

Easter Sunday Shop Trading Policy 2017

Let us know what you think about the proposed policy



Contents

1. What is Being Proposed
2. Background
3. Options to be Considered
4. Draft Easter Sunday Shop Trading Policy
5. Have Your Say
6. Want More Information?
7. Timeline

Submission Form

Purpose of this Statement of Proposal

This statement of proposal has been prepared as part of consultation regarding the proposed Easter Sunday Shop Trading policy for the Timaru District.

The special consultative procedure gives the public an opportunity to make submissions and provide feedback on the proposed policy. Once the submission period closes, hearings will be conducted if people indicate they want to speak in support of their submissions.

This statement of proposal has been prepared in accordance with the requirements of section 83 and 87 of the Local Government Act 2002. It includes making publicly available –

- The proposed policy and the rationale behind this;
- Other reasonably practicable options; and
- A description of the consultation and submission process, including the period within which views on the proposal may be provided.



1. What is Being Proposed

- 1.1** Timaru District Council is proposing an Easter Sunday Shop Trading Policy which will enable shops within the Timaru District to trade on Easter Sunday if they choose to.
- 1.2** The proposed policy would apply across the entire Timaru District.

2. Background

The Shop Trading Hours Act (the Act) 1990 lists restricted trading days (ANZAC Day morning, Good Friday, Easter Sunday and Christmas Day) and places restrictions on what type of businesses may trade on these particular days.

In August 2016 the Government amended this Act with the Shop Trading Hours Amendment Act. This amendment allows individual councils to adopt a policy for their district giving retailers the option to trade on Easter Sunday, after consultation with their communities.

Quick Facts

What can the policy regulate?

Council can create a local policy to allow shop trading across their entire district or in limited areas on Easter Sunday. The policy only applies to Easter Sunday, and does not apply to Good Friday or Easter Monday.

Council's policy cannot:

- Permit shops to open for only some purposes
- Specify hours that a shop can be open/closed or other conditions in which a shop may open
- Override shop trading provisions in other legislation, such as liquor licensing provisions.

If a policy is adopted in the Timaru District does that mean all shops are required to open on Easter Sunday?

No. If a policy is adopted shops have the right to choose if they want to open on Easter Sunday.

Do employees have to work?

All shop employees will be able to refuse to work on Easter Sunday without any repercussions for their employment relationship. There are requirements associated with this right to refuse to work on Easter Sunday for both employers and employees. See www.employment.govt.nz for information about this.

Who enforces the policy?

Council is not responsible for enforcing the Easter Sunday Shop Trading Policy. Breaches of shop trading remain with the central government department responsible for the administration of the Shop Trading Hours Act.

Is the policy required to be reviewed?

Council must review the policy no later than five (5) years after its adoption.

3. Options to be Considered

Options	Advantages and Disadvantages
No Policy The current legislation prevails – only certain shops can open on Easter Sunday	<p>Under the Shop Trading Hours Act (the Act) 1990 only a limited range of shops are permitted to open on Easter Sunday. This option preserves limited retail trading on Easter Sunday.</p> <p>Retaining the status quo will be seen as a benefit to some shop owners, residents and visitors and employees for recreational and religious reasons.</p> <p>Others will equally see this as a disadvantage.</p>
Introduce a policy that allows trading on Easter Sunday in particular parts of the Timaru District	<p>This option would allow shops to open in specified areas of the district.</p> <p>The disadvantages of this option are:</p> <ul style="list-style-type: none"> ■ the potential confusion about which shops can open ■ a perception that having different rules within the district is unfair on shop owners, shoppers, and employees
Introduce a policy that allows trading on Easter Sunday throughout the entire Timaru District Council's preferred option	<p>This option would allow all shops within the Timaru District to trade on Easter Sunday if they choose to do so.</p> <p>Council recognises the importance of the retail sector to the district, and this policy would allow shop owners the choice to open on Easter Sunday. Residents and visitors to the District would therefore have the option to shop if they choose to do so.</p> <p>A policy that applies across the whole district avoids any confusion about which shops will be able to open on Easter Sunday, and removes any element of perceived unfairness by having different rules for different parts of the district.</p> <p>The decision whether to trade on Easter Sunday remains with the shop owner.</p>



4. Draft Easter Sunday Shop Trading Policy

1.0 Purpose

- 1.1** The purpose of this policy is to enable shops within the Timaru District to trade on Easter Sunday if they choose to.
- 1.2** This policy neither requires shops to open, or individuals to shop on Easter Sunday.

