

**Chairperson and Committee Members**  
STRATEGY AND POLICY COMMITTEE

23 NOVEMBER 2017

Meeting Status: **Public**

Purpose of Report: For Decision

## **LOCAL EASTER SUNDAY SHOP TRADING POLICY**

### **PURPOSE OF REPORT**

- 1 This report provides an overview of the feedback received on the Draft Local Easter Sunday Shop Trading Policy to inform the decision about whether to adopt the policy to enable Easter Sunday shop trading. The draft policy is provided as Appendix One.

### **DELEGATION**

- 2 The Committee has the delegation to consider this matter under Section B.1 of the Governance Structure and Delegations: *'This Committee will deal with all strategy and policy decision-making that is not the responsibility of the Council. Key responsibilities will include:*
  - *Development and/or review of strategies, plans, policies and bylaws'.*

### **BACKGROUND**

- 3 An amendment to the Shop Trading Hours Act 1990 enables councils to adopt a local policy to allow more shops to trade on Easter Sunday in their area.
- 4 There is no legal requirement to have a Local Easter Sunday Shop Trading Policy. Councils across the country are making individual decisions on this matter. If adopted, the policy can only enable trading and the Act does not allow a policy to:
  - permit shops to open only for some purposes; or
  - permit only some types of shops to open; or
  - specify times at which shops may or may not open; or
  - include any other conditions as the circumstances in which shops in the area may open.
- 5 The Ministry of Business, Innovation and Employment (MBIE) has responsibility for implementation of the Act. If a policy is adopted by the Council, Easter Sunday shop trading could come into effect for Easter 2018. If a policy is not adopted, only the few shops currently permitted by law to open would be open.
- 6 After receiving requests from the business community, the Council agreed to consult on a local policy for Easter Sunday trading. A full suite of engagement tools was used to promote the opportunity for the community to be an integral part of a decision about whether trading on Easter Sunday should be approved. The public was encouraged to submit through media advisories, Facebook posts, Council e-newsletters, and by public notice and radio.

- 7 Submissions on the proposed policy opened on 4 September 2017 and closed on 8 October 2017. The opportunity to submit on the proposal was well publicised and there was good public participation. Two hundred and thirty nine submissions were received. One of the submissions included a petition with three hundred and twenty six signatures.
- 8 Twelve submitters were heard by Council on 9 November 2017. The submitters spoke on behalf of businesses, churches, First Union and as individuals. The hearing provided an opportunity for further information and context to be offered and for Elected Members to ask questions for clarification.
- 9 Further background is provided in: SP-17-288 Proposed Local Easter Sunday Shop Trading Policy, and SP-17-348 Proposed Local Easter Sunday Shop Trading Policy Hearing, which includes copies of the submissions.

## **ISSUES AND OPTIONS**

### **Submission Analysis**

- 10 An analysis of the submissions received is as follows:

#### **Submissions supporting the proposed policy**

- 11 Seventy five submissions supported the adoption of a policy (thirty one per cent of the total submissions). Eight of these submissions were on behalf of organisations and are listed below:
  - Coastlands Shoppingtown;
  - Foodstuffs North Island;
  - Hospitality New Zealand;
  - Kapiti Chamber of Commerce;
  - Michael Hill;
  - Mitre 10 MEGA Kapiti;
  - Simply New Zealand Ltd, and
  - Retail NZ.
- 12 The main themes in the submissions supporting a policy were:
  - support for individual and business freedom of choice;
  - that the current situation is outdated and not appropriate in a secular, diverse society; and
  - that the policy would support tourism and Kāpiti as a visitor destination.
- 13 The table overleaf provides the themes identified in order of the frequency they appear in submissions. Note that most submissions covered more than one theme.

<b>Reasons for Supporting a Policy</b>	<b>Number</b>
Individual & business freedom of choice	36
Law outdated, not appropriate in a secular, diverse society/Long overdue/Should celebrate all religions or none	19
Would support tourism and visitor destination	17
Religion shouldn't decide when we trade/Don't foist your beliefs on others	15
People shop/I want to shop on Easter Sunday	9
Good for economy	9
Employees' right to not work is protected/Legislation provides safeguards/Employees should be protected/People want to work	9
The law is anomalous, confusing, unfair	7
Should have been Central Government decision/should standardise across the country	6
Retailers wish to open already	4
Would send the message that Kāpiti is open for business/would support hospitality businesses	5
Kāpiti has a shopping tradition	4
Would avoid the before and after Easter Sunday madness	3
It is a global market/Internet shopping is already available	2
Convenience for shoppers, including those who don't have time during the week	2
There have been no adverse effects for areas that already have a policy	1
Council should decide rather than have anarchy	1
Should allow Easter Sunday trading later in the day so that people can go to church	1

