

Analysis of submissions

Easter Sunday Shop Trading Policy

1. Background

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. On 17 February 2017, the governing body adopted the current Easter Sunday Trading Policy 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 by 17 February 2022. 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 should be developed to continue to allow shops to open on Easter Sunday throughout the Far North District. On 22 March 2022, the Strategy and Policy Committee agreed that a Statement of Proposal including a draft policy allowing Easter Sunday trading throughout the district would be the subject of public consultation.

113 written submissions were received on the statement of proposal from 9 May 2022 to 10 June 2022, with no submitters asking to make oral submissions.

This report analyses the submissions received and makes recommendations regarding the Policy wording. A numbered list of submissions is included in the Appendix and these numbers are used to refer to individual submissions in this report.

2. Summary of submissions

113 written submissions were received:

- 107 were made via a link on the council's website, while 6 were by email
- 100 were from individuals and 13 from organisations.

76% are in favour of the draft policy, compared with 21% who are opposed.

Table 1: Level of support for the draft policy May/June 2022

| | Number of submissions | % |
|--------------------------------------|-----------------------|------|
| In favour | 86 | 76% |
| Opposed | 24 | 21% |
| Unclear whether in favour or opposed | 2 | 2% |
| I'm not sure | 1 | 1% |
| Total | 113 | 100% |

Support for the policy has increased compared with 2017 when consultation took place on the current policy. In 2022, 76% of submissions are in favour of the policy compared with 48% in 2017.

Table 2: Level of support for a policy permitting Easter Sunday trading in 2017 compared with 2022

| | 2017 results | | 2022 results | |
|--------------------------------|-----------------------|------|-----------------------|------|
| | Number of submissions | % | Number of submissions | % |
| In favour | 22 | 48% | 86 | 76% |
| Opposed | 24 | 52% | 24 | 21% |
| Unclear from their submissions | - | - | 2 | 2% |
| I'm not sure | - | - | 1 | 1% |
| Total | 46 | 100% | 113 | 100% |

Reasons for **supporting** the draft policy include:

Support for Far North businesses relying on tourism

"I believe the current policy of allowing shops to be open be continued. Tourism is a significant economic driver in the Far North, and it is essential that tourists who travel to the Far North be able to enjoy shopping for essentials and also for recreation" (submission 107)

"The Far North depends heavily on tourism. The shops need to be open on Easter" (112)

Support for Sunday markets

"We provide markets on Saturday but attend Kerikeri [market] on Sundays" (111)

Trading on Easter Sunday reflects current society

"It's the twenty-first century, after all" (30).

Its what the public would expect

"The public expects shops to be open during the holiday" (113)

General support

"Tautoko the shops opening on Easter Sunday"

Reasons for **opposing** the policy include:

Work should not take precedence over free time

"I think we should spend more time home with the family and less shopping" (6)

"Why should there be pressure to work all the time. I believe a 4-day working week and public holidays would be beneficial to the physical and mental health of our nation" (92)

Respect for Christian values

"Why can't we still remember the Christian values handed down to us at Easter and use them to create a better society" (95)

"Easter Sunday is a very sacred day for Christians" (55)

Shop workers may be pressured to work on Easter Sunday

"It is all very well for those in management and government to say 'no one HAS to work'. Having been at the coal face, as it were, I know that in many environments workers do not actually have that choice" (105)

People can shop in advance

“Shops open long enough already for people to get all their shopping in advance” (19)

3. Analysis and recommendations

3.1 Submissions supporting or opposing the draft policy

Staff recommendation

With 76% of submissions in favour of the draft policy to allow Easter Sunday shop trading throughout the district, council staff recommend that the policy is adopted by the governing body.

3.2 Submissions on the draft policy wording

Staff recommendation

As no submissions referred to the wording of the draft policy document, council staff recommend no changes to the policy wording based on the submissions received.

3.3 Staff recommendations for drafting clarification

Staff recommendations

Council staff recommend the following minor drafting changes based on a final legal review of the draft policy document. As these changes are minor, there is no requirement to re-consult on the draft policy.

Amend the policy wording as follows:

1. Replace the word “shop” with “Shop” throughout
2. In the Application section of the policy, replace the words “legislative provisions” with “legislative instruments” and replace the words “licensing provisions” with “licensing laws”
3. In the Definitions section, add the words “section 2 of” before “the Shop Trading Hours Act 1990”
4. In the Legislative Context section, change the date of the Supply of Alcohol Act from “2021” to “2012”.

