

## Full Council

24 October 2024

### Report for Agenda Item | Rīpoata moto e Rāraki take [7]

Department: Strategy & Policy

Title | Taitara: Consultation on Draft Easter Sunday Shop Trading Policy 2025

Purpose of the Report | Te Take mō te Pūroko

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The purpose of this report is to seek Council's agreement to consult on the draft Easter Sunday Shop Trading Policy 2025 (the draft policy) and adopt the statement of proposal for public consultation.

Executive Summary | Whakarāpopototaka Matua

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Easter Sunday is a restricted trading day, so all shops are to remain closed, except for certain shops under certain conditions. The Shop Trading Hours Act 1990 ('the Act') enables councils to adopt a policy which permits all shops to open on Easter Sunday if they wish to.

Queenstown Lakes District Council's (QLDC) Easter Sunday Shop Trading Policy (**Attachment A**) allowed all shops in the Queenstown Lakes District to open and was automatically revoked in March 2024, as the Act requires review within seven years of adoption.

No significant changes are proposed to the policy, with only the style and structure being updated. If Council endorses the draft policy (**Attachment B**) and adopts the statement of proposal (**Attachment C**), a public consultation process will be undertaken in accordance with sections 83 and 87 of the Local Government Act 2002 (LGA), as required by the Act.

Recommendation | Kā Tūtohuka

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That the Council:

1. **Note** the contents of this report;
2. **Agree** to consult on the draft Easter Sunday Shop Trading Policy 2025;
3. **Adopt** the statement of proposal for consultation in accordance with the special consultative procedure outlined in sections 83 and 86 of the Local Government Act 2002, from 8.00am October 31 2024 to 5.00pm 30 November 2024;
4. **Appoint** four Councillors (to be named) of which three are required to form a hearings panel to hear and consider the submissions on the proposal and make recommendations to Council on adoption of the draft policy.

**Prepared by:**



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3 October 2024

**Reviewed and Authorised by:**



**Name:** Michelle Morss  
**Title:** GM Strategy & Policy  
3 October 2024

## Context | Horopaki

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1. Easter Sunday is a restricted trading day under the Shop Trading Hours Act 1990 ('Act'). All shops are to remain closed, except for certain shops under certain conditions. These include dairies, cafés, service stations, garden centres, pharmacies, souvenir and duty-free shops.
2. In 2016, amendments to the Act enabled councils to adopt a policy which permits all shops to open on Easter Sunday in the whole or part of their district. Councils cannot specify what type of shops can open or times that shops can open.
3. Council adopted an Easter Sunday Shop Trading Policy on 9 March 2017 in consultation with the community. This policy allowed all shops in the Queenstown Lakes District (QLD) to open if they wished to. The policy supported local businesses that benefit from tourist trade in particular, and provided greater retail options for the large volume of visitors to the district over this time period. It also eliminated any confusion about which shops can open on Easter Sunday.
4. Note that an Easter Sunday trading policy does not apply to the sale or supply of alcohol. Alcohol sale and supply is regulated under the Sale and Supply of Alcohol Act 2012. Additionally, monitoring and enforcement of an Easter Sunday shop trading policy is not the responsibility of QLDC, but the Ministry for Business, Innovation and Employment (MBIE).
5. The Act requires councils to review an Easter Sunday trading policy no later than seven years after adoption, therefore it was automatically revoked on 9 March 2024. Officers paused the subsequent process in light of a proposed private members bill that would remove the need for the policy, but as the bill has not progressed, activity to draft the policy has resumed.

## Analysis and Advice | Tatāritaka me kā Tohutohu

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### **The context of the Queenstown Lakes District in relation to Easter trading**

6. Under the Act, employees are entitled to refuse to work on Easter Sunday, and they don't have to give a reason for the refusal. For situations where the employee feels undue pressure to work, there are mechanisms in place within the Employment Relations Act 2000. It is possible that not all employees feel comfortable pursuing a grievance, but Council is not aware of any complaints about local employees being pressured to work since this policy was adopted.
7. The Easter period attracts high volumes of visitors to the district for events such as Warbirds over Wānaka and Wheels at Wānaka (2025 is the final year for the latter event). Providing the choice for shops to open on Easter Sunday if they wish aligns with the first pillar in the QLDC Economic Diversification Plan<sup>1</sup> to meet 'soft infrastructure' needs for business.
8. Easter Sunday is an important day on the Christian calendar and parts of the community may wish for this day to be reserved for Christian celebration. The draft policy provides that it is the decision of the shop as to whether to open on Easter Sunday, and it is an individual choice as to whether people wish to work, rest or shop.

