

Statement of Proposal: Napier's Easter Sunday Trading Policy Review

Introduction

This statement has been prepared as part of consultation on an Easter Sunday Trading Policy for Napier. In 2016, the government amended the Shop Trading Hours Act 1990 (the Act) to allow territorial authorities to have a policy to permit shops to open on Easter Sundays. In response, Napier City Council proposed an Easter Sunday Shop Trading Policy for the whole district and in 2018, our current policy was adopted. In accordance with the Act, our current policy is now due for review. Napier City Council is proposing to continue the policy without amendment.

This Statement of Proposal has been prepared in accordance with section 83 of the Local Government Act 2002. The statement includes:

- The reason for the proposal;
- An overview of the proposed policy and the options available; and
- A description of the consultation process and how to provide your views on the proposal.

Reason for the proposed approach

Prior to the amendment, the trading restrictions on retailers included restricted trading on three and a half days of the year – Good Friday, Easter Sunday, Anzac Day (until 1pm) and Christmas Day. Our current policy under the Act gives everyone in our local community the choice of whether or not to trade on Easter Sunday. We are proposing to continue the policy that retailers may open if they wish.

Does this mean all shops have to open?

No, ultimately it is up to individual retailers whether they choose to exercise the right to open (i.e. there is no obligation to do so).

Workers Choice Provision

The legislation recognises that Easter Sunday is a day of significance across New Zealand and some people would not want to work on this day. Our current policy refers to the Workers Choice Provision which gives employees and employers the ability to negotiate freely and gives employees the ability to refuse work on Easter Sunday without any repercussions to the employment relationship.

Religious Beliefs

Easter Sunday is an important day in the Christian church calendar because it celebrates Jesus Christ's resurrection, according to the Christian faith. At the 2018 Census, 37.4% of Hawke's Bay residents reported having a Christian-based religious affiliation. During the consultation period for the current policy, Council received feedback from parts of the community that demonstrated concerns with having a policy that removed one of the few remaining days where shops were not legally able to trade.

Easter in Napier

Easter weekend in Napier can be a time of high visitor numbers. Historically, Napier has been a popular Easter weekend destination for both domestic tourists and foreign visitors alike. However, Napier, like other tourist cities across New Zealand, has felt the impacts of travel restrictions and our cruise ship season, and the impacts of Cyclone Gabrielle. The impact has been felt as a decrease in visitor numbers and visitor spending. The current policy allows many affected retail businesses to open on Easter Sunday.

Overview of the Policy

Our current policy provides retailers within the whole of Napier District boundary with the choice to open on Easter Sunday if they wish.

Under the amended Shop Trading Hours Act 1990, the policy cannot:

- a) permit shops to open for only some purposes; or
- b) permit only some types of shops to open; or
- c) specify times at which shops may or may not open; or
- d) include any other conditions as to the circumstances in which shops in the area may open;
- e) require shops to open;
- f) limit Council's ability to undertake its duties under any other Act (e.g. the regulation of the sale and supply of alcohol)
- g) address shop employee's rights (which are governed by the requirements of the Shop Trading Hours Act 1990 and which allows shop employees to refuse to work on Easter Sunday)

For the purpose of this policy, the definition of a shop under the Act is as follows:

shop 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—

- I. a private home where the owner or occupier's effects are being sold (by auction or otherwise); or
- II. 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
- III. 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

Options

Accordingly, the Council has four options:

- (a) Amend the policy; or
- (b) Revoke the policy; or
- (c) Replace the policy; or
- (d) Continue the policy without amendment.

Amending the policy is not recommended considering the small size of our district, and the repercussions that could occur by suggesting some parts can trade while others cannot, (e.g. city centre vs all of Napier. Having regard to all of the above, the Council is proposing option 4, maintaining the current policy.

Have your say

So that Council can make an informed decision we like to hear from you. We welcome submissions from any interested person or organization on any aspect of the proposed policy.

Submissions need to be received by 12th of October 2023

You can make an online submission by visiting our website www.napier.govt.nz and clicking on the 'submit it' button or by typing in the keyword #EasterSundayTradingPolicy.

Or you can fill out the submission form and either:

- Email it to: info@napier.govt.nz
- Post it to: Easter Sunday Trading Policy, Napier City Council, Private Bag 6010, Napier 4142.
- Deliver it in person to the Customer Services Centre 215 Hastings Street Napier 4110

If you would like to speak to your submission, please indicate this and provide your contact details on your submission. A Council meeting to hear submissions will be held in early November. We will be in touch to let you know the date and time.