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Should we have Easter Sunday Trading in the Manawatū?

Easter Sunday Trading Shop Policy 2018
Statement of Proposal



Key Dates

Consultation opens

Friday 21 September 2018

Consultation closes

Tuesday 23 October 2018

Hearings

Thursday 22 November 2018

Deliberations

Thursday 6 December 2018

Adoption of Easter Trading Policy

Thursday 20 December 2018

Where can I get more information?

- Visit Council's consultation website www.haveyoursay.kiwi.nz
- Phone us on (06) 323 0000
- Contact one of your elected representatives

Proposal

That trading on Easter Sunday is allowed throughout the Manawatū District.

Background

The Shop Trading Hours Act 1990 says that shops must stay closed for business on Easter Sunday (exceptions to that rule are garden centers, dairies, service stations and souvenir shops). The Act was amended in 2016 to allow councils to decide whether retailers in their districts can open on Easter Sunday. In order for local shops to be allowed to open on Easter Sunday, Council must have a policy which permits it.

Options and Reasons for Proposal

Council considered three options:

- Easter Sunday trading is allowed throughout the district.
- Easter Sunday trading is allowed in some parts of the district and not others.
- Status quo – businesses will not have a choice on whether or not to open; only businesses with exemptions (service stations, dairies etc.) can continue to trade.

Allowing Easter Sunday trading across the district is Council's preferred option. It:

- Recognise the importance of the retail sector and the economic benefits for shop owners and workers.
- Does away with inequities caused by the current law whereby some shops can trade on Easter Sunday and others cannot.

If the policy is adopted shops have the ability to choose if they want to open or not.

How does this affect Employees?

Employees also have a choice about working on Easter Sunday. This is not part of the Council policy but is in the law. The Act has provisions that protect employees' rights. Shop employees can refuse to work on Easter Sunday. They must tell the employer of their intention not to work on Easter Sunday but do not need to give a reason.

What about Sale and Supply of Alcohol?

Rules about the sale and supply of alcohol will not change because local policies cannot override shop trading provisions in other legislation, such as in the Sale and Supply of Alcohol Act 2012. On Easter Sunday the sale or supply of alcohol is prohibited from bottle stores and other places with off licences, and from restaurants and other entertainment venues other than to people dining on the premises.

Public Feedback

Council wants to hear your thoughts on the proposal.

