include expiry date/issue date/date of last inspection/grade explanation, ensure letters are large and easy to read for visually impaired people, use traffic light colour system, introduce A+ grade for 100% result and A for businesses with warning)	3	1%
<b>Require a businesses' grade history to also be displayed</b>	3	1%
<b>Create a national grading system</b>	2	1%
<b>Address unregistered food businesses</b>	1	0%
<b>Allow alternate display requirements for higher grades</b> (e.g. allow high-scoring businesses option to display or decrease inspection frequency)	1	0%
<b>Remove online display requirement</b>	1	0%
<b>Other</b>	27	13%
<b>Total</b>	<b>208</b>	<b>100%</b>

## **ATTACHMENT E**

### **ONLINE, EMAIL AND HARD COPY FEEDBACK**

**(This attachment can be found [here](#))**



**ATTACHMENT F**  
**“HAVE YOUR SAY” EVENT FEEDBACK**



## Attachment F – ‘Have Your Say’ event feedback

### ‘Have Your Say’ events were held in December 2019 and January 2020

198<sup>1</sup> members of the public attended five ‘Have Your Say’ events<sup>2</sup> at:

- Avondale Market on 8 December 2019
- Otara Market on 14 December 2019
- Henderson Night Market on 16 January 2020
- Pakuranga Night Market on 18 January 2020
- Glenfield Night Market on 19 January 2020.

### Members of the public provided feedback by speaking to council representatives

Staff set up a stall at each market including a table, chairs and signage boards. Staff displayed on the signage boards four posters (each representing a bylaw proposal), illustrations of the proposals and images of food grades.

Staff provided the following to help the public to provide feedback:

- post-it notes, dot stickers, and pens to record feedback on proposal posters
- two iPads to encourage completion of the online feedback form at the event
- hard copies of the feedback form
- flyers about the proposal
- hard copies of the Statement of Proposal and proposed new bylaw.

Staff, Bylaw Panel members and Chinese New Settlers Services Trust (CNSST) representatives<sup>3</sup> engaged with members of the public about the bylaw proposals. Table 1 below illustrates how people provided feedback.

**Table 1: Method of feedback at ‘Have Your Say’ events**

Method of feedback	Number of people	Percentage
Spoke to staff, Bylaw Panel members or CNSST representatives and posted (or had posted for them) dot stickers and post-it notes in agree and disagree columns on the four posters representing proposals	197	99.5 per cent
Completed hard copy of feedback form at event	1	0.5 per cent

### Most members of the public who attended an event supported the proposal

Most members of the public at all events supported the proposal and many made detailed comments. Table 2 below illustrates the percentage agreement with each proposal.

**Table 2: Percentage agreement with each proposal**

Proposal	Percentage who agreed with proposal
Proposal 1: Food grade display by certain food businesses	98 per cent
Proposal 2: Food grade display at physical and online sites	
• physical sites	99 per cent
• online sites	98 per cent
• any other location if directed by council	97 per cent <sup>4</sup>
Proposal 3: Physical display location	97 per cent
Proposal 4: Online display location	94 per cent

Illustrated below is a summary of comments made by members of the public.



## General – Bylaw

Supportive comments included that grades:

- are important/useful for the public (e.g. help to make informed choices, provide reassurance of standards)
- are beneficial for food businesses
- protect public health and provide incentive to maintain/improve food safety standards
- are important to see before entering a premises/respondent always looks for grade/won't buy from below certain grade.

Opposing comments included:

- money-making venture by council
- proposal makes it harder for businesses

Other comments included:

- important to retain display rules
- some businesses hide grades
- 'grade pending' useful as shows business follows process
- some 'A' grade businesses do not look clean inside
- some people do not understand grading
- if a business doesn't display a grade, they are hiding something
- queries rules where kitchen is in different location to point of sale.

- grade is bad for business and can be knocked down
- respondent doesn't look at food grades.



## Physical grade display location

Supportive comments included:

- physical display is most important
- grade should be clearly visible as sometimes is obscured or hidden
- grades should be visible before entering or on immediately entering a premises
- display location should be wheel-chair friendly.

Other comments included that:

- exact display location is secondary as long as grade is visible
- grade should be displayed but businesses should choose its exact location
- inside premises only is sufficient.

Opposing comments included that clarification of display location is unnecessary.

