



Our reference  
F19/13/03-D21/26182

20 February 2024

**Policy and Services Committee**

Notice is hereby given that the Policy and Services Committee meeting will be held in the **Council Chambers, Stratford District Council, 63 Miranda Street, Stratford** on **Tuesday 27 February 2024** beginning at **2.00pm** to hear and consider submissions to the draft Easter Sunday Shop Trading Policy.

The hearing will be followed by the monthly Policy and Services Committee meeting.

**Timetable for 27 February 2024 as follows:**

2.00pm	Policy and Services Committee (Hearing) - To hear and consider submissions to the draft Easter Sunday Shop Trading Policy.
2.45pm	Afternoon Tea for Councillors
3.00pm	Policy and Services Committee

Yours faithfully

Sven Hanne  
**Chief Executive**

# 2024 - Agenda - Hearing (Draft Easter Sunday Shop Trading Policy)



27 February 2024 02:00 AM - 03:00 PM

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# AGENDA

## Policy and Services Committee



F22/55/05-D24/6030

Date: Tuesday 27 February 2024 at 2.00pm  
Venue: Council Chambers, 63 Miranda Street, Stratford

### To hear and consider submissions to the Draft Easter Sunday Shop Trading Policy

1. Welcome
  - 1.1 **Opening Karakia**  
D21/40748 Page 5
  - 1.2 **Health and Safety Message**  
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2. Apologies

3. Announcements

Speakers to Submissions

The Chairman welcomes everyone to the Policy & Services Committee meeting. It is reinforced to Councillors that the purpose of this meeting is to hear submissions on the Draft Easter Sunday Shop Trading Policy. Councillors are asked to hear all submissions with an open mind, to restrict their question time to the submitters to points of clarification or issues pertaining to subject matter. Councillors are requested not to get into direct dialogue with submitters. The timeframe scheduled for the day is tight. Councillors may take notes whilst submitters are speaking.

4. **Declarations of members interest**  
Elected members to declare any real or perceived conflicts of interest relating to items on this agenda.
5. **Attendance Schedule**  
Attendance schedule for Policy and Services Committee meetings, including Hearings.
6. **Acknowledgement of Submissions**  
Submissions – Pages 18-19

Attached are the two submissions received.

#### **Recommendations**

1. **THAT** the submissions to the draft Easter Sunday Shop Trading Policy be received.
2. **THAT** the submitters be advised of the outcome of their submission and notified that the minutes of the Policy and Services Committee Meeting, and subsequent meetings, will be available on Council's website.

#### **Recommended Reason**

So that each submission is formally received and the submitter provided with information on decisions made.

/  
Moved/Seconded

7. Submitters To Be Heard

There was no submitters wishing to speak.

8. Decision Report – Draft Easter Sunday Shop Trading Policy  
D23/50686 Page 8

Council needs to consider submissions as part of the consultation process.

**Recommendations**

1. THAT the report be received.
2. THAT the committee considers submissions received as part of the public consultation process of the *draft* Easter Sunday Shop Trading Policy
3. THAT the committee adopt the *draft* Easter Sunday Shop Trading Policy that allows Easter Sunday trading in the Stratford District.
4. THAT the commencement date of the Easter Sunday Shop Trading Policy be Wednesday 13 March 2024.

**Recommended Reason**

The *draft* Easter Sunday Shop Trading Policy has gone through the public consultation process, required by Sections 82 and 83 of the Local Government Act 2002. Two submissions were received as a result of the public consultation process. The committee is now required to consider these submissions.

/  
Moved/Seconded

9. Closing Karakia  
D21/40748 Page 20



**Our reference**  
F19/13/03-D21/40748

**Karakia**

Kia uruuru mai  
Ā hauora  
Ā haukaha  
Ā haumāia  
Ki runga, Ki raro  
Ki roto, Ki waho  
Rire rire hau Paimārire

I draw in (to my being)  
The reviving essence  
The strengthening essence  
The essence of courage  
Above, Below  
Within, Around  
Let there be peace.