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<sup>1</sup> [https://www.qldc.govt.nz/media/hmvpntis/queenstown-lakes-economic-diversification-plan\\_final.pdf](https://www.qldc.govt.nz/media/hmvpntis/queenstown-lakes-economic-diversification-plan_final.pdf)

9. When the previous policy was consulted on with the community, 33 submissions were received. 76% (25) of submissions were in support of the proposed policy, 3% (one) was neutral and 21% (seven) disagreed with the proposed policy.
10. A 2024 Curia poll asked New Zealanders “Most shops are currently forced by law to close on Good Friday and Easter Sunday. Would you support or oppose allowing shops that want to open on these days to do so?” 64% of respondents were in support of giving shops this choice, 27% were opposed and 9% of respondents were unsure.<sup>2</sup> It is acknowledged that this survey is not isolated to the views of people in the QLD, and that it also covers Good Friday, which is outside the scope of what Council is able to regulate. However, it and the outcome of the previous consultation on the policy indicate that the majority prefer that shops have the flexibility to choose whether to open on Easter Sunday.

### **Central government reform to holiday trading is possible, but likely not in time for Easter 2025**

11. There are four days a year when shops are generally all closed under the Shop Trading Hours Act 1990: Good Friday, Easter Sunday, ANZAC Day (before 1pm), and Christmas Day. As stated above, in 2016 the Act was amended to add an exemption for areas where a council has adopted an Easter Sunday trading policy. In 2022, 43 of New Zealand’s 66 local authorities had an Easter Sunday trading policy registered with MBIE.<sup>3</sup>
12. In addition to the Easter Sunday context, officers consider that national regulation providing a more understandable framework both around restricted trading days and what type of shops can open on holidays would be useful and provide consistency for residents and visitors alike.
13. Shortly after the automatic revocation of Council’s policy, a private members bill to reform the laws around Easter trading and remove the need for individual councils to have a policy to enable shops to be open on Easter Sunday was introduced to Parliament. At the time of writing of this report, this Bill was tenth on the order paper. It is therefore unlikely that it would have the opportunity to pass into law ahead of Easter 2025.

### **Options analysis**

14. This report is asking Council to make a decision on consulting with the community on a draft policy that is in line with the current policy. When deliberating after consultation, it is open to Council to elect any of three options contained in the statement of proposal for the community to comment on:
- **Option 1** – Adopt the draft policy so all shops in the district can open on Easter Sunday if they wish, as has been the case since 2017.
  - **Option 2** – Change the policy so only shops in certain parts of the district can open on Easter Sunday.
  - **Option 3** – Elect not to have a policy, so only those shops specified in the Act can open on Easter Sunday. These include dairies, cafés, service stations, garden centres, pharmacies, souvenir and duty-free shops.

<sup>2</sup>[https://assets.nationbuilder.com/taxpayers/pages/2336/attachments/original/1719362781/Easter\\_Trading\\_Poll.pdf?1719362781](https://assets.nationbuilder.com/taxpayers/pages/2336/attachments/original/1719362781/Easter_Trading_Poll.pdf?1719362781)

<sup>3</sup><https://www.infometrics.co.nz/article/2022-04-two-thirds-nz-local-easter-trading>

15. With the information that is currently available, officers recommend that Council endorse a draft policy for consultation that carries on with the status quo and is consistent across the district and enables shops to open if they wish. Having no policy, or a policy that differentiates between communities in the district would result in a piecemeal approach that would not provide clarity to businesses, workers, residents and visitors alike.
16. This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
17. Option 1 – That Council endorses the draft Easter Sunday Shop Trading Policy 2025 and associated statement of proposal for public consultation.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Feedback would be obtained on the draft policy, through the public consultation process.</li> <li>Analysis of feedback can help shape the options and recommendations that will come to Council for deliberation and adoption.</li> </ul>	<ul style="list-style-type: none"> <li>There are no clear disadvantages to not consulting with the community on a draft policy.</li> </ul>