There were also other comments about:

- preferred display locations (e.g. main entrance/front window as easily visible, visible before entering so allows public to decide whether to enter and avoid embarrassment on leaving; on wall behind counter as easily visible and next to other information; at counter; on menu, or on wall behind main counter; display at food trucks should be at front/side rather than at counter).
- limitations of display locations (e.g. on window/door could disrupt aesthetic; on door is excessive/not international best practice and can be obscured when open; at counter could be lost in clutter)
- preferring display in multiple places (e.g. door/window and on wall behind counter; door/window and on counter).

Comments included recommendations to require:

- pest control certificates and food grades to be displayed in different locations
- display on advertising pamphlets of the business.

<sup>1</sup> No members of the public came specifically to an event to have their say on the proposal. All attendees were approached by staff, Bylaw Panel members or CNSST representatives.

<sup>2</sup> The 'Have Your Say' events provided informal opportunities for interested members of the public to clarify the proposal and provide views by speaking with Panel members or staff.

<sup>3</sup> CNSST representatives attended the Avondale, Pakuranga and Glenfield markets to help council reach a broader audience.

<sup>4</sup> Not all members of the public provided a response to this aspect; percentage is taken from proportion who did.



## Online grade display location

Supportive comments included:

- limiting to online sites that a business controls is reasonable
- online display should be mandatory
- exact display location is secondary as long as grade is visible.

Supportive comments also included that online display would be:

- useful as many people research online prior to choosing where to eat, it saves time, it is easy to check and is first place some people check before going out
- useful alongside online reviews
- more useful than physical display
- an incentive to improve food safety standards as many people will see grades online.

Opposing comments included:

- potential high web development costs are too much to expect of small businesses
- council should not have control over online businesses for revenue gathering
- although useful, it is unnecessary as review sites are more popular
- it is more important to display at premises.

Comments included recommendations to require display:

- on Zomato, Google and UberEats
- on any platform where a person can order online
- dependent on how much online traffic a website receives.



## Monitoring and enforcement

Comments included:

- enforcement of proposed rules is important
- concern about potential inaccuracy of online grading compared to grade at premises
- online display would be difficult to enforce; operators with low grades will not display
- some market stalls do not or inconsistently display grades
- some businesses display expired grades.



## Food Act 2014 implementation

Comments included:

- need for regular inspections/inspections more than once a year
- need for stricter food safety rules to address storage, cross-contamination and MSG<sup>5</sup> issues
- need for better regulation to address staff practices
- unregistered online businesses and stalls are issues
- food businesses should have the same standards as manufacturing plants (e.g. requirement to wear gloves and hairnets)
- expensive for food businesses to meet standards (e.g. cleaning, equipment).



## Education

Comments included recommendations:

- to provide education about grade display rules
- to provide free courses/certification on how operators can achieve an 'A' grade
- to advertise food grades on TV to educate the public.



## Grade format

Comments included:

- suggestions for grades to be more engaging, easier to understand and to include larger expiry date
- grades are easy to confuse with pest control certificates.

<sup>5</sup> Monosodium glutamate, a food additive used as a flavor-enhancer.



**ATTACHMENT G**  
**LOCAL BOARD INPUT**



## Attachment G – Local Board input

Puketāpapa, Ōtara-Papatoetoe and Franklin local boards provided input on the proposed Food Safety Information Bylaw 2020 as follows:

- Puketāpapa Local Board commented that the proposed bylaw clarifies the requirement to display a food grade and specifies locations for food grade display, both physically and online
- Puketāpapa, Ōtara-Papatoetoe and Franklin local boards noted the feedback from people in their local board area which was supportive.

A full copy of input received from local boards is provided below.

### **Puketāpapa Local Board feedback on proposed food safety bylaw:**

#### **17 Public feedback on proposed new Food Safety Information Bylaw 2020**

Mary Hay, Senior Local Board Advisor was in attendance to speak to the report.  
Resolution number PKTPP/2020/33

MOVED by Member F Lai, seconded by Member E Kumar:

That the Puketāpapa Local Board:

- a) note the public feedback to the proposed new Food Safety Information Bylaw 2020 by people from the Puketāpapa Local Board area contained in this agenda report;**
- b) support the proposed changes to the Food Safety Information bylaw, noting that:**
  - i) it clarifies the requirement to display a food grade**
  - ii) specifies locations for food grade display, both physically and online;**
- c) thank Mary Hay for her attendance.**

