

Document No: A602783

Report To: Council



Meeting Date: 22 February 2022

Subject: Adoption of Statement of Proposal for Consultation on Local Easter Sunday Shop Trading Policy Review.

Type: Decision Required

Purpose of Report

- 1.1 The purpose of this business paper is to present the Statement of Proposal to Council for consideration and adoption to enable public consultation on the proposed changes to the Local Easter Sunday Shop Trading Policy (the Policy).

Background

- 2.1 The Shop Trading Hours Act 1990 (the Act) was amended in 2016 to enable territorial authorities to decide whether retailers in their districts can open on Easter Sunday.
- 2.2 Section 5A of the Act provides Council with the ability to establish a policy on local Easter Sunday shop trading for the entire district or limited areas.
- 2.3 A local Easter Sunday trading policy cannot:
- 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 to the circumstances in which shops in the area may open
 - override shop trading provisions in other legislation, such as alcohol licencing provisions
- 2.4 The Policy was first considered in 2016 and adopted in 2017. Council is now required under section 5C(2) of the Act to review the Policy (5 yearly review).

Commentary

- 3.1 At the Council Workshop on 17 February 2022, elected members were presented with the track changed Draft Policy on Local Easter Sunday Shop Trading, and the draft Statement of Proposal.
- 3.2 No substantial amendments to the Policy have been proposed. However, the following minor edits have been proposed:
- Included Council in the definition section within the policy.
 - Transferred the policy into the new Council policy template.
 - Replaced the District map including more placenames.
- 3.2 Attached for Council's information is a copy of the tracked changed updated Local Easter Sunday Trading Policy (refer **Attachment 1**).
- 3.3 It should be noted that since its adoption, Council has not received any complaints in relation to the Policy.
- 3.4 Easter Sunday continues to be a day of significance across New Zealand and some people would rather not work on this day. Because of this, all shop employees will be able to refuse to work on Easter Sunday without any repercussions for their employment relationship.

Analysis of Options

4.1 **OPTIONS**

4.2 The reasonably practicable options related to the adoption of the proposed policy are:

Option 1: Adopt the Statement of Proposal for consultation (recommended)

Option 2: Status quo, continue with the current policy.

4.3 Option 1, if approved, would require Council to commence consultation for the Policy to be undertaken as outlined below.

4.4 Staff do not recommend Option 2 as the Policy would be revoked after 2 years if not reviewed as required under the Act.

Considerations

5.1 **RISK**

5.2 If the Policy is not reviewed this year, it would be revoked after 2 years, as specified in the Act.

5.3 **PUBLIC CONSULTATION**

5.4 The proposed changes to the Policy, can only be made after the public consultation using the special consultative procedure as provided for in section 83 of the Local Government Act 2002 (LGA).

5.5 Section 83 of the LGA process will involve;

- The development and adoption by of a statement of proposal for consultation
- Consultation period of one month;
- An opportunity for people wishing to present their views to Council in person; and
- Council consideration of any submissions, and subsequent adoption of the policy.

5.6 The proposed timeframes for the consultation and adoption process are set out below.

Timeframes for consultation	
Consultation Period	22 February – 22 March 2022
Council Meeting Hearings and Deliberations	29 March 2022
Council Meeting Adopt the Final Policy	29 March 2022

5.7 The Statement of Proposal and Submission Form will be available on the WDC website, Waitomo District Council Library and Te Kuiti i-SITE. Public notice will also be given in the King Country News. Waitomo District Council Facebook page will also be used to notify the public regarding the consultation.

5.8 **SIGNIFICANCE AND COMMUNITY VIEWS**

5.9 Adoption of option 1 will trigger Council's Significance and Engagement Policy. Community views are proposed to be sought on the Policy.

Recommendation

6.1 Council adopts the Statement of Proposal for public consultation.

Suggested Resolutions

- 1 The business paper on "Adoption of Statement of Proposal for Consultation on Council's Local Easter Sunday Trading Policy" be received.
- 2 Council adopts the Statement of Proposal for the proposed amendments to the Local Easter Sunday Trading Policy for public consultation from 22 February to 22 March 2022.



CHARMAINE ELLERY
MANAGER STRATEGY AND POLICY



ALEX BELL
GENERAL MANAGER – STRATEGY AND ENVIRONMENT

17 February 2022

Attachment:

- 1 Draft Local Easter Sunday Shop Trading Policy (A588269)
- 2 Draft Statement of Proposal (A602094)

DRAFT

Waitomo District Council

**Local Easter Sunday Shop
Trading Policy**

First Adopted:	28 February 2017
Review History:	2016, 2022
Date of Next Review:	February 2027
Responsibility:	Corporate Group
Adopted by:	Council (28 February 2017)

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INTRODUCTION | KUPU ARATAKI

This Policy is made under Part 2 (subpart 1) of the Shop Trading Hours Act 1990 ("the Act") which provides Council with the ability to establish a local policy to permit shops to open on Easter Sunday.

PURPOSE AND SCOPE | TE ARONGA ME TE KORAHĪ

1. The purpose of the Local Easter Sunday Shop Trading Policy ("the Policy") is to enable shops to trade on Easter Sunday if they wish to. The Policy neither requires shops to open, or individuals to shop on Easter Sunday.
2. This policy applies to the entire Waitomo District – refer to Schedule 1 for a map of the Waitomo District.
3. This Policy does not:
 - a) Control the types of shops that may open, or their opening hours,
 - b) Limit Council's ability to undertake its duties, powers or functions under any other Act,
 - c) Apply to the sale and supply of alcohol which is regulated under the Sale and Supply of Alcohol Act 2012, or
 - d) Address shop employee rights, which are governed by the requirements of the Act.
4. Council is not responsible for the enforcement of this Policy. Enforcement is undertaken by the central government department that is responsible for the administration of the Act.

