



Thames-Coromandel District Council

Proposed Easter Sunday Trading Policy – Kaupapa Here - Tauhokohoko i Te Aranga

Statement of Proposal

This statement of proposal has been prepared in accordance with the requirements set out in section 83 of the Local Government Act 2002.

The Thames-Coromandel District Council (the Council) has reviewed its Easter Sunday Trading Policy (the policy) and is now proposing to make minor amendments to it. Local authorities have the option under the Shop Trading Hours Act 1990 (the Act) to have an Easter Sunday trading policy and review it five years after adoption, and regularly every ten years afterwards. This is the first review of the policy. Without this policy, trading on Easter Sunday is restricted to specific activities and those areas with an exemption granted under the Shop Trading Hours Act 1977.

Under the Act, Council can specify:

- whether or not Easter Sunday trading is permitted in the district; and
- any limitations on locations within the district.

The Act requires public consultation on the policy in line with the special consultative procedure.

1. About the policy

The operative policy was developed in 2016 and became operative in 2017.

This policy does not force any retailers to open but provides for those who do want to trade on Easter Sunday to be able to do so and is at the discretion of the individual business owners.

The Council cannot define specific opening hours or determine what types of retailers may open. It is important to note that this policy does not control or override shop trading provisions in other legislation, such as restrictions made under the Sale and Supply of Alcohol Act 2012.

Employees have the ability to refuse to work on Easter Sunday without providing a reason to their employer. Further information for employers and employees is available here www.employment.govt.nz.

Shops trading on Good Friday is restricted through the Shop Trading Hours Act 1990 and is not affected by this policy. To see what trading is allowed on Good Friday click [here](#) for the legalisation or [here](#) for a summary of what trading is allowed.

2. The Council's proposal

The Council is proposing to:

- a) rollover the policy to continue to allow trading on Easter Sunday; and
- b) make several editorial changes to the policy. This includes reformatting the policy to match other policies and creating a Te Reo translation for the title. The proposed changes along with the reasons for the proposed change are set out in the table on page five.

A track change version of the Policy that includes these editorial changes and gives effect to the Council's proposal is attached.

Outcomes of this special consultative procedure could include:

- retaining the current policy without any changes other than the proposed editorial amendments; or
- based on community feedback, adopting one of the alternative options considered by Council and outlined below in this Statement of Proposal.

Consideration of submissions may also give rise to further editorial or other changes consistent with the aims Council is seeking to achieve through this Statement of Proposal.

The Council's current policy allows for trading throughout the district to occur except that which is controlled under other Acts (e.g. sale of alcohol). Council chose to develop the policy for the following reasons:

- The Coromandel is a popular holiday destination and Easter weekend is one of the peak holiday periods.
- Demand for goods and services during this period are high from our visitors and local residents, and business owners may want to be able to provide for this.
- Allowing across the whole district rather than parts keeps the rules simple and easily understandable for everyone cutting down on bureaucracy.
- Removing inconsistencies and confusion where certain types of shop can open.

It is intended to have the policy adopted with sufficient time to allow businesses to operate on the next Easter Sunday (Sunday 17 April 2022) if desired.

Alternatives considered by Council

In reviewing the policies, Council considered the following options:

Policy Option 1: Status Quo - Allow Easter Sunday trading throughout the district (Status Quo)

This option allows business owners to determine if they wish to be open on Easter Sunday. Easter Sunday trading has value for the Thames-Coromandel District for the following reasons:

- The Coromandel is a popular holiday destination and Easter weekend is one of the peak holiday periods.
- Statistics New Zealand have noted that allowing trading over the Easter weekend has altered the trading pattern by reducing sales activity before the holiday and increasing it during Easter. During Easter is when holiday makers are more likely to be in the district.
- Demand for goods and services during this period are high from our visitors and residents, and business owners may want to be able to provide for this.
- Allowing across the whole district rather than parts keeps the rules simple and easily understandable for everyone cutting down on bureaucracy.
- Removing inconsistencies and confusion where certain types of shop can open.