**Our reference**  
F19/13/03-D22/17082

### **Health and Safety Message**

In the event of an emergency, unless guided to an alternative route by staff, please exit through the main entrance. Once outside the building please move towards the War Memorial Centre congregating on the lawn area outside the front of the council building.

If there is an earthquake, please drop, cover and hold where possible. Remain indoors until the shaking stops and you are sure it is safe to exit or remain where you are until further instruction is given.

**5. Attendance schedule for 2024 Policy & Services Committee meetings (including Hearings).**

Date	23/1/24	30/1/24 **	27/2/24	27/2/23	26/3/24	26/3/23	23/4/23	28/5/24	4/6/24	25/6/24	23/7/24	27/8/24	24/9/24	22/10/24	26/11/24
Meeting	PS	PS	H	PS	H	PS	PS	PS	H	PS	PS	PS	PS	PS	PS
Neil Volzke	✓	✓													
Steve Beck	✓	✓													
Grant Boyde	✓	✓													
Annette Dudley	✓	✓													
Jono Erwood	✓	✓													
Ellen Hall	✓	✓													
Amanda Harris	✓	✓													
Vaughan Jones	✓	✓													
Min McKay	✓	✓													
John Sandford	✓	✓													
Clive Tongaawhikau	A	A													
Mathew Watt	✓	✓													

\*\* The Policy and Services Committee meeting held on 30 January 2024 was a continuation of the 23 January meeting.

Key	
PS	Policy & Services Committee Meeting
H	Hearing (heard by Policy & Services Committee)
✓	Attended
A	Apology/Leave of Absence
AB	Absent
S	Sick
AV	Meeting held, or attended by, by Audio Visual Link

# DECISION REPORT



F22/55/04 – D23/50686

**To:** Policy and Services Committee  
**From:** Environmental Health Manager  
**Date:** 27 February 2024  
**Subject:** Draft Easter Sunday Shop Trading Policy

## Recommendations

1. THAT the report be received.
2. THAT the committee considers submissions received as part of the public consultation process of the *draft* Easter Sunday Shop Trading Policy
3. THAT the committee adopt the *draft* Easter Sunday Shop Trading Policy that allows Easter Sunday trading in the Stratford District.
4. THAT the commencement date of the Easter Sunday Shop Trading Policy be Wednesday 13 March 2024.

## Recommended Reason

The *draft* Easter Sunday Shop Trading Policy has gone through the public consultation process, required by Sections 82 and 83 of the Local Government Act 2002. Two submissions were received as a result of the public consultation process. The committee is now required to consider these submissions.

/  
Moved/Seconded

## 1. Purpose of Report

- 1.1 The council approved the release of the *draft* Easter Sunday Shop Trading Policy on 28 November 2023, for public consultation. The public consultation period started on 15 January 2024, to allow for the Christmas holiday period and closed on 16 February 2023. Two submissions were received as part of the consultation process.
- 1.2 The purpose of this report is for the council to consider the public submissions and recommend any additional amendments to the *draft* Easter Sunday Shop Trading Policy and its subsequent adoption.

## 2. Executive Summary

- 2.1 The current policy is required to be reviewed in accordance with the Shop Trading Hours Act 1990, that requires a Territorial Authority to review its policy no later than 5 years after the initial adoption of the policy. This is the first review of the policy.



**3. Local Government Act 2002 – Section 10**

Under section 10 of the Local Government Act 2002, the Council's purpose is to “enable democratic local decision making by and on behalf of communities; as well as promoting the social, economic, environmental, and cultural well-being of communities now and into the future”			
Does the recommended option meet the purpose of the Local Government 4 well-beings? And which:			Yes
<b>Social</b>	<b>Economic</b>	<b>Environmental</b>	<b>Cultural</b>
✓	✓	✓	✓

Easter Sunday Trading is an emotive issue that some members, employees, retailers and organisations of the community have an opinion on. The policy will touch on all 4 well-beings:

- Easter Sunday is a sacrosanct day and is observed by many religious communities.
- Trading allows for freedom of enterprise and economic growth.
- Having shops open offers convenience to the community, tourists and visitors to the Stratford District.
- Some people consider that allowing retail trading on Easter Sundays reflects negatively on quality family time.

