

Whangarei District Council Meeting

Agenda

Date: Thursday, 21 February, 2019

Time: 1:00 pm

Location: Council Chamber
Forum North, Rust Avenue
Whangarei

Elected Members: Her Worship the Mayor Sheryl Mai
(Chairperson)
Cr Stu Bell
Cr Gavin Benney
Cr Crichton Christie
Cr Vince Cocurullo
Cr Tricia Cutforth
Cr Shelley Deeming
Cr Sue Glen
Cr Phil Halse
Cr Cherry Hermon
Cr Greg Innes
Cr Greg Martin
Cr Sharon Morgan
Cr Anna Murphy

For any queries regarding this meeting please contact
the Whangarei District Council on (09) 430-4200.

1. Karakia/Prayer
2. Declarations of Interest
3. Apologies
4. Decision Reports
 - 4.1 Easter Trading Policy - deliberations and decision 1
5. Public Excluded Business
6. Closure of Meeting

4.1 Local Easter Sunday shop trading policy

Meeting: Whangarei District Council
Date of meeting: 21 February 2019
Reporting officer: Shireen Munday – Strategic Planner

1 Purpose

To deliberate on the matters raised in submissions and to decide whether to adopt the proposed Local Easter Sunday shop trading policy.

2 Recommendations

That, after deliberating on the matters raised in submissions, Council

Either:

1. Adopts the Local Easter Sunday shop trading policy as proposed and provided in Attachment 1, with immediate effect and,
2. Authorises the Chief Executive and Mayor to make any minor amendments, such as typographical/formatting changes, to the final policy if required.

Or:

3. Does not adopt the proposed Local Easter Sunday shop trading policy.

3 Background

Changes to the Shop Trading Hours Act 1990 in 2016 mean that the decision whether to enable trading on Easter Sunday now sits with Council and their communities.

On 25 October 2018 Council adopted a Statement of Proposal for a proposed Local Easter Sunday shop trading policy (the Policy) for consultation. Consultation opened 31 October 2018 and closed 28 November 2018.

The 29 written submissions received were included in the hearings Agenda for the Council meeting of 12 December 2018. Two submitters attended that meeting to speak to their submissions.

4 Discussion

Council must now deliberate on the matters raised in submissions before deciding whether to adopt the proposed Policy or not.

The scope of deliberations is limited to two matters:

1. Whether or not to adopt the Policy
2. If the Policy is to be adopted, whether it should apply to the entire District or only to specific parts of the District.

Support and opposition to the proposed Policy

Regarding point 1 above, the analysis of submissions shows that of the 29 submissions received, 20 submitters are in favour of Council adopting the Policy, with 9 submitters opposing the adoption of the Policy. At the Hearing, one submitter spoke in support of the Policy and one submitter opposed it.

Reasons given from submitters in support of the proposal focus primarily on the economic benefits of being able to trade on Easter Sunday. Other points raised include customer expectations that retail stores would be open, benefits to the tourism sector over the Easter period and consistency with other parts of New Zealand which have enabled Easter trading.

Submitters opposed to the proposal commented on a range of matters; concerns about issues of Christian faith, it providing an additional day of rest for workers, as well as concerns about whether in practice workers will be able to genuinely choose not to work on Easter Sunday.

The proposed Local Easter Sunday shop trading policy is provided in Attachment 1.

Entire District or parts of our District

Regarding point 2 above, all submitters who supported the proposed Policy indicated they wished to see the Policy apply to the entire District. Research has confirmed that all councils that have adopted a Local Easter Sunday shop trading policy have applied those policies to their entire district. This approach provides a simple and consistent policy acknowledging there are retail outlets dispersed across our District. Therefore, should Council choose to adopt the Policy it is recommended that it applies to the entire District.

4.1 Financial/budget considerations

There are no financial or budget considerations in relation to the proposed consultation. Should the policy be adopted, it will be enforced by central government.

4.2 Policy and planning implications

Nothing in this report is inconsistent with any Council policy, plan or strategy.

5 Significance and engagement

The decisions and matters of this agenda do not trigger the significance criteria of Council's Significance and Engagement Policy and have been through a consultation process in accordance with the statutory requirements of the Local Government Act 2002.

6 Attachment

1. Proposed Local Easter Sunday shop trading policy

Whangarei District Council

Local Easter Sunday shop trading policy

Local Easter Sunday shop trading policy			
Group	Strategy and Democracy	Business owner	Strategy Department
Date adopted	XXX	Adopted by	Whangarei District Council
Review Cycle	5 years (statutory)	Last Review date	NA

1. Relevant legislation

Shop Trading Hours Act 1990.

2. Purpose

To enable shops in the Whangarei District to trade on Easter Sunday if they wish to.

3. Definitions

The Act means the Shop Trading Hours Act 1990
Shop has the same meaning as the Act

4. Policy

- 4.1 Any shop is permitted to open on Easter Sunday in the Whangarei District (see map in Appendix One).
- 4.2 This Policy applies to the shops trading in the Whangarei District.

5. Related matters

- 5.1 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. apply to the sale and supply of alcohol on Easter Sunday from licensed premises, which is regulated by the Sale and Supply of Alcohol Act 2012.
- 5.2 Council is not responsible for the enforcement of this Policy. Enforcement will be undertaken by the central government department that is responsible for the administration of the Act.
- 5.3 This Policy neither requires shops to open, or individuals to shop on Easter Sunday.
- 5.4 All shop employees can refuse to work in Easter Sunday, pursuant to the provisions in the Act.

RESOLUTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

1.	The making available of information would be likely to unreasonably prejudice the commercial position of persons who are the subject of the information. {Section 7(2)(c)}
2.	To enable the council (the committee) to carry on without prejudice or disadvantage commercial negotiations. {(Section 7(2)(i))}.
3.	To protect the privacy of natural persons. {Section 7(2)(a)}.
4.	Publicity prior to successful prosecution of the individuals named would be contrary to the laws of natural justice and may constitute contempt of court. {Section 48(1)(b)}.
5.	To protect information which is the subject to an obligation of confidence, the publication of such information would be likely to prejudice the supply of information from the same source and it is in the public interest that such information should continue to be supplied. {Section 7(2)(c)(i)}.
6.	In order to maintain legal professional privilege. {Section 2(g)}.
7.	To enable the council to carry on without prejudice or disadvantage, negotiations {Section 7(2)(i)}.

Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

Move/Second

"That _____ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item _____.

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because _____.

Note:

Every resolution to exclude the public shall be put at a time when the meeting is open to the public.