18. Option 2 - That Council does not endorse the draft Easter Sunday Shop Trading Policy 2025 and associated statement of proposal for public consultation.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>There are no clear advantages, although opponents to Easter Sunday opening may welcome the restriction of opening to only shops named in the Act.</li> </ul>	<ul style="list-style-type: none"> <li>An Easter Sunday Shop Trading Policy would not be developed and shops able to open would be restricted to those named in the Act.</li> </ul>

19. This report recommends **Option 1** for addressing the matter because it will enable feedback to be obtained on the draft policy to inform the next stage of the process.

### Next steps

20. If Council approves the draft policy and statement of proposal for public consultation, the public will be able to submit on the draft policy from October 31 to 30 November 2024.
21. It is intended that the written submissions received will be presented and a hearing on this matter held for those members of the public who would like to present their submissions orally in February 2025, if required.
22. Officers will then present a draft policy to Council for deliberation and adoption at its 20 March 2025 meeting, and if adopted, the policy will come into effect following that.

## Consultation Process | Hātepe Matapaki

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### Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

23. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy 2021 because:
- the matters have minimal to moderate impact on the community, although parts of the community will have interest in this issue,
  - the proposal is consistent with Council's 2017 policy,
  - the proposal will not change the level of services provided by Council, or Council's capacity, and
  - there is a low level of financial consequence as a result of adopting the recommended option.
24. The persons who are affected by or interested in this matter are residents/ratepayers of the Queenstown Lakes district community, business owners and operators and visitors to the district.
25. If Council endorses the draft policy and adopts the statement of proposal for public consultation, the public will be formally consulted using the special consultative procedure. This will enable Council to better understand community views on the draft policy.

### Māori Consultation | Iwi Rūnaka

26. Council has not undertaken direct consultation with Iwi, but the opportunity to make a submission during the consultation period will be available to Iwi and Rūnaka.

## Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

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27. This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK10020 Ineffective communication and the tier 2 RISK20149 Ineffective and/or incomprehensive consultation processes within the QLDC Risk Register. This risk has been assessed as having a moderate residual risk rating.
28. The approval of the recommended option will allow Council to avoid the risk. This will be achieved by effectively consulting with the community regarding a draft policy for Easter Sunday trading in the district.

## Financial Implications | Kā Riteka ā-Pūtea

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29. Costs associated with consultation and adoption of a policy will be met within current Council budgets. Costs include staff time and advertising.

## Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

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30. The following Council policies, strategies and bylaws were considered:
- the outcomes and principles of Vision Beyond 2050: Our Vision and Mission - QLDC
  - the QLDC Annual Plan
  - the QLDC Ten Year Plan 2024-2034

31. The recommended option is consistent with the principles set out in the named policies.

32. Provision for review of policies is included in the Long Term Plan/Annual Plan.

#### **Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture**

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33. Section 5B of the Shop Trading Hours Act 1990 requires that consultation on a draft policy be done via the special consultative procedure outlined in sections 83 and 86 of the LGA. The special consultative procedure requires that Council adopts a formal statement of proposal, has a consultation period of not less than one month, and allows people to present their views to Council in a manner that enables spoken interaction, such as by having a hearing. In accordance with s.83 of the LGA, it is proposed that Council will encourage people to give feedback, by:

- placing advertisements in local newspapers
- promoting the consultation on Council's social media pages
- having the statement of proposal accessible on Council's Let's Talk website.

#### **Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka**

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34. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. The recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

35. The recommended option:

- Can be implemented through current funding under the Long Term Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or transfer the ownership or control of a strategic asset to or from the Council.

#### **Attachments | Kā Tāpirihaka**

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A	Easter Sunday Shop Trading Policy 2017
B	Draft Easter Sunday Shop Trading Policy 2025
C	Statement of Proposal – Easter Sunday Shop Trading Policy 2025