

## Statement of Proposal

### Proposed Local Easter Sunday Trading Policy

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This statement of proposal is prepared under section 5B of the Shop Trading Hours Act 1990 and sections 83 of the Local Government Act 2002. This document contains:

- Background
- Policy scope
- Options
- A draft of the proposed policy

### Background

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In August 2016, the Government amended the Shop Trading Hours Act 1990. The amendment allows local Councils to adopt a policy giving retailers the option to trade on Easter Sunday.

Before this legislation change, most shops had to remain closed on three and a half days of the year – Good Friday, Easter Sunday, Anzac Day (until 1pm) and Christmas Day.

However, there were exemptions to this law for certain types of shops i.e. dairies, service stations, garden centres, cafes and duty free shops. Some tourist centres also hold an exemption for Easter Sundays, meaning retailers in these centres can already open, but Napier doesn't hold an exemption

The changes to the Shop Trading Hours Act give local communities the choice of whether or not to allow trading on Easter Sunday. Council recognises the importance of tourism related trade to the Napier economy and so is proposing to adopt a policy that allows shops across the Napier district to trade on Easter Sunday, although ultimately it is up to individual retailers whether they choose to exercise the right to open (i.e. there is no compulsion to do so).

Easter Sunday is a day of significance across New Zealand and some people will choose not to work on this day. The changes to the legislation include a workers choice provision which allows employees and employers to negotiate freely, and the ability for employees to refuse work on Easter Sunday without any repercussions to the employment relationship.

### Have your say

Before making any final decisions, we'd like to have your input. We welcome submissions from any interested person or organisation on any aspect of the proposed policy.

**Submissions need to be received by 12pm, January 13, 2016.**

You can make an online submission by visiting our website [www.napier.govt.nz](http://www.napier.govt.nz) and clicking on the 'submit it' button or by typing in the keyword #EasterSundayTradingPolicy.

Or you can fill out the submission form attached and either:

- email it to: [info@napier.govt.nz](mailto:info@napier.govt.nz)
- Post it to: Freepost 172273 Easter Sunday Trading Policy, Napier City Council, Private Bag 6010, Napier 4142.
- Deliver it in person to the Civic Building Reception, Level 1, 232 Hastings Street, Napier.

If you would like to speak to your submission, please indicate this and provide your contact details on your submission. A Council meeting to hear submissions will be held early to mid February. We will be in touch to let you know the date and time.

### Easter in Napier

Easter weekend in Napier is a time of high visitor numbers. Our warm temperatures often extend into March/April making Napier a popular Easter weekend destination for both domestic tourists and foreign visitors alike. Hawke's Bays Easter weekend events such as The Big Easy and the Horse of the Year (which occurs around Easter time) are attracting an increasing amount of tourists to Napier and the wider region. Easter also falls within the cruise ship season, so there is a high probability of a cruise ship being in Port on Easter Sunday.

Council would like to give retailers the option to provide for these tourists to shop while they are in town for the long weekend. Easter brings an increased demand for food, refreshments and the associated products that are required for entertaining. Visitors, and the residents and businesses who host these visitors, are often inconvenienced when shops are closed on both Easter Friday and Easter Sunday.

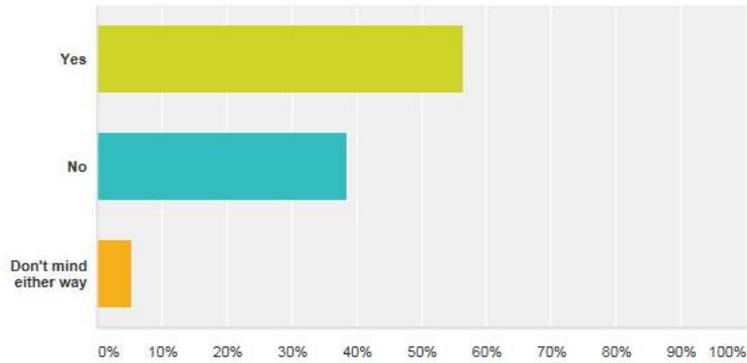
### Informal Pre-consultation

To help inform decision making on this policy, Council has conducted informal consultation through an online survey. This survey was open for a 2 week period and was advertised on our Facebook page and on our Website. The survey results show that over half of those surveyed are either in support or are neutral to this proposal.