**CARRIED**

### **Ōtara-Papatoetoe Local Board feedback on proposed food safety bylaw:**

#### **21 Public feedback on proposed new Food Safety Information Bylaw 2020**

Resolution number OP/2020/33

MOVED by Chairperson L Fuli, seconded by Member O Dewes:

That the Ōtara-Papatoetoe Local Board:

- a) note the public feedback to the proposed new Food Safety Information Bylaw 2020 by people from the Ōtara-Papatoetoe Local Board area contained in this agenda report.**
- b) adopt the following views on the public feedback in (a) to assist the Bylaw Panel in its deliberations on all public feedback to the proposal.**
- c) appoint Member Apulu Reece Autagavaia to present the views in (b) to the Bylaw Panel on Monday 30 March 2020.**
- d) delegate authority to the local board chair to make replacement appointment(s) to the persons in (c) if a member is unavailable.**

**CARRIED**

Note: The Ōtara-Papatoetoe Local Board subsequently chose not to present their views to the Bylaw Panel.

**Franklin Local Board feedback on proposed food safety bylaw:**

**17 Public feedback on proposed new Food Safety Information Bylaw 2020**

That the Franklin Local Board:

- a) **note the public feedback to the proposed new Food Safety Information Bylaw 2020 by people from the Franklin Local Board area contained in this agenda report.**

**Ohiatanga  
Approval**

The chair and deputy chair acting under delegated authority (FR/2019/168) confirm they have made this urgent decision of behalf of the Franklin Local Board. A special signatory, nominated by the board 24 March 2020, member Alan Cole, confirms his approval of item 11, noting that the chair declared an interest in this item.



Andrew Baker

Chair, Franklin Local Board

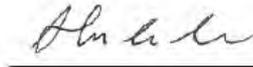
Date 27/03/20



Angela Fulljames

Deputy Chair, Franklin Local Board

Date 27/03/20



Alan Cole

Franklin Local Board

Date 27/03/20

# **ATTACHMENT H**

## **OPERATIONAL AND NON-BYLAW RELATED PUBLIC FEEDBACK**



## Attachment H – Operational and non-Bylaw-related public feedback

Alongside public feedback on the proposed Food Safety Information Bylaw 2020, feedback was also received on operational and non-Bylaw-related matters (summarised below). These matters will be shared with relevant council staff to consider as operational matters.



### Grading system/grade format

On system:

- amend types of grades (e.g. change to a pass and a fail grade or two pass grades and a fail grade)
- introduce grades for different aspects (e.g. food storage, rubbish disposal)

On grades, include:

- additional information (e.g. trading name, registration number, expiry date/issue date/date of last inspection, explanation of grade criteria, cooking processes)
- large/bold font, lamination, Braille
- bright colours or red, orange and green colour system
- minimum certificate size or alternate sizes for different locations.



### Implementation, monitoring and enforcement

- ensure no cost increases
- reduce 'red tape' and barriers for small businesses
- provide regular and strict enforcement against non-display, alterations or hidden grades (e.g. fine offenders)
- encourage public to report display issues
- keep previous grade on display while new grade is pending
- clarify grading process (e.g. criteria for each grade, process where new grade not received).



### Food Act 2014 implementation

- add a general knowledge test to verification process
- allow businesses to rectify poor verification scores quickly
- increase verification frequency or decrease frequency for high grades
- conduct random checks, including hotspots of mobile businesses
- clarify verification process (e.g. frequency and nature of inspection)
- create national grading system
- decrease Food Act 2014 registration cost
- close underperforming/unregistered businesses
- assist businesses to:
  - improve poor verification scores
  - establish Food Control Plans.



### Digital grade display

- issue grades in more aesthetic digital format or allow digital grade 'badge'
- allow API access to online council grade database to enable automatic updating of grade data on external digital platforms.
- provide watermarks on grade images
- include image specifications.



## Education

- educate businesses and public (e.g. promote food grading on TV advertisements, create grade information app, publish criteria on council website).



## Consultation

- undertake further industry consultation on online display
- comments on collaborative operational opportunities with an online marketplace.



## Advocating

- advocate to central government for wider range of legislative enforcement tools (e.g. infringement notices).



## Other issues

- unregistered businesses including online businesses, imported products and outsourced food
- similarities between pest control certificates and food grades
- poor hygiene standards at A-graded food businesses
- methods of food transportation
- food ingredient labelling, healthy food options in communities, customer toilets at food businesses
- confusion when some food businesses do not display grade.