



AGENDA

Extraordinary Council Meeting Tuesday, 20 September 2022

Date Tuesday, 20 September 2022

Time 3pm

Location Council Chamber
District Council Building
King George Place
Timaru

File Reference 1527640

Timaru District Council

Notice is hereby given that a meeting of the Extraordinary Council will be held in the Council Chamber, District Council Building, King George Place, Timaru, on Tuesday 20 September 2022, at 3pm.

Council Members

Mayor Nigel Bowen (Chairperson), Cllrs Steve Wills, Allan Booth, Peter Burt, Barbara Gilchrist, Richard Lyon, Gavin Oliver, Paddy O'Reilly, Sally Parker and Stu Piddington

Quorum – no less than 5 members

Local Authorities (Members' Interests) Act 1968

Councillors are reminded that if they have a pecuniary interest in any item on the agenda, then they must declare this interest and refrain from discussing or voting on this item and are advised to withdraw from the meeting table.

Bede Carran

Chief Executive

Order Of Business

1	Apologies	5
2	Public Forum	5
3	Declaration of Conflict of Interest	5
4	Reports	6
4.1	Observance of South Canterbury Anniversary Day	6
5	Public Forum Items Requiring Consideration	10

- 1 Apologies**
- 2 Public Forum**
- 3 Declaration of Conflict of Interest**

4 Reports

4.1 Observance of South Canterbury Anniversary Day

Author: Jacky Clarke, Governance and Executive Support Manager
Stephen Doran, Communications Manager

Authoriser: Bede Carran, Chief Executive

Recommendation

1. That Council consider and decide whether to resolve to:
 - (i) Observe the South Canterbury Anniversary Day on an alternative date, namely 11 November 2022 for this year (which is the date that Canterbury Anniversary Day will be observed); or
 - (ii) Confirm that South Canterbury Anniversary Day will be observed on its originally intended date of 26 September 2022.

Purpose of Report

- 1 This report is to enable Council to urgently respond to the announcement that Queen Elizabeth II Memorial Day which will be observed on 26 September 2022, should also be the date for observance of South Canterbury Anniversary Day, or whether Council should move the Anniversary Day observance to an alternative date of Friday 11 November 2022.

Assessment of Significance

- 2 This urgent matter has a medium to high degree of significance when assessed against Council's Significance and Engagement Policy. It potentially affects all employees and employers in the District if observance of the Anniversary Day as a public holiday is moved to an alternative date.

Background

- 3 The Prime Minister has announced that there will be a one off national public holiday, Queen Elizabeth II Memorial Day, on 26 September 2022 to mark the passing of Queen Elizabeth II.
- 4 26 September 2022 is also the date that the people of South Canterbury will for the 2022 year observe South Canterbury Anniversary day. South Canterbury Anniversary day is observed by the Mackenzie District Council, Timaru District Council and Waimate District Council (Affected Councils).

Discussion

- 5 The necessity to consider the observance of South Canterbury's Anniversary day arises from the manner in which the Holidays Act 2003 (Holidays Act) regulates the relationship between employees and employers in terms of public holidays and provincial anniversary days. The Holidays Act provides that if 2 or more public holidays fall on the same date then those two public holidays must, for the purpose of defining a public holiday within the employment relationship, be treated as being only one public holiday (section 44(4)).

- 6 A decision on whether South Canterbury Anniversary day will be observed on an alternative date in response to the Prime Minister's announcement that Queen Elizabeth II Memorial Day will be observed on 26 September 2022 needs to be made by the Affected Councils prior to 26 September 2022. If no decision is made prior to 26 September the default position in the Holidays Act, of the two public holidays being observed concurrently, will apply.
- 7 A range of alternative dates has been considered. People need a reasonable amount of time to plan and to make arrangements to manage a new public holiday. Moving South Canterbury Anniversary to Friday 11 November 2022, which aligns with Canterbury Anniversary day, is considered a suitable alternative date. It provides a measure of time to plan and achieves some consistency with the wider Canterbury area. Moving the date to align with Canterbury Anniversary Day while not eliminating the impacts does mitigate some of them as a number of businesses and agencies in other parts of Canterbury will also be closed. However, some businesses and organisations will likely have planned activities or work for 11 November and it may not be readily changed or transferred.

Options and Preferred Option

- 8 The Ministry for Business, Innovation and Employment (MBIE) has contacted the Affected Councils to advise that the observance of provincial anniversary days is a matter of custom and practice, and therefore that the elected members of the Affected Councils may decide to:
- (i) Observe the South Canterbury Anniversary day on an alternative date, and if so it is proposed that the most suitable alternative date is Friday 11 November 2022; or
 - (ii) Confirm that for 2022 the observance of South Canterbury Anniversary day will be 26 September 2022.

