

QLDC Council
24 November 2016

Report for Agenda Item: 3

Department: Finance & Regulatory

Local Easter Sunday Shop Trading Policy

Purpose

To consider the proposed Queenstown Lakes District Local Easter Sunday Shop Trading Policy for public consultation.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Adopt** the proposed Queenstown Lakes District Local Easter Sunday Shop Trading Policy for public consultation; and
3. Appoint three Councillors [to be named] to participate in a hearing panel to consider and hear submissions on the proposed Queenstown Lakes District Local Easter Sunday Shop Trading Policy.

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8/11/2016

Reviewed and Authorised by:



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8/11/2016

Background

- 1 The Shop Trading Hours Act 1990 specifies three and a half days in the year, when almost all shops in New Zealand are required to be closed. These are Christmas Day, Good Friday, Easter Sunday and ANZAC day until 1pm.
- 2 Shops that can be open on restricted trading days are:
 - a) Shops with conditions and provided they meet certain conditions e.g. service station or restaurant where they only sell prepared or cooked food ready to be eaten immediately in the form it is sold ; or
 - b) Because the shops are within an area of exemption.

- 3 There are a limited number of areas across New Zealand, which are generally tourist areas e.g. Queenstown and Taupo, which have exemptions to these trading restrictions. The restrictions in place cannot be changed and new ones cannot be added.
- 4 Currently there are exemptions in place for Queenstown and Wanaka, however these vary and do not cover the whole district.
- 5 In August 2016, new legislation was passed which allows Council to develop and implement a policy to allow shops in the district or parts of the district to trade on Easter Sunday, but does not allow the policy to include any other days.
- 6 Council recognises the importance of tourism-related trade to the Queenstown Lakes District economy and the advantage of allowing trading on Easter Sunday, but also recognises the cultural and religious beliefs of our community.

Comment

Exemptions

- 7 There are currently exemptions in place for both Queenstown and Wanaka, which were granted in 1980s. However these exemptions are quite different, which causes frustrations to some of the business community.
- 8 Queenstown has an exemption for Queenstown District (Attachment A), which permits trading on Good Friday and Easter Sunday at any time, in addition to ANZAC Day after 12pm.
- 9 Wanaka has an exemption for Pembroke Mall, stage 1(Attachment B) for Easter Sunday between 7am and 9pm only.

Proposed Policy

- 10 The legislative change provides Council with an opportunity to develop a policy to permit trading on Easter Sunday.
- 11 The proposed district wide policy (Attachment C) provides consistency of trading on Easter Sunday for all businesses. The Shop Trading Hours Act 1990 details what an employer must do if they want employees to work on Easter Sunday, along with what an employee must do if they don't want to work on Easter Sunday.
- 12 A Local Easter Sunday Shop Trading Policy cannot:
 - a) Permit shops to open only for some purposes; or
 - b) Permit only some types of shops in the area 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.

Options

13 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

14 Option 1 Status quo

Advantages:

This would support some religious and cultural beliefs

15 There is likely to be support from some of the community regarding religious and cultural beliefs, along with some who believe that no trading on Easter Sunday provides for an opportunity for family time.

Disadvantages:

16 There are inconsistencies across the district of which shops can trade on Easter Sunday, which provides a degree of frustration for some of the community.

17 The restriction prevents some economic opportunity for local businesses.

18 Option 2 New Local Easter Sunday Shop Trading Policy

Advantages:

19 A new Local Easter Sunday Shop Trading Policy would provide clarity on which shops can open and when for the whole community.

Disadvantages:

20 There may be some of the community that do not believe that shops should be open for trading on Easter Sunday.

21 This report recommends **Option 2** for addressing the matter because a Local Easter Sunday Shop Trading Policy enables Council to provide a clear and simple policy to determine if shops can trade on Easter Sunday or not, which can apply to either the whole district or to part(s) of the district. Each business can then make an individual choice on whether to trade or not.

Significance and Engagement

22 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because of the extent the policy is likely to impact on the people of the district and the level of potential community interest.

Risk

23 Choose an item.SR3 – Management Practise – working within legislation, as documented in the Council's risk register. The risk is classed as moderate. This

matter relates to this risk because a recent change in legislation has enabled the development of a policy to enable trading on Easter Sunday.

Financial Implications

24 There are minimal costs associated with the development of a Local Easter Sunday Shop Trading Policy, which will be met through current resourcing and budgets.

Council Policies, Strategies and Bylaws

25 The following Council policies, strategies and bylaws were considered:

- Significance and Engagement Policy

26 The recommended option is consistent with the principles set out in the named policy/policies.

27 This matter is included in the 10-Year Plan/Annual Plan

- Volume 1 – Community Outcomes and Council Priorities

Local Government Act 2002 Purpose Provisions

28 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by providing the opportunity for each business to trade on Easter Sunday;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

29 The persons who are affected by or interested in this matter are residents/ratepayers and tourists of the Queenstown Lakes District community.

30 The Council must consult on any proposed policy following the special consultative procedure.

Legal Considerations and Statutory Responsibilities

31 Council must review the first Easter Sunday Shop Trading Policy adopted no later than five years after its adoption.

32 Any Local Easter Sunday Shop Trading Policy that is not reviewed within this time frame is revoked two years after the date by which the policy was required to be reviewed by.

33 This is consistent with the Bylaw process under the Local Government Act 2002.

Attachments

- A Current Queenstown exemption
- B Current Wanaka exemption
- C Proposed Queenstown Lakes District Easter Sunday Trading Policy
- D Statement of Proposal
- E Summary of Statement of Proposal