The results of this survey can be seen here:

### Do you think retailers in Napier should be given the option to open on Easter Sunday?

Answered: 271 Skipped: 1



Answer Choices	Responses
Yes	56.46% 153
No	38.38% 104
Don't mind either way	5.17% 14
Total	271

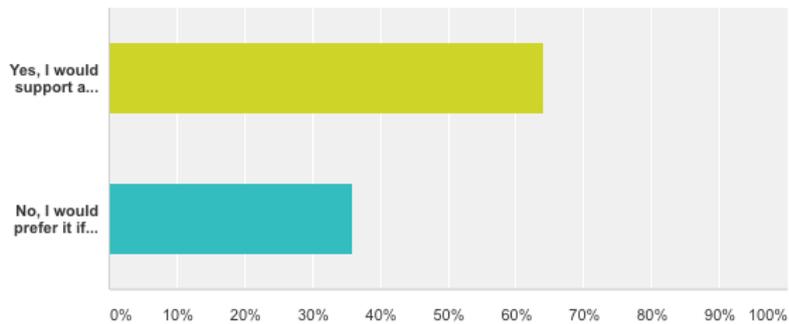
[Comments \(99\)](#)

The retail associations of Taradale, Napier CBD and Ahurihi conducted surveys with their members on Councils behalf. The results indicated that over half of the respondents would like the choice to open. The Napier City Business Inc conducted an online survey with the following results:

Q1 Customize Export

### Would you support a policy that allows Easter trading in the Napier district?

Answered: 64 Skipped: 0



Answer Choices	Responses
Yes, I would support a policy that gives us an option to trade on Easter Sunday.	64.06% 41
No, I would prefer it if Easter trading is prohibited in the Napier district.	35.94% 23
Total	64

## Workers Choice Provision

The legislation recognises that Easter Sunday is a day of significance across New Zealand and some people will choose not to work on this day. An additional change to the Shop Trading Hours Act 1990 is the worker's choice provision. This gives employees and employers the ability to negotiate freely, and gives employees the ability to refuse work on Easter Sunday without any repercussions to the employment relationship.

### Policy Scope

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The policy needs to define whether trading on Easter Sunday can occur in:

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

The policy cannot:

- a) permit shops to open for only 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 and supply of alcohol as this is regulated under the Sale and Supply of Alcohol Act 2012. For the purpose of this policy, the definition of a shop under the Act is as follows:

**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.

### Options

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#### 1. Status quo

Napier District could choose not to have a policy. However, Council has decided to be proactive in response to this legislation change and allow people to have their say in whether or not shops should be allowed to open.

## **2. Limiting shop trading to part of the Napier District.**

Considering the small size of the Napier district and the fact that our retailers' areas are spread across the City, Council considers it appropriate for the policy to cover the whole of the Napier District. Other options could include limiting the policy to only allow shops in the Central Business District to open, or certain shopping districts.

## **3. Adopt a draft policy for public consultation**

Council has considered the results of the informal public consultation and has decided to take the next step in adopting a draft policy. The next step includes a process of formal consultation through the special consultative procedure.

### **Preferred Options**

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Of the options above, Council believe that option 3 is the most suitable. This option will give Council a chance to hear community views on the proposal, before making a final decision.

## Draft Local Easter Sunday Trading Policy

<b>Approved by:</b>	Council		
<b>Department:</b>	City Strategy		
<b>Date Approved:</b>		<b>Reviewed:</b>	
<b>Review Cycle:</b>	5 yearly	<b>DOC ID:</b>	
<b>Relevant Legislation:</b>	Shop Trading Hours Act 1990		

### Purpose

The purpose of this policy is to enable shops to trade on Easter Sunday if they wish. This policy is made under Subpart 1 of Part 2 of the Shop Trading Hours Act 1990.

### Scope

This policy applies to the whole of the Napier District. This policy does not apply to the sale and supply of alcohol which is regulated under the Sale and Supply of Alcohol Act 2012.

### Policy

- 1.1 Shop trading is permitted on Easter Sundays though out the whole of the Napier District as defined by the map in Schedule A.
- 1.2 The choice to open rests with each individual retailer. The Policy neither requires shops to open, or individuals to shop on Easter Sunday.
- 1.3 Council recognises that Easter Sunday is a day of significance across New Zealand and some people will choose not to work on this day. Subpart 2 of Part 2 of the Shop Trading Hours Act 1990 includes a workers choice provision that outlines a shop employee's right to refuse to work on Easter Sunday.

