

Easter Trading Policy

TO	Whangamata Community Board
FROM	Graham McDermott - Senior Policy Analyst
DATE	18 October 2016
SUBJECT	Shop Trading Hours Act 1990 and Easter Sunday Shop Trading Policy

1 Purpose of Report

This report seeks support from Whangamata Community Board for a district Easter Sunday Shop Trading Policy.

2 Background

The Shop Trading Hours Act 1990 was amended on 29 August 2016 to enable territorial authorities to make a policy to allow trading in their districts on Easter Sunday.

Shops in the Thames-Coromandel district (with some limited exemptions) are currently unable to trade on Easter Sunday. The Act allows shops selling certain types of goods (examples include dairies, service stations, take away bars, restaurants and cafes) to remain open on the restricted trading days.

There were some historical exemptions which provided an unfair advantage for certain businesses and regions. Businesses in tourist centres with exemptions are able to benefit from tourist trade on the restricted days, while businesses in tourist centres without exemptions cannot. Taupō had wide ranging exemptions for Easter Sunday trading, while in the Coromandel exemptions only apply to craftspeople and artists in Thames, when Easter Sunday falls on a Sunday in March, to sell their own goods at stalls at Richmond Court.

The intention of the government in proposing this legislation was to remove inconsistency in the rules across the country which had emerged over time by allowing local communities to decide whether or not Easter Trading was appropriate for them.

Council's submission on the Bill in December 2015 supported the government's proposal on the basis that Thames-Coromandel is one of a number of districts around New Zealand that is heavily reliant on tourism and holiday visitors for local economic development. It was therefore seen as a positive development.

3 Issue

Thames-Coromandel District Council has the ability to introduce a local policy which allows shop trading on Easter Sunday in the district. If a policy is made Council must decide if this should be applied to the entire district or only parts of the district.

4 Discussion

The Act provides limited powers for territorial authorities to have a local Easter Sunday shop trading policy to permit shops to open on Easter Sunday.

Local policies cannot define specific opening hours, determine what types of shops may open or control or override shop trading provisions in other legislation, such as, liquor licensing provisions.

While Council can delegate to a committee, community board or other sub-ordinate decision-making body aspects of the process, the final decision to adopt, revoke, amend or replace an Easter Sunday shop trading policy cannot be delegated.

If a policy is adopted it must be reviewed within five years of being adopted. If the policy is not reviewed within seven years of being made then it will be revoked. Council has the ability to review the policy at any time outside of these timeframes.

Territorial authorities must consult their communities using the special consultative procedure under the Local Government Act on any local policy to allow shop trading on Easter Sunday.

Following this round of discussion with community boards, staff will present a draft policy and statement of proposal for Council to for consultation at their meeting on 13 December 2016. This will then initiate a five week consultation period to be run over summer.

It is planned to have a number of public meetings in main centres (these meetings will be in lieu of formal hearings) during the week of 23-27 January 2017. Once the dates and times for these meetings have been set, community board members will be advised and invited to attend. The Board are also asked to support and promote this meeting and encourage participation. Consultation will then close on Friday 27 January 2017.

Deliberation on submissions and adoption of policy will be held at the March Council meeting in time for implementation on Easter Sunday, 16 April 2017 if approved.

5 Suggested Resolution(s)

That the Whangamata Community Board:

1. Receives the 'Easter Sunday Shop Trading Policy' report, dated 18 October 2016.
2. Recommends to Council to adopt a draft Easter Sunday shop trading policy which covers the whole Thames-Coromandel district for public consultation.