



Draft Easter Sunday Shop Trading Policy 2017

Statement of Proposal – October 2017

whakatane.govt.nz



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Introduction

Earlier this year, the government amended the Shop Trading Hours Act 1990 (the Act) that allows Councils to decide whether shops in their District open on Easter Sunday.

The introduction of a Whakatāne District Council Easter Sunday Shop Trading Policy would enable Council to allow shops within our district boundary to open on Easter Sunday, apart from any of-licence premises selling alcohol.

In accordance with the Act, the Whakatāne District Council (the Council) is proposing a new Easter Sunday Shop Trading Policy and is seeking your views.

This Statement of Proposal has been prepared in accordance with section 83 of the Local Government Act 2002 and relates to the new powers under the Shop Trading Hours Act 1990.

The Statement includes:

- The reasons for the proposal
- An overview of the proposed policy
- How to provide your feedback.

Reasons for the Proposal

Currently most shops in Whakatāne cannot open on Easter Sunday, with the exception of dairies, service stations, take away bars, restaurants and cafes, and garden centres.

Some tourist areas in New Zealand have had exemptions to open on Easter Sundays in the past, but Whakatāne does not have an exemption.

Under the amendment to the Act, Council is able to adopt a policy to permit shops to open on Easter Sundays.

The Council has adopted a Draft Easter Sunday Shop Trading Policy for consultation which allows trading on Easter Sunday throughout the entire Whakatāne District. Council considered three options including:

- Option 1: Maintaining the status quo
- Option 2: Allowing trading anywhere within the district
- Option 3: Only allowing trading in some parts of the district.

Council is recommending Option 2 – that trading is allowed anywhere within the district on Easter Sunday.

Community views

Anecdotally, Easter is a good visitor weekend for Whakatāne. Most visitors come from other parts of New Zealand and many of them stay with friends and family. While our beautiful beaches, bush and rivers are a key part of the attraction, shopping is also a popular activity, particularly if the weather is not so kind.

In May/June this year, as part of the Council's Annual Community Survey, residents were asked questions about Easter Sunday trading. The findings showed that overall, the community supports Sunday trading. 58% of residents believed shops should be allowed to trade on Easter Sunday while one third did not. 50% said they wouldn't be affected by shopping on Easter Sunday, while 14% said they might be expected to work on Easter Sunday. 40% said they might go shopping.

Retail New Zealand recently asked the Council to develop an Easter Sunday Trading Policy that would give Whakatāne retailers the choice to open for business on Easter Sunday. Many retail businesses are already permitted to open due to existing exemptions, and allowing all shops to trade has the potential to generate additional economic benefits for the district.

Easter Sunday is a significant day in the religious calendar for many Whakatāne residents. The 2013 Census showed that approximately half of the District identify as Christian.

Other feedback has also shown that some people oppose this policy because they want to keep Easter Sunday as a family day or retain it as a holiday.

Consultation and Submissions

This consultation is an opportunity for the community to have their say. We would like to hear from you as to whether:

- You would like to see all shops in the district not currently allowed to open on Easter Sunday, open for business if they choose, and
- If you agree with having a policy which allows more shops to open on Easter Sunday, do you think this policy should apply to shops across the district or just in certain areas.

A copy of the Draft Easter Sunday Shop Trading Policy is included with this Statement of Proposal.

In adopting this Policy, Council must use the Special Consultative Procedure set out in section 83 of the Local Government Act 2002.

Anyone can make a submission about the Draft Easter Sunday Shop Trading Policy and we encourage you to tell us your views. A submission form is included in this Statement of Proposal.

Copies of the Statement of Proposal are available on Whakatāne District Council's website www.whakatane.govt.nz.

Hard copies are available from:

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| • Whakatāne District Council | 14 Commerce Street, Whakatāne |
| • Whakatāne Library | 49 Kakahoroa Drive, Whakatāne |
| • Edgecumbe Library | 38 College Road, Edgecumbe |
| • Ōhope Library | 4 Harbour Road, Ōhope |
| • Murupara Library / Service Centre | Civic Square, 48 Pine Drive, Murupara. |

Informal submissions can be made by commenting on our Facebook page at www.facebook.com/WhakataneDistrictCouncil

Consultation will take place during the period from 10 October 2017 and 10 November 2017.

Formal Submissions may be made:

Online: <http://www.whakatane.govt.nz>
Posted to: Draft Easter Sunday Shop Trading Policy, Private Bag 1002, Whakatāne 3158
Delivered to: Draft Easter Sunday Shop Trading Policy, Whakatāne District Council, 14 Commerce Street, Whakatāne.
Emailed to: submissions@whakatane.govt.nz Attention: Draft Easter Sunday Shop Trading Policy

Submitters should note their submission will be copied and made available to the public after the submission period closes.

Submissions close 5.00pm on Thursday 10 November 2017.

Submissions should include your name, address, telephone number and email address and should state if you wish to speak to Council in support of your submission.

The Council will contact all submitters who wish to be heard in writing to advise the confirmed time, date and venue of the hearing.