“Tracked changes” to the draft policy showing recommended changes

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 Shops** to open on Easter Sunday in 2017.

Application

This Policy applies to all **shops Shops** in the Far North District.

This Policy does not override other legislative **provisions instruments**, such as liquor licensing **provisions laws**.

The Shop Trading Hours Act 1990 includes protective provisions so no **shop 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 **section 2 of** 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~~ 2012.

Objective

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

Policy

The Council permits **shops 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 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



APPENDIX 1 – LIST OF SUBMISSIONS RECEIVED

| Number | Organisation |
|--------|-----------------------|
| 1 | Individual submission |
| 2 | Individual submission |
| 3 | Individual submission |
| 4 | Individual submission |
| 5 | Individual submission |
| 6 | Individual submission |
| 7 | Individual submission |
| 8 | Individual submission |
| 9 | LL Copland |
| 10 | Individual submission |
| 11 | Individual submission |
| 12 | Far North ITM |
| 13 | Individual submission |
| 14 | Individual submission |
| 15 | Individual submission |
| 16 | Individual submission |
| 17 | Individual submission |
| 18 | Individual submission |
| 19 | Individual submission |
| 20 | Individual submission |
| 21 | Individual submission |
| 22 | Church |
| 23 | Individual submission |
| 24 | Individual submission |
| 25 | Individual submission |
| 26 | Northland Experiences |
| 27 | Individual submission |
| 28 | Individual submission |
| 29 | Individual submission |
| 30 | Individual submission |
| 31 | Individual submission |
| 32 | Individual submission |
| 33 | Individual submission |
| 34 | Individual submission |
| 35 | Individual submission |
| 36 | Individual submission |
| 37 | Individual submission |
| 38 | Individual submission |
| 39 | Individual submission |
| 40 | Individual submission |
| 41 | Puketi Farms |
| 42 | Individual submission |
| 43 | Individual submission |
| 44 | Individual submission |
| 45 | Individual submission |

| Number | Organisation |
|--------|------------------------------|
| 46 | Individual submission |
| 47 | Individual submission |
| 48 | Individual submission |
| 49 | PartisanZ |
| 50 | Individual submission |
| 51 | Individual submission |
| 52 | Individual submission |
| 53 | Individual submission |
| 54 | Individual submission |
| 55 | Individual submission |
| 56 | Kaitia Business Association |
| 57 | Individual submission |
| 58 | Individual submission |
| 59 | Individual submission |
| 60 | Te Puna Aroha |
| 61 | Individual submission |
| 62 | Individual submission |
| 63 | Individual submission |
| 64 | Individual submission |
| 65 | Alfa Boutique Motel |
| 66 | Individual submission |
| 67 | Individual submission |
| 68 | Individual submission |
| 69 | Individual submission |
| 70 | Individual submission |
| 71 | Individual submission |
| 72 | Individual submission |
| 73 | Individual submission |
| 74 | Individual submission |
| 75 | Individual submission |
| 76 | Hokianga Tourism Association |
| 77 | Individual submission |
| 78 | Individual submission |
| 79 | Te Kōtiu |
| 80 | Individual submission |
| 81 | Individual submission |
| 82 | Individual submission |
| 83 | Individual submission |
| 84 | Individual submission |
| 85 | Individual submission |
| 86 | Individual submission |
| 87 | Individual submission |
| 88 | Individual submission |
| 89 | Individual submission |
| 90 | Kapiro Residents Association |
| 91 | Individual submission |
| 92 | The Scullery Kerikeri |

| Number | Organisation |
|--------|-----------------------|
| 93 | Individual submission |
| 94 | Individual submission |
| 95 | Individual submission |
| 96 | Te Rangi Orchards Ltd |
| 97 | Individual submission |
| 98 | Individual submission |
| 99 | Individual submission |
| 100 | Individual submission |
| 101 | Individual submission |
| 102 | Individual submission |
| 103 | Individual submission |
| 104 | Individual submission |
| 105 | Individual submission |
| 106 | Individual submission |
| 107 | Individual submission |
| 108 | Individual submission |
| 109 | Individual submission |
| 110 | Individual submission |
| 111 | Individual submission |
| 112 | Individual submission |
| 113 | Individual submission |