2.0 Background

The Shop Trading Hours Amendment Act 2016 made provision for territorial authorities to adopt a local policy to permit shops in the whole or any part(s) of their district to trade on Easter Sunday.

Any such policy is made under the Shop Trading Hours Act 1990 Part 2 (Subpart 1).

3.0 Key Definitions

Shop – means 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. (As per Shop Trading Hours Act 1990 Section 2).

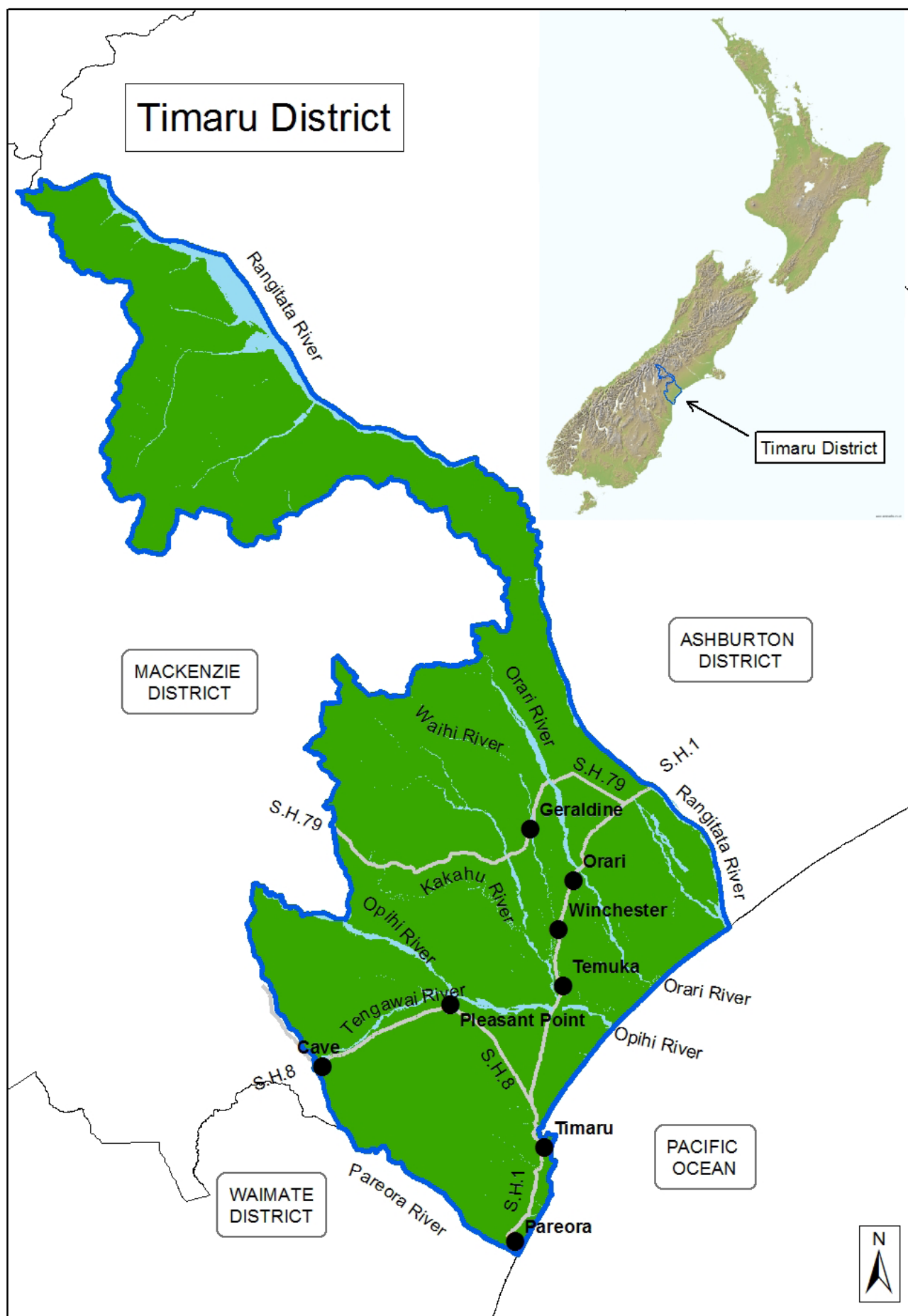
Act – means the Shop Trading Hours Act 1990.