Policy Option 2: Allow Easter Sunday trading only in specific areas

This option would allow trading to occur in specific locations only. This could allow Council to target visitor areas or provide restrictions around Easter sensitive areas. This option has not been adopted by other Councils that have created a policy. The advantage of this option is that it tries to provide for those who do and do not want trading on Easter Sunday. The disadvantage is that it can cause confusion.

Policy Option 3: No longer allow Easter Sunday trading apart from the exemptions (revoke the policy)

This option follows the main urban areas and restricts trading to those services identified in the Act as being exempt as well as the Richmond Court in Thames (due to a prior exemption). The advantage of this option is that it removes the cost of Council to have a policy and review it. The disadvantage is that the exemptions will cause confusion to visitors and locals and potentially increase non-compliance.

3. Have your say

The consultation period for the bylaw will begin at 9am **Friday, 6 August 2021** and **conclude at 4pm on Monday, 6 September 2021**.

This is your opportunity to let the Council know what you think of the proposed Easter Sunday trading policy. There are many ways for you to tell us what you think.

You can:

- read the policy and submit using our online consultation portal at www.haveyoursay-tcdc.objective.com ;
- email us at consultation@tcdc.govt.nz ;
- complete a submission form and post it to us at Thames-Coromandel District Council, Private Bag, Thames 3540; or
- drop it into the area offices in Thames, Coromandel, Whitianga or Whangamata.

Submission forms and hard copies of the statement of proposal and the proposed policy are available at all our area offices and libraries.

If you have any questions about this proposal or about how to make a submission, please contact us on 07 868 0200 or email customer.services@tcdc.govt.nz .

Hearings

Please tell us if you would like to attend a hearing to speak to Council in support of your submission and include a telephone number and email address to ensure we can contact you to arrange a time for your presentation. The hearings will be held in Thames on 26 October 2021.

What happens next?

After the hearings, the Council will consider all the submissions received and make decisions on any amendments to the policy as a result. As a submitter you will be notified of the Council's decision. The Council will consider a final Easter Sunday Trading Policy for adoption on 7 December 2021.

Remember, you have until 4pm on Monday, 6 September 2021 to send us your feedback.

4. Summary table of changes to the policies

The table below itemises the proposed changes to the policies and details the reasons for each change.

Section	Proposed change (changes in <i>italics</i> or strikethrough)	Reason for change
Policy title	Amend title from <i>Easter Sunday Shop Trading Policy</i> to: <i>Easter Sunday Shop Trading Policy - Kaupapa Here - Tauhokohoko i Te Aranga</i>	The new title proposed includes a Te Reo translation which is a part of our identity.
Headings and Re-numbering	Adding headings and numbering throughout the document.	To be consistent with other Council policies and for ease of use by the public.
1.2 Background	Simplified text: The policy is made under the Shop Trading Hours Act 1990. This act was amended and became law in August 2016. Under Part 2, Subpart 1 of the amended act, territorial authorities are able to have a local Easter Sunday shop trading policy.	The deleted sections relate to the amendment to the Act which was made operative several years ago and does not require a direct reference.
2. Definitions		
Act	New definition: <i>for the purposes of this policy means the Shop Trading Hours Act 1990</i>	Clarifies which Act the policy is prepared under and refers to.
Shop	Reworded to a standard definition format with minor wording changes to match the Act: For the purposes of this Policy a shop is 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.	To be consistent with other Council policies by having the definitions in the same format (word, then definition) and for ease of use by the public by having the same definition as the Act.
3. Policy Statement		
The policy statement	Minor changes to the wording: The Thames-Coromandel District Council will permits shop trading in the entirety of the district on Easter Sunday as provided for under Shop Trading Hours Act 1990.	To simplify the statement
4. Related matters		
Related matters	New section: <i>4.1 This policy does not:</i> <i>a. apply to any day other than Easter Sunday</i>	This section provides clarity to the extent of the policy and