### **Submissions opposing the proposed policy**

14 One hundred and sixty four submissions opposed the proposed policy (sixty nine per cent of the total submissions). Of those submissions, five were on behalf of a single organisation or on behalf of a collective of organisations. These are listed below:

- The Hub Community Church;
- A collective of twelve churches: Kapiti Anglican Parish; Rangiatea Church; Waikanae Baptist Church; Coast Community Church; Waikanae Café Church; Centre Church; 222 Foundation (Christian Missions Organisation); Kapiti Impact Church; Paraparaumu Baptist Church; Raumati Beach Church, Waikanae Anglican; and Connect Church
- Gus Evans Nurseries,
- First Union, which included a petition with three hundred and twenty six signatures; and
- Ōtaki-Waikanae Presbyterian Church

- 15 The strongest three themes found in the submissions opposing the adoption of a policy are:
- that having shops closed on Easter Sunday provides time for family, whānau and friends to spend together;
  - Easter Sunday is an important day on the Christian calendar for religious observance; and
  - that submitters are concerned about the wellbeing of retail staff.
- 16 The table below provides the themes identified in the order of frequency they appear in submissions. Note that most submissions covered more than one theme.

<b>Reasons for Opposing a Policy</b>	<b>Number</b>
Easter Sunday provides time for family/whānau and friends to spend together	84
Religious reasons	58
Concern for retail staff: their wellbeing; ability to say no; the power relationship/Protection for staff is inadequate	54
Shared day off, to relax, rest, and enjoy	49
Shops are open enough	44
It shouldn't be about money/Consumerism, it's about people/What makes Kapiti special is not shopping/Focus should be on Easter/Focus should be non-commercial activities/Too much focus on money	22
Society needs to slow down too/Health of society/Opportunity for Council to encourage community events/Opportunity for Council and public policy to encourage welfare of community	17
Tradition/old values	14
Concern for impact on employers, shop owners	11
Opens door to lose other days/ We should protect days off that we have	9
This is predominantly a Christian country/district	7
No economic gain from having a policy/People only have so much to spend	5
Don't want shops to open	5
Kāpiti does not have enough 'tourist' traffic to make Kāpiti a special case/Tourists come to enjoy nature not shops	4
Workers should be free to attend church with their families	4
Current rules work well/Enough shops are already open	5
Should have more days off to celebrate other traditions, cultures	1
Special events are planned for Easter, if a policy is adopted it should be delayed by at least five years	1

## Options

17 The choice for Council is limited by legislation to the decision to either adopt the policy or not. The proposed policy has not been altered as a result of the consultation due to these limitations.

18 There has been strong feedback about this issue and the arguments for and against the adoption of the policy have been provided in the submission analysis above. A recommendation for each option is provided for consideration.

19 If a decision is made not to adopt a policy at this time, direction can be provided on the process to respond to any future requests. Any future requests to develop a Local Easter Sunday Shop Trading Policy could be considered as part of the Long Term Plan process.

## Policy considerations

20 The opportunity to have the community debate on the adoption of a policy has supported the following Council Outcome:

- Democracy through community participation – create easy opportunities throughout the council decision making process for the community to contribute.

21 The adoption of a Local Easter Sunday Shop Trading Policy could support the following Council Outcome:

- Thriving economy – support the unique character of the various geographic communities and communities of interest while encouraging greater district integration

22 A policy would also support the implementation of the Economic Development Strategies and compliment the Council's focus on being open for business.

23 Not adopting a policy could support the following Council Outcome:

Resilient community – maintain and improve community connections – physical, cultural, environmental and social.

## Legal considerations

24 Legal advice was sought to ensure that the policy is fit for purpose.

## Financial considerations

25 There are no financial implications from the adoption of a Local Easter Sunday Shop Trading Policy. The costs of preparing this policy were met from existing budgets and any enforcement is the responsibility of MBIE.