4.0 Policy

- 4.1** Shop trading is permitted on Easter Sundays throughout the Timaru District.
- 4.2** As provided in the Act, all shop employees have the right to refuse to work on Easter Sunday.
- 4.3** Council is not responsible for the enforcement of this policy. Enforcement is undertaken by the central government department responsible for the administration of the Act.
- 4.4** This Policy does not apply to the sale or supply of alcohol, which is regulated under the Sale and Supply of Alcohol Act 2012.
- 4.5** This Policy will be reviewed no later than 5 years after the date of adoption, as required by the Act.

DRAFT

5.0 Map of Timaru District Where Shop Trading on Easter Sunday is Permitted



5. Have Your Say

Let us know what you think about our proposed Easter Sunday Shop Trading Policy

You can do this by:

- Going to the Council website www.timaru.govt.nz and completing the online feedback form
- Filling out the submission form at the end of this document with your feedback and Freepost it back to Council (instructions on the next page)
- Scanning your feedback form and emailing this to submission@timdc.govt.nz

6. Want More Information?

Submissions close 5.00pm
Monday 30 October 2017

If you have any questions about the proposed policy, you can contact Paul Cooper, Environmental Compliance Manager (paul.cooper@timdc.govt.nz)

If you have any questions about the consultation process, please contact Mark Low (mark.low@timdc.govt.nz) or Ann Fitzgerald (ann.fitzgerald@timdc.govt.nz)

Telephone 03 687 7200

7. Timeline

Timeline for considering the proposed policy.

**28 September 2017 –
30 October 2017**

Consultation period

30 October 2017

Submissions close

Week of 13-17 November 2017

Council considers submissions (hearing if required)

12 December 2017

Council decision on Easter Sunday Shop Trading policy

Easter Sunday Shop Trading Policy 2017

Submission Form

Your details

First name:

Last name:

Organisation (if applicable):

Phone (landline or mobile):

Email address:*

Postal address:**

.....

.....

.....

Do you want to speak about your submission at a Council Hearing? (tick a box)**:

☐

Yes

☐

No

*we require your email address and/or your physical postal address. **must complete. If you do not complete, we will assume you do not wish to speak.

Your feedback

.....

.....

.....

.....

.....

.....

.....

.....

Submissions are public information

Submissions made to Council, including submitters' name, will be included in papers available to the Council, media and the public.

If requested, Council is legally required to make all written & electronic submissions available to the public including the name and contact details of the submitter, subject to the provisions of the Local Government Official Information and Meetings Act 1987.

If you believe there are compelling reasons why your contact details or submission should be kept confidential, please contact us.

Need more room?

Please use extra paper if required and attach with your submission.

How to return this form via FreePost

Complete **Your details** and **Your feedback** sections

Put your form in a sealed envelope and address to:

FreePost Authority Number 95136
Easter Sunday Shop Trading Policy
Timaru District Council
PO Box 522
TIMARU 7940

Thank you.



Timaru District Council

2 King George Place
PO Box 522, Timaru 7940

T (03) 687 7200

F (03) 687 7209

E enquiry@timdc.govt.nz

www.timaru.govt.nz