**4. Background**

4.1 In 2016, the Government made amendments to the Shop Trading Hours Act 1990 that allowed Territorial Authorities to consider whether to have a policy on Easter Sunday trading. After public consultation, The Council adopted the Easter Sunday Trading Policy for the Stratford District in 2017.

4.2 Prior to the adoption of the Easter Sunday Shop Trading policy, only certain shops were legally permitted to open for trade on Easter Sunday, these included:

- Service Stations
- Dairies
- Pharmacies
- Restaurants and cafes
- Takeaway food shops
- Duty free shops
- Garden centres
- Shows and exhibitions
- Certain services such as hairdressers, and real estate agencies.

It should be noted however that all licensed (alcohol) premises are subject to their alcohol licensing conditions in accordance with the Sale and Supply of Alcohol Act 2012.

4.3 The types of shops that were not permitted to open were shopping malls, supermarkets, clothing shops, appliances, homewares, sports and recreation retailers.

4.4 The Act restricts what a policy can cover. It can only allow trading on Easter Sunday to occur for the entire district or parts of the district. The policy **cannot** specify particular shops to open, specify times when shops can open, or apply any other conditions.

4.5 The council is not responsible for enforcing the policy. It is the responsibility of employers and employees to apply the notice period under the Shop Trading Hours Act that apply to trading and working on Easter Sunday.

## 5. Consultative Process

### 5.1 Public Consultation - Section 82

Two Submissions were received because of the public consultation process.

The following organisations were notified as part of the public consultation process as they previously submitted on the initial policy:

- Chamber of Commerce
- Hospitality New Zealand
- Stratford Business Association
- Retail New Zealand
- Salvation Army

The public were given the opportunity to consider three options in the public consultation process as follows:

**Option 1** - Trading on Easter Sunday should be allowed throughout the Stratford District.

**Option 2** - Trading on Easter Sunday should be allowed in particular parts of the Stratford District.

**Option 3** - There should be no trading on Easter Sunday throughout the Stratford District

These options are in-line with the Shop Trading Hours Act 1990 that prescribes what a territorial authority can consider when implementing a policy.

The following submissions were received:

Submission No#	Name	Category	Option 1	Option 2	Option 3	Speaking
1.	S. Mackie-Langton	Individual	✓			No
<b>Comments:</b> Easter Sunday trading should be allowed throughout the Stratford District as Easter is a religious holiday and not everyone is religious.						
<b>Staff comments:</b> Currently under the policy, businesses can choose whether they open or close on Easter Sunday.						
2.	J. Clarkson	Individual			✓	No
<b>Comments:</b> Shops should not be trading on Easter Sunday. Easter Sunday is likely to be the only day of the year other than Christmas day that shops shut and staff deserve to have the day off.						
<b>Staff Comments:</b> The Shop Trading Hours Act prescribes restricted trading days. In addition to Easter Sunday, Anzac Day morning, Good Friday, and Christmas Day are also restricted trading days under this Act. The Holidays Act 2003 prescribes days that are public holidays. There are 12 public holidays in total and Easter Sunday is not listed as an official public holiday. Three of the public holidays are restricted trading days.  If shops choose to open on Easter Sunday under the current policy, the employee has the right to refuse work on Easter Sunday in accordance with the Shop Trading Hours Act.  The Holidays Act also entitles employees to not less than 4 weeks paid annual leave in addition to the public holidays.						

### 5.2 Māori Consultation - Section 81

Specific Māori consultation is not required under this legislation.

## 6. Risk Analysis

Refer to the Council Risk Register - available on the Council website.
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- Does this report cover any issues that relate to any risks on the Council Risk Register, and if so which risks and what are the impacts and likelihood of eventuating?
- Does this report cover any issues that may lead to any new risks that are not on the Council Risk Register, and if so, provide some explanation of any new identified risks.
- Is there a legal opinion needed?