Advantages and disadvantages of transferring South Canterbury Anniversary Day to 11 November

- 9 The advantages of transferring the day of observance to Friday 11 November 2022 are that:
- (i) it provides the South Canterbury community with a standalone public holiday for its Anniversary day;
 - (ii) 11 November gives employers and employees a reasonable length of time to plan for the public holiday;
 - (iii) The date is aligned to Canterbury Anniversary day which mitigates some of the issues faced by organisations as a number of businesses and agencies in other parts of Canterbury will also be closed.
- 10 The primary disadvantages are that:
- (i) It will impose an additional cost on employers by requiring them to provide an extra day of leave;
 - (ii) A number of organisations may have planned significant and difficult to reschedule activities or undertakings and the provision of a public holiday may challenge their capacity to undertake these planned activities or undertakings.

Advantages and disadvantages of retaining South Canterbury Anniversary Day as 26 September

- 11 The advantages of retaining Anniversary Day as 26 September is that it does not:
- (i) Impose an additional cost burden on businesses;

- (ii) Disrupt scheduled work planned around Anniversary Day being observed on 26 September.
- 12 The disadvantage is that the South Canterbury Community will not have a standalone Anniversary Day and it will instead be observed on the same day as Queen Elizabeth II Memorial Day.

Consultation

- 13 The ability to seek a full picture of the impacts of this decision on the community has been constrained by the necessarily short timeframe within which the Affected Councils must make this decision.
- 14 Public feedback has been sought by way of an online survey and feedback has also been sought through direct discussions with some directly affected stakeholders. A summary of the results of this survey will be provided prior to or at the extraordinary meeting.
- 15 Specifically, the South Canterbury Chamber of Commerce (Chamber) has noted on behalf of its members that marking the death of a much loved and revered Sovereign is an historic event of major significance and hence the appropriateness of a memorial day. The Chamber acknowledges the dilemma presented by the Memorial Day and Anniversary Day falling on the same date, and that it is appropriate for the Affected Councils to consider the matter.
- 16 The Chamber notes:

'a mixed reaction has been received from businesses with some concerned that Canterbury Anniversary is a day that traditionally attracts Cantabrians to the Timaru District to shop, dine out and visit. Hence a number of businesses do not wish to lose this opportunity. Others believe that with the considerable upheaval that has been felt especially in the tourism, hospitality and retail areas many smaller businesses cannot afford another public holiday. They have coped with staff absences due to Covid and isolation requirements, additional sick leave entitlements, an additional public holiday and with inflationary pressures and rising wages this is a step too far for some. Other businesses have already asked the Chamber to lobby to permanently shift the South Canterbury Anniversary to Canterbury Anniversary as they believe this will minimize disruption to business.'
- 17 Noting the appropriateness and wish of the community (including the business community) to mourn the Queen and to honour her service to New Zealand as our Head of State, the Chamber advises that, in respect of an additional day's holiday, there is no clear and singular view among businesses.
- 18 The Chamber concludes by noting that there will be costs to be borne by businesses and the need for them to have certainty and clarity to operate effectively and that at present there is uncertainty.
- 19 The corollary of the present uncertainty noted by the Chamber is addressed most optimally by retaining September 26 as South Canterbury Anniversary Day. By moving the day of observance to 11 November it addresses much of the uncertainty but not the issue of where the additional costs will fall and be borne, nor necessarily how to manage activities and work specifically planned for that date.
- 20 Representatives of both the Primary and Secondary Schools' Principals have indicated that they are largely agnostic in respect of managing teaching and curriculum requirements. However, officers note that their comments have necessarily been provided in a compressed

timeframe and without the ability to consider all aspects and discuss widely with their members.

Relevant Legislation, Council Policy and Plans

- 21 Public Holiday Act 2003 (regarding observance of overlapping public holidays) and the Local Government Act 2002 (regarding consultation with the community for matters with significance).

Financial and Funding Implications

- 22 If the observance of Anniversary Day is moved to 11 November 2022 Council's additional financial costs are primarily paying time and half to team members who are required to work on a public holiday and providing them with an additional day of leave. The additional cost is estimated at approximately \$10,000. It is also relevant to note there is an indirect financial cost of work not completed, which can be considered as lost productive time or the opportunity cost of work not completed due to the additional day's leave.

Other Considerations

- 23 None identified.

Attachments

Nil

5 Public Forum Items Requiring Consideration