

**QLDC Council  
9 March 2017**

**Report for Agenda Item: 2**

**Department: Finance & Regulatory**

**Local Easter Sunday Shop Trading Policy 2017**

**Purpose**

To consider adopting the Queenstown Lakes District Local Easter Sunday Shop Trading Policy.

**Recommendation**

That Council:

1. **Note** the contents of this report;
2. **Adopt** the Queenstown Lakes District Local Easter Sunday Shop Trading Policy 2017.

Prepared by:



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8/11/2016

Reviewed and Authorised by:



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8/11/2016

**Background**

- 1 On 24 November 2016, Council resolved to accept the Proposed Queenstown Lakes District Local Easter Sunday Shop Trading Policy for public consultation <http://www.qldc.govt.nz/assets/Uploads/Council-Documents/Full-Council-Agendas/2016/24-November-2016/Item%203:%20Easter%20Sunday%20Shop%20Trading%20Policy/3-Easter-Sunday-Shop-Trading-Policy.pdf>.
- 2 This policy was consulted on from 26 November to 4 January 2017, with 33 submissions being received. The vast majority of submissions were supportive of the proposed policy however there were a small number of submissions which opposed it.
- 3 The change in legislation only enables Council to develop a policy regarding Easter Sunday and does not include any other days e.g. Good Friday.

- 4 The policy (if adopted) would provide a fair and equal playing field for all businesses across the district to decide if they want to trade on Easter Sunday or not.

## **Comment**

### **Submissions**

- 5 There were 33 submissions received with 31 from individuals and two from organisations. The submissions are summarised in Attachment B.
- 6 76% (25) of submissions were in support of the proposed policy, 3% (one) was neutral and 21% (seven) disagreed with the proposed policy.
- 7 Some submissions had expressed concern that employees would be forced to work on a day which they would otherwise have as a holiday. However, the Shop Trading Hours Act 1990 contains a clause specifically to protect employees who do not wish to work and a clause entitled 'Shop employees' right to refuse to work' is included in the policy.
- 8 A public hearing had not been required because each of the three submitters who had indicated a desire to speak to their submissions declined the invitation to attend the hearing scheduled. The panel convened to consider the submissions and the minutes of that discussion are attached (Attachment C). The panel recommended that the policy be adopted.

## **Options**

- 9 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.

### 10 Option 1 Status quo – No Policy

#### *Advantages:*

- 11 A small number of submissions were received which opposed the policy to maintain uniqueness and to protect employees who do not want to work on Easter Sunday.

#### *Disadvantages:*

- 12 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, particularly for some Wanaka businesses.

### 13 Option 2 Adopt New Local Easter Sunday Shop Trading Policy

#### *Advantages:*

- 14 A Local Easter Sunday Shop Trading Policy would provide consistency across the whole district to enable businesses to determine if they wish to open to trade on Easter Sunday.

*Disadvantages:*

- 15 Some of the community and employees do not believe that shops should be open for trading on Easter Sunday.
- 16 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 that shops can trade on Easter Sunday.

***Significance and Engagement***

- 17 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***

- 18 This matter relates to the strategic risk SR3 – Management Practice – 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**

- 19 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**

- 20 The following Council policies, strategies and bylaws were considered:
- Significance and Engagement Policy
- 21 The recommended option is consistent with the principles set out in the named policy/policies.
- 22 This matter is included in the 10-Year Plan/Annual Plan
- Volume 1 – Community Outcomes and Council Priorities

**Local Government Act 2002 Purpose Provisions**

- 23 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**

- 24 The persons who are affected by or interested in this matter are residents/ratepayers and tourists of the Queenstown Lakes District community.
- 25 The Council consulted in accordance with the legislative requirements following the special consultative procedure.

### **Legal Considerations and Statutory Responsibilities**

- 26 Council must review the first Easter Sunday Shop Trading Policy adopted no later than five years after its adoption.
- 27 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.
- 28 This is consistent with the Bylaw process under the Local Government Act 2002.

### **Attachments [Presented separately]**

- A Queenstown Lakes District Easter Sunday Trading Policy 2017
- B Summary of Submissions
- C Hearing Panel Minutes