Section	Proposed change (changes in <i>italics</i> or strikethrough)	Reason for change
	<p><i>b. control the types of shops that may open, or their opening hours</i></p> <p><i>c. apply to the sale and supply of alcohol on Easter Sunday from licensed premises, which is regulated by the Sale and Supply of Alcohol Act 2012.</i></p> <p><i>4.2 Council is not responsible for the enforcement of this Policy. Enforcement will be undertaken by the central government department that is responsible for the administration of the Act.</i></p> <p><i>4.3 This Policy neither requires shops to open, or individuals to shop on Easter Sunday.</i></p> <p><i>4.4 All shop employees can refuse to work on Easter Sunday, pursuant to the provisions in the Act.</i></p> <p><i>4.5 This policy does not cover the other restricted trading days: Good Friday, Christmas Day or ANZAC Day until 1pm.</i></p>	<p>how enforcement will be undertaken.</p>
5. Policy review		
Policy Review	<p>Simplified text and updated the review period:</p> <p>The policy must be reviewed within 5 10 years of adoption.</p> <p>Thames-Coromandel District Council is able to review the policy, or any subsequent local Easter Sunday Shop Trading Policy, at any time.</p> <p>If the Easter Sunday shop trading policy is not reviewed as required within 5 years of adoption, and has not revoked the policy earlier, the policy is revoked on the day that is 2 years after the date by which the policy is required to be reviewed.</p>	<p>The review period can be changed from 5 years to 10 years as per the Local Government Act.</p> <p>The deleted sentence is not necessary as it is set out in the legalisation.</p>



Easter Sunday Shop Trading Policy Kaupapa Here - Tauhokohoko i Te Aranga

1. Introduction

Objectives

To permit shops to open for trading on Easter Sunday within the Thames-Coromandel district.

The policy aims to meet demand for goods and services from visitors and residents during one of the annual peak holiday weekends.

Background

The Thames-Coromandel district is a popular holiday destination and demand for goods and services from visitors during peak holiday periods is high. The Easter holiday weekend is one of these peak periods. The Easter Sunday Shop Trading Policy will allow shops to open to meet this demand.

The policy is made under the Shop Trading Hours Act 1990. ~~This act was amended and became law in August 2016.~~ Under Part 2, Subpart 1 ~~of the amended act~~, territorial authorities are able to have a local Easter Sunday shop trading policy.

2. Definitions

- Act** for the purposes of this policy means the Shop Trading Hours Act 1990
- District** means the area of jurisdiction of the Thames-Coromandel District Council
- 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

~~For the purposes of this Policy a shop is 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.~~

3. Policy statement

The Thames-Coromandel District Council ~~will~~ permits shop trading in ~~the entirety of~~ the district on Easter Sunday as provided for under Shop Trading Hours Act 1990.

4. Related matters

4.1 This policy does not:

- a. apply to any day other than Easter Sunday
- b. control the types of shops that may open, or their opening hours
- c. apply to the sale and supply of alcohol on Easter Sunday from licensed premises, which is regulated by the Sale and Supply of Alcohol Act 2012.

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

4.3 This Policy neither requires shops to open, or individuals to shop on Easter Sunday.

4.4 All shop employees can refuse to work on Easter Sunday, pursuant to the provisions in the Act.

4.5 This policy does not cover the other restricted trading days: Good Friday, Christmas Day or ANZAC Day until 1pm.

5. Policy review

The policy must be reviewed within ~~5~~ 10 years of adoption.

Thames-Coromandel District Council is able to review the policy, or any subsequent local Easter Sunday Shop Trading Policy, at any time.

~~If the Easter Sunday shop trading policy is not reviewed as required within 5 years of adoption, and has not revoked the policy earlier, the policy is revoked on the day that is 2 years after the date by which the policy is required to be reviewed.~~