## Tāngata whenua considerations

26 No tāngata whenua considerations for the development of this policy have been identified.

## SIGNIFICANCE AND ENGAGEMENT

### Significance policy

- 27 This matter has a low degree of significance under the Council's Significance and Engagement Policy. As noted in this report, parts of the community feel very strongly about this matter.

### Consultation already undertaken

- 28 Church networks and the Chamber of Commerce were provided with early information about the policy development and consultation process. Consultation on this policy took place according to the statutory consultation procedure defined by the Local Government Act 2002.
- 29 A full Engagement and Communications Plan was developed and implemented to ensure that the public, and particularly business and church communities, had the opportunity to submit on the policy. The public were encouraged to submit through media advisories, Facebook posts, Council e-newsletters, and by public notice and radio.

### Publicity

- 30 Submitters will be notified directly if they provided their contact details. The public will be notified of the outcome using the Council's suite of engagement tools.

## RECOMMENDATIONS

- 31 The following two resolutions are provided as options for recommendation to Council:

- 32 That the Strategy and Policy Committee recommends that Council adopt the Local Easter Sunday Shop Trading Policy attached as Appendix One to SP-17-347.

Or

- 33 That the Strategy and Policy Committee does not recommend the adoption of the Proposed Local Easter Sunday Shop Trading Policy, and directs that any future requests for a policy will next be considered as part of the 2021 Long Term Plan deliberations.

<b>Report prepared by</b>	<b>Approved for submission</b>	<b>Approved for submission</b>
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Sam Hutcheson

Alison Law

Sarah Stevenson

**Principal Policy  
Advisor**

**Acting Group Manager,  
Community Services**

**Group Manager,  
Strategy and Planning**

Appendix One: Proposed Local Easter Sunday Shop Trading Policy

Appendix One

**PROPOSED LOCAL EASTER SHOP TRADING POLICY 2017**

**31 AUGUST 2017**

**CONTENTS**

1. Introduction
  2. Policy Objectives and Scope
  3. Strategic Alignment
  4. Definitions
  5. Policy
  6. Review
  7. References
- Schedule 1 Kāpiti Coast District Map

<b>REVISION HISTORY</b> <i>Revision</i>	<i>Policy Sponsor</i>	<i>Approval date and date of next scheduled review</i>	<i>Decision</i>
	Group Manager, Strategy & Planning		Council



## **1. INTRODUCTION**

The purpose of this policy is to enable shops to trade on Easter Sunday if they wish. This policy is made under Part 2 (subpart 1) of the Shop Trading Hours Act 1990 (the Act). Easter Sunday is a significant day in the religious calendar for many New Zealanders. Some businesses will choose not to open and some workers will choose not to work on this day.

## **2. POLICY OBJECTIVES AND SCOPE**

The objective of this policy is to enable Easter Sunday Trading and support a vibrant, diverse and thriving Kāpiti.

This policy applies to the whole of the Kāpiti Coast District (see Schedule 1 Map) and does not apply to the sale and supply of alcohol, which is regulated under the Sale and Supply of Alcohol Act 2012.

## **3. STRATEGIC ALIGNMENT**

This policy supports the vision for the Kapiti Coast as vibrant, diverse and thriving and contributes to the following Council Outcomes:

- Thriving economy – support the unique character of the various geographic communities and communities of interest while encouraging greater district integration
- Democracy through community participation – create easy opportunities throughout the council decision making process for the community to contribute.

## **4. DEFINITIONS**

For the purposes of this policy, the meaning of a shop is the same as defined in section 2 of the Act:

‘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’

## **5. POLICY**

The Policy of the Kapiti Coast District Council is as follows:

**Shop trading is permitted on Easter Sundays throughout the whole of the Kapiti Coast District as defined by the map in Schedule 1**

**Individual retailers will choose whether to open on Easter Sunday. This policy does not require shops to open on Easter Sunday, nor does it require individuals to shop on Easter Sunday or require employees to work on Easter Sunday. The workers choice provision in Part 2 (subpart 2) of the Shop Trading Hours Act 1990 that outlines a shop employee's right to refuse to work on Easter Sunday supports this right.**

#### **6. *MONITORING***

The Ministry of Business, Innovation and Employment is responsible for enforcement of breaches of shop trading hours on Easter Sundays and the imposition of penalties.

#### **7. *REVIEW***

This policy is required to be reviewed at least every five years from the date of adoption.

#### **8. *REFERENCES***

Shop Trading Hours Act 1990

Schedule 1 Kapiti Coast District