6.1 No legal opinion is required as part of this review process. The review of policies is noted on the Council's Risk Register (*Risk 4 – Compliance and Legislation (Bylaws and Policies)*) to ensure they are reviewed in the appropriate timeframe and are enforceable.

## 7. Decision Making Process – Section 79

### 7.1 Direction

	Explain
Is there a strong link to Council's strategic direction, Long Term Plan/District Plan?	There is a link to Council's strategic direction; Stratford is a service town with aspirations for tourism growth.
What relationship does it have to the communities current and future needs for infrastructure, regulatory functions, or local public services?	As above.

### 7.2 Data

- Do we have complete data, and relevant statistics, on the proposal(s)?
- Do we have reasonably reliable data on the proposals?
- What assumptions have had to be built in?

#### The following data was provided in the pre-consultation report:

As the policy is not enforced by the Council, there is limited data available on how the policy has impacted on the Stratford community to date. We have received no feedback or complaints since the policy was first adopted. On observation of Easter Sunday trading since the adoption of the policy, there is little retail activity.

43 Council's across New Zealand have adopted a policy that allows trading on Easter Sunday. The following report showing the Councils who have adopted a policy was sourced on-line from Retail NZ:

[RetailNZ-EasterSunday2018Report.pdf](#)



A snapshot from the same report by Retail NZ shows how many people shopped on Easter Sunday across New Zealand.

There is strong demand for shopping, either online or in those stores that were open. Research by Nielsen\* showed that 50 per cent of all New Zealanders (and 62 per cent of people aged 25-39) undertook some form of commercial activity on Easter Sunday 2018.

**HOW MANY SHOPPED ON EASTER SUNDAY 2018?**

- Engaged in at least one commercial activity (27%)
- Engaged in two or more commercial activity (23%)
- Did not shop on Easter Sunday (50%)



As a matter of interest, a bill went through parliament in 2022, to remove Good Friday and Easter Sunday as restricted trading days removing the need for Territorial Authorities to have a policy. The bill also proposed to make amendments to the Sale and Supply of Alcohol Act 2012, to remove restrictions on the sale of alcohol on these days. The bill failed to pass its first reading and was defeated on 3 August 2022.

Further information can be found on the following link.

[Repeal of Good Friday and Easter Sunday as Restricted Trading Days \(Shop Trading and Sale of Alcohol\) Amendment Bill 130-1 \(2022\), Members Bill Contents – New Zealand Legislation](#)

7.3 **Significance**

	Yes/No	Explain
Is the proposal significant according to the Significance Policy in the Long Term Plan?	No	
Is it:	No	
• considered a strategic asset; or	No	There are no financial implications, other than the administration process.
• above the financial thresholds in the Significance Policy; or	No	
• impacting on a CCO stakeholding; or	No	There is no change in the level of service required by the proposal.
• a change in level of service; or	No	
• creating a high level of controversy; or	No	We note only two submission have been received during the public consultation process.
• possible that it could have a high impact on the community?	No	Easter Sunday trading impacts one calendar day in the year irrespective of the level of interest or controversy it may generate.

In terms of the Council's Significance Policy, is this proposal of high, medium, or low significance?		
High	Medium	Low
		✓

7.4 **Options**

<p>An assessment of costs and benefits for each option must be completed. Use the criteria below in your assessment.</p> <ol style="list-style-type: none"> <li>1. What options are available?</li> <li>2. For <b>each</b> option: <ul style="list-style-type: none"> <li>• explain what the costs and benefits of each option are in terms of the present and future needs of the district;</li> <li>• outline if there are any sustainability issues; and</li> <li>• explain if the outcomes meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions?</li> </ul> </li> <li>3. After completing these, consider which option you wish to recommend to Council, and explain: <ul style="list-style-type: none"> <li>• how this option is the most cost effective option for households and businesses;</li> <li>• if there are any trade-offs; and</li> <li>• what interdependencies exist.</li> </ul> </li> </ol>
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The Shop Trading Hours Act, allows the committee to consider the following options:

**Option 1: Approve the draft policy that allows Easter Sunday trading in all parts of the Stratford District.**

One submission in support of option 1 has been received in favour of Easter Sunday trading throughout the Stratford District. The current policy allows all businesses to choose whether to open or close on Easter Sunday and employees have the right to refuse to work on Easter Sunday.

