

Agenda for a hearing by the Policy & Regulatory Committee (to hear and consider submissions and make recommendations on the Proposed Easter Trading Policy) to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on Wednesday 15 March 2017 commencing at 9.00am.

Information and recommendations are included in the reports to assist the Board in the decision making process and may not constitute Council's decision or policy until considered by the Board.

1. APOLOGIES AND LEAVE OF ABSENCE

2. CONFIRMATION OF STATUS OF AGENDA ITEMS

3. DISCLOSURES OF INTEREST

4. REPORTS

4.1 Easter Trading Policy Hearing

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CHIEF EXECUTIVE

Agenda2017/P&R/Bylaw Hearings

Open Meeting

To	Policy and Regulatory Committee
From	Tony Whittaker General Manager Strategy & Support
Date	27 February 2017
Prepared by	Melissa Russo Corporate Planner
Chief Executive Approved	Y
Reference #	1690236
Report Title	Easter Trading Policy Hearing

I. EXECUTIVE SUMMARY

On 05 December 2016 Council resolved to consider and approve the Proposed Easter Trading Policy for public notification and consultation, in accordance with section 5B of the Shop Trading Hours Act 1990, and with section 83 of the Local Government Act 2002 (special consultative procedure) provisions.

The proposed policy was notified for public consultation on 14 December 2016, with submissions closing on 17 February 2017. Public notices to this effect were placed in the New Zealand Herald, Waikato Times, North Waikato News, Franklin County News and Raglan Chronicle. In addition to this, submission forms were included in the rates notices and supporting information was made public via our offices and summary document.

In total, 1268 submissions have been received on the proposed policy (refer to page 4 of Appendix 1 for the issues that were raised), with 5 submitters indicating that they wish to be heard.

The purpose of this meeting is to hear and consider submissions on the Proposed Easter Trading Policy 2017.

The following documents are included as appendices to this report:

- Appendix 1 - A summary report incorporating staff comments on submissions to the Proposed Easter Trading Policy 2017 (attached separately).
- Appendix 2 - Proposed Easter Trading Policy 2017. Staff have not recommended any changes to the proposed policy following consultation.

2. RECOMMENDATION

THAT the report from the **General Manager Strategy and Support** be received;

AND THAT the **Policy and Regulatory Committee** receive all the submissions;

AND FURTHER THAT the **Policy and Regulatory Committee** recommends the **Proposed Easter Trading Policy 2017** to **Council** for final adoption.

3. BACKGROUND

Amendments to the Shop Trading Hours Act 1990 came into force at the end of August which allowed Local Authorities to adopt an Easter trading policy to allow shops to open on Easter Sunday.

Following community engagement in October, Council developed a policy which allowed all shops in the district to open on Easter Sunday. As per the Shops Trading Hours Act 1990, in adopting the policy, Council must use the Special Consultative Procedure. This formal round of consultation was undertaken from 14 December 2016 to 17 February 2017.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 RESULTS OF CONSULTATION

In total, 1268 submissions were received on the proposed Easter Trading Policy. The tables below show the results of feedback received. In total 656 of respondents were in support of the proposed policy, 610 were against it and 2 did not specify.

	Yes	No	Total
General public	615	561	1177
Retail owners	20	20	40
Retail workers	4	10	14

4.2 KEY THEMES

Key themes that came out of the feedback received during consultation are included below:

- shops staying closed for religious reasons
- shops staying closed to give retailers a break
- shops being able to open due to views that New Zealand is a secular country.

4.3 OPTIONS

1. To adopt the proposed Easter Trading Policy
2. To adopt the proposed Easter Trading Policy with amendments
3. To not adopt an Easter Trading Policy. In this case the current exemptions will apply therefore shops such as dairys, cafes and restaurants and service stations will still be able to open.

5. CONSIDERATION

5.1 FINANCIAL

There is no financial impact of this policy.

5.2 LEGAL

In adopting an Easter trading policy, Council must follow the Special Consultative Procedure which it has done. This hearing is a part of that process.

5.3 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

(Ascertain if the Significance & Engagement Policy is triggered or not and specify the level/s of engagement that will be required as per the table below (refer to the Policy for more detail and an explanation of each level of engagement):

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	<p>In following the process to adopt an Easter trading policy there were two rounds of engagement – the first being ‘involve’ and the second being ‘consult’ on the engagement spectrum.</p> <p>Submission forms were included in the rates notices that were sent out in December which is the likely reason for the high level of response from the community. Public notices were placed in five papers and social media was used to promote the consultation.</p>				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
			Community Boards/Community Committees
			Waikato-Tainui/Local iwi
		✓	Households
			Business
			Other Please Specify

6. CONCLUSION

Following the hearing of submissions, Council must resolve whether or not to adopt the proposed Easter Trading Policy with or without amendments.

7. ATTACHMENTS

Appendix 1 - Submission summary report including staff comments (*distributed separately*)

Appendix 2 - Proposed Easter Trading Policy 2017 (*attached to Agenda*)

Proposed Easter Trading Policy

Policy Owner:	Corporate Planner
Date approved:	XX
Next review date:	April 2022
Document number:	XX
Engagement required:	Special Consultative Procedure (Local Government Act 2002)

1 Introduction

- 1.1 This policy is made under Part 2 (subpart 1) of the Shop Trading Hours Act 1990 (Act) which provides Council with the ability to establish a local policy to enable shop trading on Easter Sunday.

2 Purpose

- 2.1 The purpose of the Local Easter Sunday Shop Trading Policy (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.

3 Significance

- 3.1 The review of this Policy could trigger the Significance and Engagement Policy due to significant community interest.

4 Application

- 4.1 This Policy applies to the shops trading in the Waikato District area.

5 Policy Statements

5.1 Shop Trading Locations

- 5.1.1 Shop trading is permitted throughout the Waikato District.

5.2 Exemptions

5.2.1 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) Limit Council's ability to undertake its duties, powers or functions under any other Act (i.e. the regulation of the Sale and Supply of Liquor).
- d) Address shop employee rights, which are governed by the requirements of the Act. For the avoidance of doubt, shop employees have the right to refuse to work on Easter Sunday as per the Act.

5.2.2 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.

5.2.3 Certain shops may open as per Part 1 Section 4 of the Act.