

Statement of Proposal

Easter Sunday Shop Trading Policy

1 Context and Situation

The Shop Trading Hours Act 1990 was amended in 2016 to enable councils to make a policy to allow shops to open on Easter Sunday, throughout their district or in specified parts of their district. The shops covered by such a policy exclude businesses such as garden centres, petrol stations and pharmacies which can open on Easter Sunday. In addition, a policy will not apply to liquor outlets which are covered by liquor licensing regulations. An order also allows shops in Paihia to open on Easter Sunday regardless of such a policy.

The Council adopted the current Easter Sunday Trading Policy on 17 February 2017 in consultation with the community. This Policy allows shops to open on Easter Sunday throughout the district.

Under Section 5C of the Shop Trading Hours Act 1990, the current policy will automatically revoke on 17 February 2024, as it was not reviewed as required by legislation by 17 February 2022. The Council is not able to stop the current Policy from being revoked. Therefore, to continue having an Easter Sunday Trading Policy, a new policy must be made.

On 24 February 2022 the governing body resolved that a new Easter Sunday Shop Trading Policy (Policy) be developed allowing shops to open on Easter Sunday throughout the Far North District.

Making a Policy to allow Easter Sunday shop trading will provide social and economic benefits for the district – businesses will benefit from Easter Sunday sales while shoppers, including visiting tourists, will have the convenience of being able to shop at this time. This policy will not greatly affect cultural factors such as the observance of Easter Sunday as a sacred day, as Christians can still worship on this day.

Under the Shop Trading Hours Act 1990 employers must provide at least four weeks' notice to staff of their intention to open on Easter Sunday. All shop employees have the right to refuse to work on Easter Sunday and are not required to provide their employer with a reason for refusing.

2 Proposal

The Council proposes to make a new Easter Sunday Shop Trading Policy to permit shops to open on Easter Sunday across the Far North District.

3 Reasons for the proposal

The Council adopted a policy in consultation with the community to enable Easter Sunday shop trading across the whole district on 17 February 2017. As this current Policy will revoke on 17 February 2024, a new policy must be made to continue allowing Easter Sunday shop trading.

4 Analysis of reasonably practicable options

The Council considered three options for Easter Sunday trading:

1. Status quo: Adopt a new policy which continues to allow Easter Sunday shop trading across the whole district
2. Make a new policy that only allows Easter Sunday trading in some parts of the district
3. Do not make a new policy, allow the policy to automatically revoke in February 2024. This would mean Easter Sunday trading would not be allowed in the district (except in Paihia where there is an order allowing shops to open on Easter Sunday).

The advantages and disadvantages of these options are summarised in the following table:

Option	Advantages	Disadvantages
1. Status quo: Adopt a new policy which continues to allow Easter Sunday shop trading across the whole district	The whole district, particularly tourist towns, can benefit from trade. For example, cafes will gain business from visitors to the district for the long Easter weekend. Allowing businesses to remain open on Easter Sunday will make towns vibrant and provide more options for locals and visitors. Under the Act, workers can choose not to work on Easter Sunday.	Although workers can opt out of working on Easter Sunday, they may feel pressured to work on this day. Workers will lose a guaranteed day off work. Not respecting Easter Sunday as an important day in the Christian calendar.
2. Make a new policy that only allows Easter Sunday trading in some parts of the district	Towns identified can benefit from trade, for example cafes gaining visitors to the district for the long Easter weekend.	The only towns which can benefit from Easter Sunday Trade are those specified in the policy. Business people in towns that are excluded from the policy may feel this is unfair
3. Do not make a new policy , allow the policy to automatically revoke in February 2024. Easter Sunday trading would not be allowed except in Paihia	Takes away any pressure on workers to work on Easter Sunday. Avoids the loss of a guaranteed day off work. Respecting Easter Sunday as an important day in the Christian calendar.	Only trade that is exempt under the Act such as pharmacies, garden centres, and petrol stations, can proceed on Easter Sunday. Businesses relying on the tourist trade in the long weekend will be disadvantaged.

The Council resolved that Option One is the preferred Option, for the following reasons:

- To support the social and economic wellbeing of communities in the district.
- No complaints or issues have been recorded with the current policy which allows Easter Sunday trading across the district.
- It supports businesses who rely on tourist trade during the long Easter weekend.
- Applying the Policy throughout the District is fair to all businesses.
- It does not prevent workers from opting not to work on Easter Sunday.
- It does not stop Christians observing their faith on this holy day.

5 How to give your views on the proposal

The Council encourages any person or organisation affected by, or having an interest in, the Easter Sunday Shop Trading Policy to present their views on the proposal to the Council by making a submission.

You can make a submission by using any of the following methods:

- online at the Council's website www.fndc.govt.nz/have-your-say
- email your submission to submissions@fndc.govt.nz
- drop-off your submission at any Council service centre or library, details of their locations and opening times are listed at www.fndc.govt.nz/contact or you can get that information by phoning the Council on 0800 920 029
- post your submission to: Strategy Development Team, Far North District Council, Private Bag 752, Kaikohe 0440
- make an oral presentation of your submission at a hearing of the Council's Strategy and Policy Committee.

Please include your full name and email address or postal address in your submission if you want:

- the Council to acknowledge receipt of your submission
- to make an oral presentation – you will be contacted about when and where the meeting for this will take place.

Privacy statement – Please be aware, any submissions that are made on the new Easter Sunday Shop Trading Policy become part of the public consultation process. As such, all submissions, any summaries of submissions, and any documents provided with your submission, will be copied and made available to the Council's governing body as well as the public. Any personal information included with a submission such as your name is treated as part of the submission and will also be released publicly. Your submission and any personal information that you supply such as your name will not be treated as confidential unless you specifically request this in your submission.

6 Draft Easter Sunday Shop Trading Policy

The draft Policy is as follows:

Background

The Shop Trading Hours Act 1990 was amended in 2016 to enable councils to decide whether retailers in their districts can open on Easter Sunday. Council first adopted a policy to allow shops to open on Easter Sunday in 2017.

Application

This policy applies to all shops in the Far North District.

This policy does not override other legislative provisions, such as liquor licensing provisions.

The Shop Trading Hours Act 1990 includes protective provisions so no shop employee will be required to work on Easter Sunday.

Definitions

The following definitions apply to this Policy:

- **Council** – means the Far North District Council.

- **Far North District** - means the area of jurisdiction of the Far North District Council (see attached map).
- **Policy** – means the Council’s adopted Easter Sunday Shop Trading Policy.
- **Shop** – has the same meaning as in the Shop Trading Hours Act 1990.
- **Shop employee** – has the same meaning as in section 5F of the Shop Trading Hours Act 1990.

Legislative Context

Easter Sunday shop trading is subject to various legislative controls including, but not limited to the Shop Trading Hours Act 1990 and Sale and Supply of Alcohol Act 2021.

Objective

To support economic and social wellbeing by permitting shops to open on Easter Sunday throughout the Far North District.

Policy

The Council permits shops to open on Easter Sunday throughout the Far North District.

Monitoring and Implementation

Implementation of the policy will be monitored by the Council.

The policy must be reviewed no later than 5 years after it is adopted.

The policy may also be reviewed in response to issues that may arise, at the request of the Council or Community Boards, or in response to changes to legislative or statutory requirements (whichever occurs first).

Amending this policy following a review will be subject to public consultation.

Map of the Far North District