There is no evidence of demand for retail trading options in Stratford on Easter Sunday. However, having a policy allowing trading in all areas of the district supports the capacity for community convenience, and tourism growth should the demand change and shops

choose to open. Shops are still restricted from trading on Christmas day, Good Friday, and Anzac Day morning under the Act.

A number of councils across the country have policies that support Easter Sunday Trading including neighbouring councils. New Plymouth District Council's policy was readopted in 2017 and is due for review. The policy allows trading on Easter Sunday across the entire New Plymouth District. South Taranaki District Council also have a policy that was readopted in October 2023 that allows Easter Sunday Trading across the entire South Taranaki District.

This option supports equal opportunities, future commercial interest and convenience to Stratford communities. The Council's capacity to deliver a service is not impacted by the policy as council officers have no statutory role in the enforcement of the policy. There is no impact on the Council's . The policy is in-line with neighbouring Council's and supports a regional approach to trading as well consistency.

Council officers support **option 1**.

**Options 2: Consider amending the policy to allow Easter Sunday trading in particular parts of the district.**

There were no submissions in support of option 2. The Easter Sunday Trading policy can be tailored to allow trading in some areas of the Stratford District and restrict trading in other areas. This option may appeal to larger districts with a number of retail areas. The majority of Stratford retail businesses operate in the CBD with a small number of businesses operating outside of this area. Restricting parts of the district from trading will prevent some businesses from opening and give the monopoly to those located in one area.

This option would not support equal opportunities and may impact on future retail/commercial interest. This option may also impact our rural communities and future opportunity for retail/commercial interest and convenience shopping in these areas.

**Option 3: The Council revokes the policy and chooses not to allow Easter Sunday Trading.**

The Government amended the Shop Trading Hours Act so territorial authorities could decide whether to allow Easter Sunday Trading. If the Council revokes the policy, there is provision under the Shop Trading Hours Act for the types of business listed in paragraph 4.2 of this report to open on Easter Sunday. However, This option does not support economic growth, the equal opportunities and may impact on future retail and commercial interest. Having no policy would not be consistent with neighbouring councils.

**7.5 Financial**

- Is there an impact on funding and debt levels?
- Will work be undertaken within the current budget?
- What budget has expenditure come from?
- How will the proposal be funded? eg. rates, reserves, grants etc.

There is no significant impact or increase to the Council's financial resources.

**7.6 Prioritisation & Trade-off**

- Have you taken into consideration the:
- Council's capacity to deliver;
  - contractor's capacity to deliver; and
  - consequence of deferral?

The policy does not have any impact on Council's functional capacity.

**7.7 Legal Issues**

- Is there a legal opinion needed?
- Are there legal issues?

No legal opinion is needed because of this review.

7.8 **Policy Issues - Section 80**

- |   |
|---|
| <ul style="list-style-type: none"><li>• Are there any policy issues?</li><li>• Does your recommendation conflict with Council Policies?</li></ul> |
|---|

There is no conflict with current council policies or issues associated with this policy.

**Attachments**

**Appendix 1 -** *draft* Easter Sunday Shop Trading Policy

**Appendix 2 -** Submissions



Rachael Otter  
**Environmental Health Manager**



[Endorsed by]  
Blair Sutherland  
**Director – Environmental Services**



[Approved by]  
Sven Hanne  
**Chief Executive**

**Date** 20 February 2024

# POLICY

## Appendix 1



Policy:	Easter Sunday Shop Trading
Department:	Environmental Services
Approved by:	
Effective date:	
Next review date:	2028/29
Document Number:	D23/42639

### 1. Executive Summary

The Stratford District Council's Easter Sunday Shop Trading Policy provides shops with the opportunity to open and trade on Easter Sunday throughout the District.