### Definitions

For the purpose of this policy:

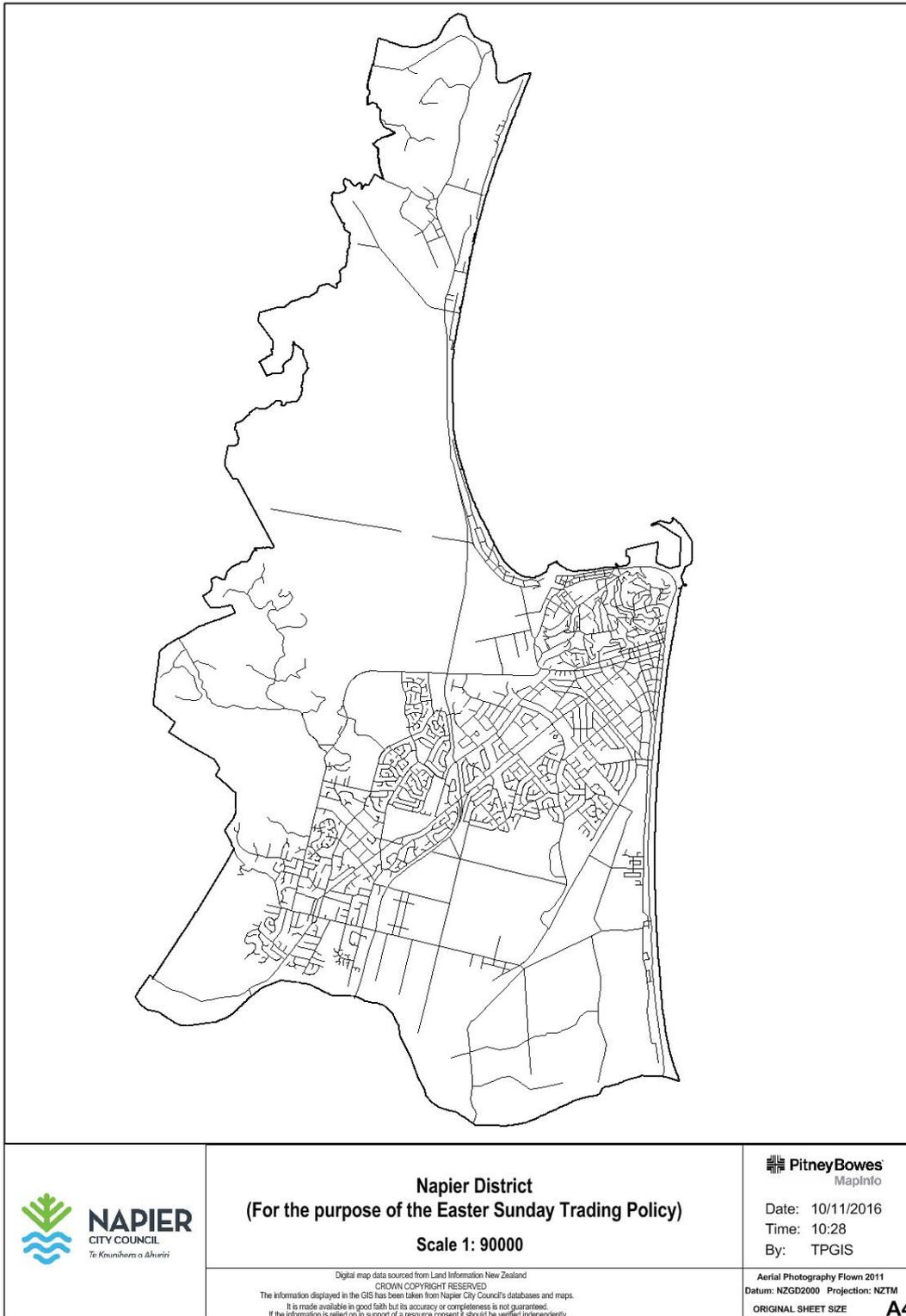
**Shop** means a building, place, or part of a building or place, where goods are kept, sold, or offered for sale, by retail; and includes an auction mart, and a barrow, stall, or other subdivision of a market; but does not include—

- (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.

**Schedule A: Map of the Napier District**



<p><small>The information displayed in the GIS has been taken from Napier City Council's databases and maps. It is made available in good faith but its accuracy or completeness is not guaranteed. If the information is relied on in support of a resource consent it should be verified independently.</small></p>	<p>ORIGINAL SHEET SIZE <b>A4</b></p>
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