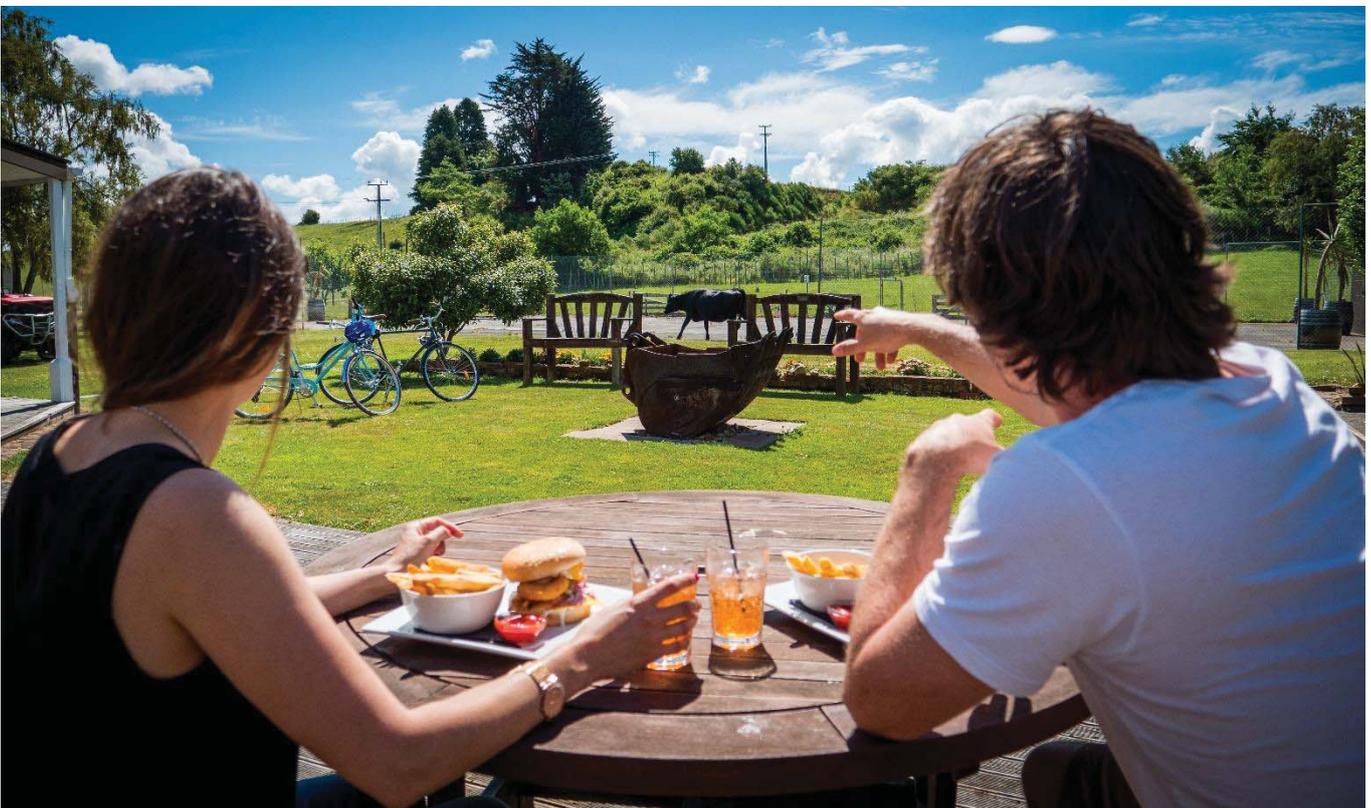
Would you like to see shops in the district open on Easter Sunday if they choose to?

Come and chat with us

In person: Feilding Farmers Market
Manchester Square, Feilding
9am – 1:30pm, Friday 12 October 2018

How do I have my say?

Online: www.haveyoursay.kiwi.nz
Email: submissions@mdc.govt.nz
Post: The Strategy Manager
Manawatu District Council
Private Bag 10 001
Feilding 4743



Easter Sunday Shop Trading Policy

1. Introduction

- 1.1 The Shop Trading Hours Act 1990 (the Act) provides for restricted trading days on Anzac Day morning, Good Friday, Easter Sunday and Christmas Day. The Act allows shops selling certain types of goods (for example, dairies, service stations, pharmacies, takeaway bars, restaurants, cafes, souvenir stores and garden centres) to remain open on the restricted trading days.
- 1.2 The Act was amended by the Shop Trading Amendment Act 2016 enabling territorial authorities to create local policies to allow shop trading across their entire district or in limited areas on Easter Sunday.
- 1.3 Such a policy cannot compel a shop owner to open on Easter Sunday, it remains the shop owner's choice.
- 1.4 The Act protects employees by specifying that employees may refuse to work on Easter Sunday without being required to providing a reason to their employer.

2. Policy Scope

- 2.1 This Policy applies to the whole of the Manawatū District – see map attached.
- 2.2 For the purposes of this policy, the meaning of a shop is the same as defined in section 2 of the Act -

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.*

- 2.3 Under the Act, a local Easter Sunday Shop Trading Policy may not –
 - (a) permit shops to open only for some purposes; or
 - (b) permit only some types of shops in the area 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.

2.4 This 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.

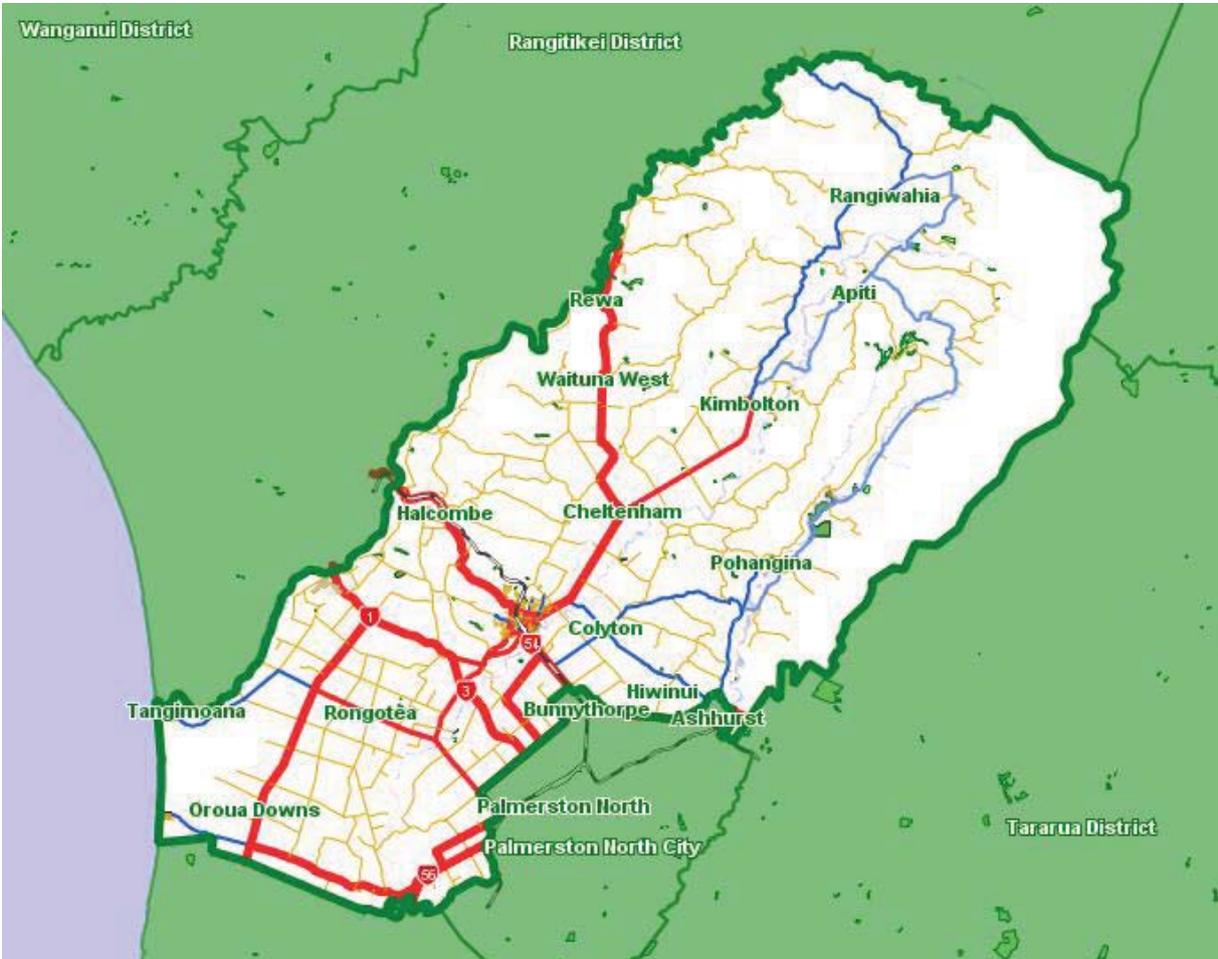
3. Policy Statement

3.1 Shop trading is permitted on Easter Sundays throughout the Manawatū District (see map attached).

4. Review

This policy will be reviewed within five (5) years of being adopted.

Map of the Manawatū District





Manawatu District Council
135 Manchester Street
Private Bag 10001
Feilding 4743

P 06 323 0000
F 06 323 0822
E public@mdc.govt.nz
www.mdc.govt.nz