### 2. Council's Role and Responsibility

The Council may provide a policy stance on Easter Sunday Trading within the Stratford District. The Council is not responsible for the enforcement of this Policy. It is the responsibility of employer and employee to comply with the notification requirements of the Shop Trading Hours Act 1990. ~~who want shop employees to work on an Easter Sunday to give notice to the shop employee of his or her right to refuse to work on Easter Sunday in accordance with the requirements of the Act. Shop employees who intend to refuse to work on Easter Sunday must also give notice to their employers of that intention in accordance with the requirements of the Act.~~

### 3. Objectives

To enable all shops to open and trade on Easter Sunday within the Stratford District or parts thereof.

### 4. Requirements of the Act

Under section 5A of the Shop Trading Hours Act 1990, the Council may have a local Easter Sunday Shop Trading Policy to permit shops to open on Easter Sunday in an area comprising the whole of the district or any parts of the district.

### 5. Policy

- 5.1 Shop trading is permitted within the entirety of the District (see Figure 1) on Easter Sunday, as provided for under the Act.
- 5.2 This policy does not apply to the sale and supply of alcohol on Easter Sunday from licenced premises, which is regulated by the the Sale and Supply of Alcohol Act 2012.

### 6. Definitions

<u>Act</u>	means the Shop Trading Hours Act 1990.
<u>Council</u>	means the Stratford District Council.
<u>District</u>	means the area within the jurisdiction of the Stratford District Council (see <i>Figure 1</i> )
<u>Shop</u>	means a building, place, or part of a building or place, where goods are kept, sold, or offered for sale, by retail; and includes an auction mart, and a barrow, stall, or other subdivision of a market; but does not include – <ul style="list-style-type: none"> <li>(a) A private home where the owner or occupier's effects are being sold (by auction or otherwise); or</li> <li>(b) A building or place where the only business carried on is that of selling by auction agricultural products, pastoral products, and livestock, or any of them; or</li> <li>(c) A building or place where the only business carried on is that of selling goods to people who are dealers, and buy the goods to sell them again.</li> </ul>