Key Dates:

Submissions period opens	10 October 2017
Submission period closes	10 November 2017
Hearing	7 December 2017
Council Deliberations	7 December 2017
Potential adoption by Council	7 December 2017

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Policy Purpose

The Draft Easter Sunday Shop Trading Policy is made under the Shop Trading Hours Act 1990 (the 'Act'). The Act was amended in 2016 to allow territorial authorities to have a policy that permitted shops to open on Easter Sundays. The changes do not apply to other holiday dates such as Easter Friday for which current trading restrictions will remain.

The Policy aims to meet demand for goods and services from visitors and residents in Whakatāne during the Easter Holiday weekend.

The Policy permits shops to open for trading on Easter Sunday within the entire Whakatāne District.

Interpretation

'shop' has the same as in the Shop Trading Hours Act 1990, that is:

a shop is a building, place or part of a building or place, where goods are kept, sold, or offered for sale, by retail and includes an auction mart, and a barrow, stall or other subdivision of a market; but does not include –

- (a) A private home where the owner or occupier's effects are being sold (by auction or otherwise); or
- (b) A building or place where the only business carried on is that of selling by auction agricultural products, pastoral products, and livestock, or any of them; or
- (c) A building or place where the only business carried on is that of selling goods to people who are dealers and buy the goods to sell them again.

Policy

The Whakatāne District Council will permit shop trading in the whole of the Whakatāne District on Easter Sunday as provided for by the Shop Trading Hours Act 1990.

The extent of the Whakatāne District is shown in the map below.



Review

The Act requires that the Draft Easter Sunday Shop Trading Policy must be reviewed no later than five years after the date on which it is adopted. Section 5C(4) of the Shop Trading Hours Act requires the use of the Special Consultative Procedure when undertaken a review and determining whether to amend, revoke, replace or continue the policy.

Council cannot delegate the power to make the final decision on whether to adopt, amend or revoke the policy.

Section 5E requires a council to provide a copy of any decision to adopt, amend or revoke a policy to the Chief Executive of the Ministry of Business, Innovation and Employment within 10 days of the decision being made.

Draft Easter Sunday Shop Trading Policy Consultation

Frequently Asked Questions

Why is Easter Sunday trading changing?

The New Zealand Government passed the Shop Trading Hours Amendment Act 2016. This has given local councils like Whakatāne District Council the option to adopt a policy that allows shops to trade on Easter Sunday. Councils must consult with their communities before adopting this policy.

What changes are proposed?

At present, shops must be closed on Easter Sunday in Whakatāne unless they are garden centres, dairies, service stations, cafes and restaurants and other specified shops. Other retailers who open on Easter Sunday risk being fined if they do so. Council is considering allowing retailers to trade on Easter Sunday throughout the District.

If the Policy is adopted, does this mean I have to open my shop on Easter Sunday?

No. If this policy is adopted, retailers have the option of opening on Easter Sunday without being fined, but they can also choose not to open.

Would this policy change restrictions on the sale and supply of alcohol on Easter Sunday?

No. Any policy adopted by Council does not over-ride the Sale and Supply of Alcohol Act 2012. Off-licence premises will not be able to open to sell alcohol on Easter Sunday.

If I am an employee and my employer wants to open on Easter Sunday, do I have to work?

No. This policy does not over-ride the provisions of the Shop Trading Hours Act (1990). Shop employees have the right to refuse to work on Easter Sunday without penalty. Any employee who refuses to work on Easter Sunday does not have to provide a reason for refusing.

If I am an employer and want an employee to work Easter Sunday, what do I have to do?

Employers must give their employees written notice 4-8 weeks before Easter Sunday if they want them to work. This can be done by either a letter or an email. Employees who do not wish to work must respond in writing within 14 days of that notice.

Submission Form

EASTER SUNDAY SHOP TRADING POLICY 2017

YOUR DETAILS

FIRST NAME:

SURNAME:

ORGANISATION *(if applicable)*:

PHONE:

EMAIL:

POSTAL ADDRESS:

SUBMISSIONS CLOSE: 5PM FRIDAY, 10 NOVEMBER 2017

POST OR DELIVER TO: **Whakatāne District Council**
Commerce Street
Private Bag 1002
Whakatāne

Murupara Service Centre
Pine Drive
Murupara

EMAIL SUBMISSIONS: submissions@whakatane.govt.nz

SUBMIT ONLINE: whakatane.govt.nz

EMAIL ENQUIRIES: info@whakatane.govt.nz

PHONE ENQUIRIES: (07) 306 0500

WEBSITE whakatane.govt.nz

YOUR SUBMISSION

OPTION 1.
Maintaining the status quo.

OPTION 2.
Allowing trading anywhere in the District.

OPTION 3.
Only allowing trading in some parts of the District.

PRESENTING YOUR SUBMISSION

I do not wish to speak to my submission

I wish to speak to my submission at a Council meeting to be held on 7 December 2017.

IF MORE SPACE IS REQUIRED: Please attach additional paper with your name, phone number and page number on each sheet.

PRIVACY: In accordance with the Local Government Act 2002 your submission will be made available to the public.

FORWARDING YOUR COMMENTS: Please note that your comments may be re-directed where they relate to another process or to another Organisation. If this occurs, you will be advised in writing.

OFFICE USE ONLY

DATE RECEIVED:

SUBMISSION REDIRECTED TO:

SUBMISSION ID: