



Extraordinary Council Meeting

Agenda

to be held on

Monday 20th February 2017

at 1.00pm

at

Hurunui o Rangi Room, Carterton Event Centre

50 Holloway Street, Carterton



AGENDA

**The Agenda of the Extraordinary Council Meeting of the
Carterton District Council to be held at the
Hurunui o Rangi Meeting Room in
Carterton Event Centre, 50 Holloway Street, Carterton
on Monday 20th February 2017 at 1.00pm.**

- 1. Apologies**
- 2. Conflict of Interest Declaration**
- 3. Public Forum**
- 4. Easter Trading Policy Report**

Jane Davis
Chief Executive



14th February 2017

Easter Trading

1. PURPOSE OF THE REPORT

To outline for Council the outcome of the Easter Trading submissions received and recommend the adoption of the Easter Trading Policy.

2. SIGNIFICANCE

The matters for decision in this report trigger the significance policy of Council as Council will use the Special Consultative Procedure as specified in Section 83 of the Local Government Act 2002 (LGA 2002)

3. BACKGROUND

The Shop Trading Hours Act 1990 (the Act) restricts trading on specified public holidays, including Easter Sunday. Under the Act only certain types of shops are able to trade on these days eg. dairies, service stations, take away bars, restaurants, cafes and duty free stores.

An amendment to the Act earlier this year now enables territorial authorities to decide whether to allow broader shop trading in their District on Easter Sunday via the development of a local Easter Sunday Shop Trading policy. If a Council chooses to develop a policy, it must use the Special Consultative Procedure (SCP), as specified in the Local Government Act 2002 (s.83), to consult with its community on the proposed policy.

Recognising that Easter Sunday is a day of significance across New Zealand, and that some people would prefer not to work on this day, the Act also includes 'right to refuse' provision. These provisions allow employees to decline to work on Easter Sunday without having to give a reason and without repercussions for their employment relationship.

Carterton District Council at its meeting on the 14th of December 2016 considered three options. These being:

Option 1- No Change

Under the Shop Trading Hours Act 1990 Council does not have to adopt a policy. If Council does not adopt a policy the current exemptions still apply and the only shops that can open are those covered by the Act, which include but are not limited to petrol stations, cafes and

restaurants. Other shop owners would remain bound by the current ban on Easter Sunday trading and with the current restrictions risk being fined up to \$1000 if they open.

Option 2- Develop a Joint Policy with the other two District Councils

Council could wait till 2018 and look at adopting a joint policy with South Wairarapa and Masterton District Councils. Given the tight timeframe available to develop a joint policy and consult on it this option was not considered practicable for the 2017 year.

Option 3- Adopt a Policy for the Carterton District.

Carterton District Council could adopt a draft policy for consultation and manage to hear submissions, deliberate and make a final decision to adopt the policy and this would allow all shops in the Carterton District to open on Easter Sunday.

The Wairarapa is a popular weekend destination for visitors from the Wellington region in particular. The Wairarapa Balloon Festival, which attracts large numbers of visitors from outside the region, is taking place over Easter weekend in 2017.

By adopting a draft Policy Council would be viewed as giving the local retailers the option to provide for these tourists to shop while they are in town for the long weekend. Employers must give between 4 and 8 weeks notice of their intention to trade on Easter Sunday, the decision must be confirmed by 19th March at the very latest.

The outcome of the discussion was a preference for option 3 and elected members voted to adopt the draft Easter Sunday Trading Policy and the Statement of Proposal for consultation, using the Special Consultative Procedure as specified in Section 83 of the Local Government Act 2002. The submission period ran from the 21st -23rd December 2016 then again from the 4th January – 10th February 2017 (excluding Wellington Anniversary & Waitangi Day).

4. SUBMISSIONS RECEIVED & SUMMARY OF SUBMISSIONS

Council received five submissions on the proposed Easter Trading Policy, all of which were supportive of the proposed policy. None of the submitters wished to speak to their submission. A summary of submissions are as follows:

Submitter	Points raised
Retail NZ	<ul style="list-style-type: none"><li data-bbox="855 1749 1126 1783">• Supports option 3.<li data-bbox="855 1805 1406 1874">• By adopting the policy it will support local businesses.

	<ul style="list-style-type: none"> • Significant number of visitors to Carterton and Cafes and restaurants are technically allowed to open, and by allowing all businesses to open if they wish, it makes the district a more attractive destination. • Notes the rights of employees to refuse to work. • Recognises the religious and family commitments for many New Zealanders on Easter Sunday, notes that the significant of this will still be protected under the policy. • Notes that not all businesses will choose to open, but see no reason to deny all other businesses a choice.
Foodstuffs North Island Limited	<ul style="list-style-type: none"> • The majority of Foodstuffs members would welcome the opportunity to open their stores on Easter Sunday. • The current restrictions are inconvenient for holiday makers and international tourists along with customers who would like to shop for groceries. • Notes that the policy allows businesses the freedom to choose whether to open or not. • Notes that the individual employee is free to choose if they wish to work with statutory protection if they elect not to. • Members of the public could choose whether they wish to shop or not, so in essence permitting the Easter Trading Policy would enable individuals to exercise personal choice.
Hospitality New Zealand	<ul style="list-style-type: none"> • Supports Option 3. • Having the policy creates an open business attitude for the region which assists with the tourism marketing and has a flow on effect for the accommodation and hospitality industry. • Mutual relationship between hospitality and retail and the flow on effect

	<ul style="list-style-type: none"> • Notes the freedom of choice to open, work and choose to shop. • The bylaw is a waste of ratepayers money.
Doug Harris	<ul style="list-style-type: none"> • Supports the policy. • Tourism and visitors are a valuable source of revenue and life to the community. • Permitting Easter Trading will neither discourage nor stop those wishing to worship.
Barbara Gladding	<ul style="list-style-type: none"> • Supports option 3. • The relationship between tourism and the local economy is important. • Supports a unified Wairarapa wide policy, but recognises this is a time based issue. • Supports the need to employees to choose whether to work or not without the requirement for justification of consequences. • Recommendation 1: All communications from Carterton District Council in relation to information about Easter Trading need to be done in multiple languages or supplemented by media channels used by ethnic minority groups as well. • Recommendation 2: Any information supplied should signal to businesses, employees and the community that the basis of adopting greater flexibility for Easter trading is that workers rights are being looked after.

5. NEXT STEPS

Should Council adopt the recommendation contained in section 6 of this report, officers will contact the various affected businesses informing them of Councils decision, along with their obligations to their employees. Council will organize a press release and make information available on the website and Councils facebook page.

6. RECOMMENDATIONS

That the Council:

1. **Receives** the report
2. **Adopts** the Easter Sunday Trading Policy

Prepared by:

Solitaire Robertson

Planner/Policy Adviser

Approved by:

Dave Gittings

Manager Planning & Regulatory

Attachments:

1. Submissions.
2. Easter Trading Policy

Appendix 1: Submissions Received

1. Retail New Zealand
2. Foodstuffs North Island Limited
3. Hospitality New Zealand
4. Doug Harris
5. Barbara Gladding

10 February 2017

Submissions on the Statement of Proposal - Draft Easter Sunday Shop Trading Policy

Carterton District Council

BY EMAIL: solitaire@cdc.govt.nz

Dear Madam

SUBMISSION ON PROPOSED EASTER SUNDAY TRADING POLICY

Introduction

1. Retail NZ is a trade association representing the interests of the retail sector. We have around 4,200 members nationwide (including many in the Carterton district), and our members account for around two-thirds of total spending in New Zealand.

Submission

2. We would like to express our support for the Carterton District Council's proposed Easter Sunday Trading Policy (option 3), which would allow (but not require) retail businesses within the district to open on Easter Sunday.
3. We support the Carterton District Council's indication that should this policy be adopted, (although the deadline would be tight) all shops would be allowed to open throughout the Carterton District on Easter Sunday.

Comment

4. Permitting retailers to open their stores is a proactive policy that will support local businesses by allowing them to trade, if it makes sense for the individual businesses concerned. There is a significant number of visitors in the Carterton district, and it is right that businesses should be able to choose whether or not trade.
5. Cafes and restaurants are already technically allowed to open on Easter Sunday, and if shops were permitted to trade as well, then it would add to making towns around the district a more attractive destination for customers seeking both hospitality and retail services.
6. Retail NZ notes that the rights of shop employees to refuse to work on Easter Sunday are explicitly protected by the Shop Trading Hours Act 1990 (as amended). We support these protections - and clear rules are spelt out in the legislation around the various notifications that need to be provided by employers and employees.

RETAIL NZ // HQ

Level 6, 56 Victoria Street, Wellington 6011
PO Box 12-086, Wellington 6144

P // 0800 472 472

E // info@retail.kiwi

W // retail.kiwi

Connect with us:



Supported by:



7. We understand that the Easter period is a special time for many New Zealanders, and recognise that people have a right to practice any form of religious and / or family commitments. The importance of Easter will be protected under the draft policy, because the primary legislation guarantees the rights of employees not to work.
8. We also note that individual businesses will be free to make their own decisions about whether or not to open under the Shop Trading Hours Act 1990 (as amended). Some will choose not to do so, but we do not see any reason to deny them that choice.

Conclusion

9. We would be happy to provide any additional information if required. We would be grateful if you could please let us know the outcomes of this process in due course so we can keep our members informed.

Yours faithfully



Greg Harford
General Manager, Public Affairs
Tel +64 27 243 2842
Email: greg.harford@retail.kiwi

8 February 2017

By email solitaire@cdc.govt.nz

Foodstuffs North Island Limited submission on Carterton District Council Statement of Proposal on Easter Sunday Trading under the Shop Trading Hours Act 1990

Foodstuffs North Island Limited (**Foodstuffs**) is the franchisor of the Foodstuffs Co-operatives' brands in the North Island. Our franchised store in your Region, Carterton New World, is a significant employer in your District and currently employs over 100 people. We may of course open more stores in your Region in future.

Foodstuffs appreciate the opportunity to make a submission, and supports Council's proposal to allow shops in the whole of the district to be open on Easter Sunday.

For its part, the majority of Foodstuffs members would welcome the opportunity to open their stores on Easter Sunday. The current restriction is inconvenient for the many family holiday-makers that travel away from home to the Carterton region for holidays and require provisions for their stay. It is also inconvenient for the many international tourists that visit at Easter time, and all our other customers who would simply like more days to buy groceries over the long-weekend.

We note that, if the Council were to introduce a policy allowing Easter Sunday trading, individual retailers within the district would be free to choose whether or not to open, retail employees would be free to choose whether or not to work (with statutory protections if they elect not to), and members of the public could choose, individually, whether they wanted to shop or not. In this sense permitting Easter Sunday trading would enable individuals to exercise personal choices.

We do not wish to make oral submissions.

Yours sincerely



Angela Dimery
Solicitor

DD: 09 621 0703 | M: 021 191 0346 | P: 09 621 0600
E: angela.dimery@foodstuffs.co.nz

Submission by

Hospitality New Zealand



to the

Carterton District Council

on the

Proposed Easter Trading Hours policy

February 2017

Hospitality New Zealand
Level 2, Orbit Systems House 94 Dixon St
PO Box 503, Wellington
Phone: 04 385 1369
Fax: 04 384 8044
www.hospitalitynz.org.nz

Contact Details:

Name: Dylan Firth, Advocacy and Policy Manager
Telephone: 0276888488
Organisation: Hospitality New Zealand
Email: Dylan.firth@hospitalitynz.org.nz
Address: PO Box 503
Wellington

Through membership servicing of approximately 3,000 members throughout New Zealand, Hospitality New Zealand is able to gauge the views and experiences of a wide variety of New Zealand hospitality businesses including restaurants, café, bars, hotels, motels, taverns, off-licenses, casinos and a wide array of short and long term accommodation providers. Membership of Hospitality New Zealand is voluntary, is primarily funded by member subscriptions and comprises predominantly small businesses. There is also a perception that Hospitality New Zealand, through its advocacy, speaks for and represents the interests of the hospitality industry as a whole.

Because the majority of hospitality businesses are excluded from the shop trading hours restrictions due to the provision of food, any changes or status quo to Carterton District Councils' decision on shop trading hours will not affect the majority of our memberships ability to trade. The major impact of Easter trading on most hospitality businesses is the restriction on the ability to serve alcohol when members of the public are not on site for the purpose of dining, which is not part of this proposed policy.

However, Hospitality New Zealand Wellington Branch supports the proposed Shop trading hour's policy specifically option 3 in principle for the following reasons:

- The ability for retail businesses to trade over Easter creates an 'open for business' attitude for the region which assist in marketing the area to Easter holiday makers and tourists as a whole. This is important in the overall perception of the region which if improved will hopefully have a flow on effect for our Accommodation and Hospitality members.

- Hospitality businesses in commercial areas have a mutual relationship through a shared customer base with the retail businesses who are effected by the shop trading hour restrictions over Easter. The ability for retail customers to choose to shop over this will potentially increase foot traffic and have the flow on effect of increasing patronage in hospitality businesses.

In Conclusion:

Hospitality and Retail are important industries for the international and domestic tourist market. The ability for both of these sectors to trade over a known holiday weekend will increase the regions appeal to holidaymakers and locals alike. Hospitality business can directly benefit from increased foot traffic and visitors to an area while retail is open. The Act is specific in that it does have any mandatory requirement for businesses to open, nor can a business force an employee to work. By allowing for the removal shop trading hour restrictions over the Easter period, people will have the freedom of choice do shop, dine or otherwise during this period.

It is for these reasons that Hospitality NZ supports the removal of restrictions on trading hours in Carterton.

We do not wish to be heard on our submission

Dylan Firth
Advocacy and Policy Manager
Hospitality New Zealand

Solitaire Robertson

From: Sara & Doug. The Beach House <murphyharris@icloud.com>
Sent: Sunday, 29 January 2017 3:13 p.m.
To: Solitaire Robertson
Subject: submission: easter trading

I support the proposal for easter trading

i do not wish to speak to the submission

Reasons: (1) tourism/visitors are currently a valuable source of revenue and general 'life' to this community

(2) Christian values of easter are not the only religious ones, and easter trading will neither discourage nor stop those who want to worship

Kind regards.

Doug

Doug Harris

14 Dalefield Road



Easter Trading Policy- SUBMISSION FORM

Submissions Close 12pm on Friday, 10th February 2017

The Shop Trading Hours Act 1990 (the Act) restricts trading on specified public holidays, including Easter Sunday. Under the Act only certain types of shops are able to trade on these days eg. dairies, service stations, take away bars, restaurants, cafes, garden centres and duty free stores.

An amendment to the Act earlier this year now enables territorial authorities to decide whether to allow broader shop trading in their District on Easter Sunday via the development of a local Easter Sunday Shop Trading policy. If a Council chooses to develop a policy, it must use the Special Consultative Procedure (SCP), as specified in the Local Government Act 2002 (s.83), to consult with its community on the proposed policy.



Please post your written submission to:

Submission: Easter Trading Submission
Carterton District Council
PO Box 9
Carterton 5743



Please email your written submission to: solitaire@cdc.govt.nz with the following subject title: *Submission – Easter Trading*



If you make a written submission, you have the option to speak at a hearing. Please let us know in your submission if you would like to speak to your submission in person.

THINGS TO NOTE

- Submissions will not be returned, so please retain a copy.
- Under the Privacy Act 1993, submissions are available for viewing by the public and media if requested. Please notify the Council if for any reason you do not want your contact details to be publicly available.
- The Hearing of these submissions will be open to the public.

Full name/ Name of organisation :	Barbara Gladding
Contact person (if different from above):	
Postal address:	470 Gladstone Road, RD2, Carterton
Telephone numbers:	06-372-7777 027-563-8554
Email:	b.gladding@xtra.co.nz

SPEAKING AT A HEARING

Do you wish to be heard in respect of your submission? (Please circle) Yes / **No**

I would like to make the following comments on the draft Easter trading policy (please use additional pages if required):

I welcome the opportunity to make a submission to Carterton District Council in the matter relating to future trading hours on Easter Sunday in Carterton.

I have read the proposed options, and agree that **Option 3** is the best option at this time. The reasons for this are as follows:

1. Carterton's relationship with tourists is important to the local economy, in the same way that more and more local communities throughout New Zealand are finding. The Wairarapa is both a corridor region, connecting multiple routes for passing traffic, and a destination in itself. It can reasonably be assumed that people who make the effort to travel during public holidays and stop in, or travel to, Carterton increasingly expect to be able to utilise the features designed and promoted for them to enjoy. This is a regional reputational issue.
2. While a unified Wairarapa policy on Easter Sunday trading is desirable, there are a number of local tourism events which will occur before adequate consultation can occur. This is a time-based issue.
3. Modern New Zealand was founded on recognition of the Judeo-Christian ethos, a British notion of promoting the 'work ethic' in families and is strongly linked to the labour and social responsibility movement, whereby we were the first country to give women the vote, we were the first to develop an early form of 'old age pension', and we provided early 'Plunket' care for mothers and babies. All of these NZ initiatives fostered the importance of building a strong mutually responsible society, characterised by a social conscience and care of the vulnerable. This is a social issue.
4. In a modern world, since the 1990s a free-market ethos has driven much of what we experience in society today. This has included the casualization of work, the erosion of a 'career' concept, the loss of power by the labour and union movements, planned obsolescence in products, a much heightened awareness of customer service and burgeoning of the customer service and tourism sectors. The down-side to this is that the 'almighty dollar' is perceived to drive employers to take advantage of their staff, or staff who don't feel they can refuse employer's requests for fear of losing their jobs and their rights. This is a socio-economic issue.
5. Employers and employees who do not come from New Zealand may have a different set of values when it comes to employers' and workers' rights, or what was once regarded as acceptable and minimum levels of employment practice. In a recent University of Auckland study by Dr Christina Stringer (<https://www.auckland.ac.nz/en/about/news-events-and-notice/news/news-2016/12/worker-exploitation-widespread-study.html>) it was shown *how migrant exploitation - an often secretive and under-reported issue - has been occurring for years across some of New Zealand's biggest industries, including dairy, horticulture, hospitality and international education*. These are areas which are integral to Carterton's economy. At the same time, a recent call has been made by local and central government politicians *to take advantage of business opportunities international students could bring to the district*. <http://m.nzherald.co.nz/wairarapa->

[times-ago/news/article.cfm?c_id=1503414&objectid=11539293](http://www.times-ago/news/article.cfm?c_id=1503414&objectid=11539293). Care needs to be taken when combining economic development and 'easily-procured' people to build or satisfy markets. This is a socio-economic issue.

6. Communities who have strong Pasifika and Phillipino communities will have more people who wish to worship on Sundays and retain Easter Sunday as one of the most important days in the Christian calendar. The Catholic religion is the most common religious affiliation in NZ, overtaking Anglican for the first time in the 2013 census. <http://www.stats.govt.nz/census/2013-census/profile-and-summary-reports/quickstats-culture-identity/religion.aspx>. Carterton may also experience greater proportions of the population who wish to observe Easter, if the population changes in similar ways. This is a multicultural issue.


Summary

1. I support the relaxing of Easter Sunday trading regulations to allow more business owners to choose whether to open on Easter Sunday in Carterton.
2. However, I absolutely and wholeheartedly support the need for employees to choose whether to work on that day or not, without the need to justify or explain their preferences to their employer.
3. In a changing society we need to be mindful that not all power is shared equally and that vulnerable people still need some sort of protection from people who would use worker's time and skills for increasing profit while employing workers either casually, or only with the minimum or a non-liveable wage.
4. As workers will potentially be affected by Carterton District Council's decision whether to allow Easter Sunday trading or not, they will rely on having high quality information about whether they can choose to work, or not, on that day.

RECOMMENDATION

If Easter Sunday trading is to be permitted, I would strongly recommend that wherever CDC issues information about Easter Sunday trading in public / mass media that it also includes information that workers may choose whether to work on Easter Sunday, or not, without the need to explain their decision to their employer. Where practicable this should be done in multiple languages or supplemented in media channels used by ethnic minority groups as well.

This information should signal to businesses, workers and the community that the basis of CDC's greater flexibility for trading during Easter is that workers' rights are looked after in CDC's area.

Signature: <i>(or person authorised to sign on behalf of submitter)</i>	
Date:	23 December 2016

Appendix 2: Easter Trading Policy



14th February 2017

LOCAL EASTER TRADING POLICY

1. PURPOSE OF THE REPORT

The purpose of this policy is to enable shops to trade on Easter Sunday if they wish. This policy is made under Subpart 1 of Part 2 of the Shop Trading Hours Act 1990

2. SCOPE

This policy applies to the whole of the Carterton District. This policy does not apply to the sale and supply of alcohol which is regulated under the Sale and Supply of Alcohol Act 2012.

3. POLICY

- 1.1 Shop trading is permitted on Easter Sundays through out the whole of the Carterton District as defined by the map in Schedule A.
- 1.2 The choice to open rests with each individual retailer. The Policy neither requires shops to open, or individuals to work on Easter Sunday.
- 1.3 Council recognises that Easter Sunday is a day of significance across New Zealand and some people will choose not to work on this day. Subpart 2 of Part 2 of the Shop Trading Hours Act 1990 includes a workers choice provision that outlines a shop employee's right to refuse to work on Easter Sunday.

4. RELEVANT LEGISLATION

Shop Trading Hours Act 1990

5. DEFINITIONS

For the purpose of this policy:

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—

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

- (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
- (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.

SCHEDULE A

