



Statement of Proposal under Special
Consultative Procedure as per
Section 83 of Local Government Act
2002:

Proposed Easter Sunday Shop Trading
Policy

Submit online at www.westlanddc.govt.nz

30 January 2017

<p>Council proposes that shops be allowed to trade on Easter Sundays</p>

This proposal is now open for public consultation (30 January 2017 to 3 March 2017)

Submit online at www.westlanddc.govt.nz

GET YOUR SUBMISSION TO COUNCIL BY 5.00PM ON FRIDAY 3 MARCH 2017

Background: Shopping On Easter Sunday

Most shops in New Zealand can't open on Anzac Day morning, Good Friday, Easter Sunday, or Christmas Day.

Now Council can have a policy that lets shops to open on Easter Sunday.

The policy can't apply to Anzac Day morning, Good Friday or Christmas Day. Dairies, service stations, take away bars, restaurants and cafes, garden centres and duty free stores can already open on the restricted trading days.

Some tourist areas have exemptions to open on Easter Sundays but Westland doesn't have an exemption.

Council recognises the importance of tourism-related trade and other trade to the Westland economy on Easter Sunday.

Now, local communities have the choice of whether or not to allow trading on Easter Sunday.

Scope of the Policy

Council can establish a policy that allows shops to trade on Easter Sunday in—

- (a) the whole of the district; or
- (b) any part of parts of the district.

A policy cannot—

- (a) permit shops to open only for some purposes; or
- (b) permit only some types of shops to open; or
- (c) specify times at which shops may or may not open; or
- (d) include any other conditions as to the circumstances in which shops in the area may open.

The Policy does not apply to the sale or supply of alcohol. Alcohol sale and supply is regulated under the Sale and Supply of Alcohol Act 2012.

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.

Other Options Considered by Council

Status quo: the status quo means having no policy, and Easter Sunday trading would not be allowed aside from businesses that are already allowed by legislation to trade on Easter Sunday (e.g. service stations, restaurants, cafes, takeaways, dairies, etc). Council decided to reject this option and begin development of a policy so that people may have more say in whether shops should be allowed to trade on Easter Sundays.

Delaying development of an Easter Sunday Shop Trading Policy: this would allow the Council to find out more about other Councils' experiences, including possible legal challenges, and to have more discussion with the community before releasing this formal Statement of Proposal for submissions. In the interest of moving forward with the benefits of Easter Sunday trading, the Council rejected this option.

Limiting shop trading to part of Westland: this would mean having a policy that allowed Easter Sunday trading in certain areas but not elsewhere in Westland. This is still an option depending on the submissions that are received in response to this proposal.

How to make a submission

Any interested person or body is welcome to make a submission or comments on the proposed policy and the other options that have been considered for shop trading on Easter Sundays and on any aspect of, or omission from, the attached draft policy.

Council will take account of all submissions made when making decisions on the proposed policy. There will be a Council hearing in March 2017 for those submitters who indicate they wish to speak in support of their submission.

Please submit your feedback to Council by:

- (1) Delivery to the Customer Service Centre, 36 Weld Street, Hokitika
- (2) Post to Group Manager Planning, Community and Environment, Private Bag 704, Hokitika
- (3) Email to consult@westlanddc.govt.nz
- (4) You can also complete submissions at www.westlanddc.govt.nz

All submissions, including name and contact details of the submitter, will be made available to the public and media on Council's website, unless you specifically request that your contact details are kept private.

All enquiries (not submissions) should be directed to Jim Ebenhoh, Group Manager: Planning, Community and Environment, at 03 756 9010 or jim.ebenhoh@westlanddc.govt.nz.

Timetable

30 January 2017: submissions open

3 March 2017 (5pm): submissions close

Week of 6 – 10 March (likely): hearing of submissions (if necessary)

23 March 2017: Council meeting to decide on Policy

17 April 2017: Easter Sunday

Don't forget, get your submission to Council by 5:00pm on 3 March 2017!

Draft Easter Sunday Shop Trading Policy

1. Introduction

This policy is made under Subpart 1 of Part 2 of the Shop Trading Hours Act 1990 (the Act). The purpose of the Act is to regulate the opening of shops on Anzac Day morning, Good Friday, Easter Sunday, and Christmas Day. The Act was amended in 2016 to allow Councils to have a policy to permit shops to open on Easter Sundays. The restrictions applying to Anzac Day morning, Good Friday and Christmas Day remain unchanged.

Currently most shops in most districts around New Zealand are unable to open for trade on Easter Sunday because of the day's status as a restricted trading day under the Act.

The Act allows shops selling certain types of goods (examples include dairies, service stations, take away bars, restaurants and cafes, garden centres and duty free stores) to remain open on the restricted trading days.

Some tourist areas have been given exemptions to open on Easter Sundays but there is currently no mechanism to allow for further exemptions to be granted.

Council recognises the importance of tourism-related trade and other trade to the Westland economy on Easter Sunday. Now, local communities have the choice of whether or not to allow shop trading on Easter Sunday.

2. Scope of policy

This Policy applies to the whole of the Westland District.

This Policy does not apply to the sale or supply of alcohol. Alcohol. Sale and supply is regulated under the Sale and Supply of Alcohol Act

3. Shop trading permitted

Shop trading is permitted on Easter Sundays throughout Westland.

4. Shop employees' right to refuse to work

Easter Sunday continues to be a day of significance across New Zealand and some people would rather not work on this day.

There are 'right to refuse' provisions in the Act allow employers and employees to negotiate freely, and means that all shop employees will have the ability to refuse to work on Easter Sunday without any repercussions for their employment relationship.

For the purposes of this Policy—

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.

The extent of the Westland District is shown on the map below.