DEFINITIONS | NGĀ WHAKAMĀRAMATANGA

Shop	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 – <ol style="list-style-type: none">a) A private home where the owner or occupier's effects are being sold (by auction or otherwise), orb) 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, orc) 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.
Goods	Goods includes all personal chattels other than alcohol (within the meaning of the Sale and Supply of Alcohol Act 2012), money, and things in action.
Council	Means Waitomo District Council

POLICY | KAUPAPA HERE

Any shop is permitted to open on Easter Sunday throughout the Waitomo District.

SCHEDULE 1 – MAP OF WAITOMO DISTRICT



STATEMENT OF PROPOSAL

Review of Local Easter Sunday Shop Trading Policy

Waitomo District Council



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PURPOSE

Waitomo District Council's (Council) vision is to be a vibrant District. Council policies support this vision and the community outcomes.

The purpose of the Local Easter Sunday Shop Trading Policy is to:

- Enable shops to trade on Easter Sunday if they want to.

BACKGROUND

This Policy is made under Part 2 (subpart 1) of the Shop Trading Hours Act 1990 ("the Act") which provides Council with the ability to establish a local policy to permit shops to open on Easter Sunday.

A territorial authority is entitled to have a Local Easter Sunday Shop Trading Policy to permit shops to open on Easter Sunday in the whole of its district, or in any part or parts of the district.

REASON FOR PROPOSAL

The Local Easter Sunday Shop Trading Policy was first adopted in 2017 after consideration by Council in 2016. Pursuant to section 5C(2) of the Act, Council is required to review its current Local Easter Sunday Shop Trading Policy every 5 years. Therefore, to retain this policy Council is required to review the Local Easter Sunday Shop Trading Policy in 2022.

Council does not consider any amendments are required to the policy.

Council want's your feedback on this policy.

Key dates

WHEN	WHAT
22 February 2022	Submissions open
22 March 2022	Submissions close
29 March 2022	Hearings (should people wish to speak to their submissions)
29 March 2022	Deliberations – Council discusses feedback from the community and changes are agreed to if appropriate
29 March 2022	Council adopts the final Policy

This Statement of Proposal has been prepared to fulfil the requirements of section 83 and 87 of the Local Government Act 2002 (LGA).



WHAT WE ARE PROPOSING

Council is committed to ensuring that the Waitomo District is a safe place to live, visit and work in. Council has reviewed its existing Local Easter Sunday Shop Trading Policy as required under the Act and is seeking your views.

Summary of Key changes

The policy remains largely unchanged; however the following key changes have been made in order to provide more clarity and to make the policy more user friendly.

- An introduction to the policy has been created to explain the reason why Council is required to have this policy.
- The purpose and scope of the policy has been combined provide clarity on what Council wishes to achieve through the policy.
- The Definitions section has been expanded to include key terminology used within the policy.

DRAFT

Waitomo District Council

**Local Easter Sunday Shop
Trading Policy**

First adopted	28 February 2017
Last Reviewed	2016, 2022
Review Date	28 February 2022
Associated documents	N/A
Responsibility	Corporate Group

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INTRODUCTION | KUPU ARATAKI

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PURPOSE AND SCOPE | TE ARONGA ME TE KORAHĪ

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This policy applies to the entire Waitomo District – refer to Schedule 1 for a map of the Waitomo District.

This Policy does not:

- a) Control the types of shops that may open, or their opening hours,
- b) Limit Council’s ability to undertake its duties, powers or functions under any other Act,
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- d) Address shop employee rights, which are governed by the requirements of the Act.

Council is not responsible for the enforcement of this Policy. Enforcement is undertaken by the central government department that is responsible for the administration of the Act.

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- 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.

Goods

Goods includes all personal chattels other than alcohol (within the meaning of the Sale and Supply of Alcohol Act 2012), money, and things in action.

Council

Means Waitomo District Council

POLICY | KAUPAPA HERE

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SCHEDULE 1 – MAP OF WAITOMO DISTRICT



Submission Form



Draft Local Easter Sunday Shop Trading Policy 2022

Submissions close 5pm 22 March 2022

Sub No.

For office use only

You can share your views by:

- Completing this submission form and returning it to us by:
 - Visiting our office on Queen Street, Te Kuiti
 - emailing it to: haveyoursay@waitomo.govt.nz (scan and pdf or take a photo)
 - Posting to: FREEPOST 112498, Waitomo District Council, PO Box 404, Te Kuiti 3941
- Visiting our website: waitomo.govt.nz/consultation and fill an online submission form

Full Name:	<input type="text"/>
Organisation: <i>(if responding on behalf of)</i>	<input type="text"/>
Phone: <i>(home/mobile)</i>	<input type="text"/>
Address:	<input type="text"/>
Postcode:	<input type="text"/>
Email:	<input type="text"/>

The Local Government Act 2002 requires submissions to be made available to the public. Your name and/or organisation will be published with your submission and made available in a report to elected members and to the public. Other personal information supplied (such as address / email address) will be removed from the public copy.

I wish to speak to Council about my submission.

(Hearings are scheduled for 29 March 2022. We will contact you to arrange a time.)

Yes No

YOUR FEEDBACK

Please give us your feedback on the Draft Local Easter Sunday Shop Trading Policy 2022