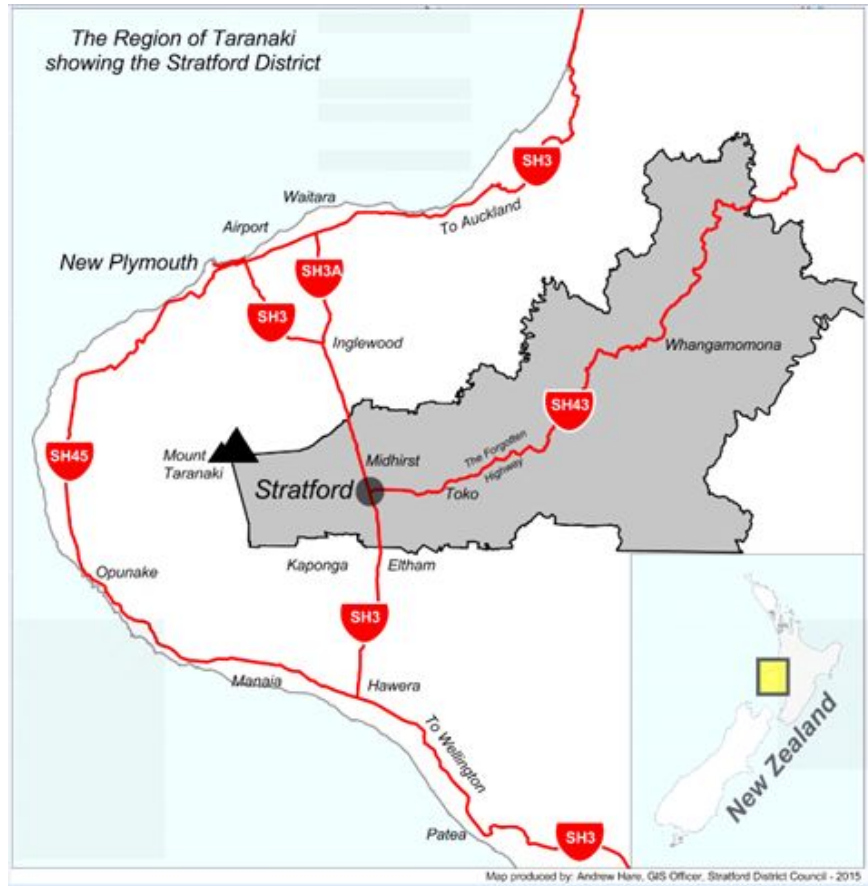


Figure 1. Stratford District, Taranaki.

## 7. Review of Policy

This Policy shall be reviewed every five (5) years to ensure the policy is effective and efficient at achieving the objectives.

## Appendix 2

### Submission 1

Stratford District Council  
61-63 Miranda Street  
PO Box 320  
Stratford  
Taranaki

Telephone 06 765 6099  
Email stratforddc@stratford.govt.nz  
Website www.stratford.govt.nz



### Contact details

We're asking for your email, phone or postal address to inform you about hearing times and decisions. Only one is required and your email is preferred.

Contact name	Sharon Mackie-Langton
Organisation name	N/A
Contact phone	N/A
Email address	[REDACTED]
Postal Address	N/A

In accordance with the Local Government Act 2022, all submissions (including your name and contact details) will be made available online as part of this decision making process. If you have any concerns please contact our Privacy Officer on 06 765 6099.

What age group do you fit into?	50-59
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### Submission details

Please choose your preferred option and write your comments in the box below	Option 1 Trading on Easter Sunday should be allowed throughout the Stratford District.
Write your comments on your preferred option here	As Easter is a religious holiday & not everyone is religious it should not be imposed on all to not trade on Easter Sunday.

### Speaking to your submission

Let us know if you'd like to speak to your submission at the hearing on Tuesday 27 February 2024	I do not wish to speak to my submission
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### Declaration

By ticking this box and clicking submit, you confirm that you have read our <a href="#">privacy statement</a> and that the information you have provided is accurate.	Yes
reCAPTCHA	True

## Submission 2

Stratford District Council  
61-63 Miranda Street  
PO Box 320  
Stratford  
Taranaki

Telephone 06 765 6099  
Email stratforddc@stratford.govt.nz  
Website www.stratford.govt.nz



### Contact details

We're asking for your email, phone or postal address to inform you about hearing times and decisions. Only one is required and your email is preferred.

Contact name	John Clarkson
Organisation name	N/A
Contact phone	N/A
Email address	[REDACTED]
Postal Address	N/A

In accordance with the Local Government Act 2022, all submissions (including your name and contact details) will be made available online as part of this decision making process. If you have any concerns please contact our Privacy Officer on 06 765 6099.

What age group do you fit into?	40-49
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### Submission details

Please choose your preferred option and write your comments in the box below  
Write your comments on your preferred option here

Option 3 There should be no trading on Easter Sunday throughout the Stratford District.  
Shops shouldn't be trading on Easter Sunday in my opinion. Staff deserve to have a day off as much as anyone else. The district can cope with having shops shut for a day. With the exception of Christmas Day, this is likely to be the only day of the year that shops shut. Relaxing these rules to allow shops to trade, just enables corporate greed.

### Speaking to your submission

Let us know if you'd like to speak to your submission at the hearing on Tuesday 27 February 2024	I do not wish to speak to my submission
--	---

### Declaration

By ticking this box and clicking submit, you confirm that you have read our <a href="#">privacy statement</a> and that the information you have provided is accurate.	Yes
reCAPTCHA	True



**Our reference**  
F19/13/03-D21/40748

**Karakia**

Kia uruuru mai  
Ā hauora  
Ā haukaha  
Ā haumāia  
Ki runga, Ki raro  
Ki roto, Ki waho  
Rire rire hau Paimārire

I draw in (to my being)  
The reviving essence  
The strengthening essence  
The essence of courage  
Above, Below  
Within, Around  
Let there be peace.