



**WHANGANUI
DISTRICT COUNCIL**
Te Kaunihera a Rohe o Whanganui

Proposed Local Easter Sunday Shop Trading Policy

DRAFT



Whanganui District Council Policy

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Approved by:

Council

Date approved:

TBC

Date by which a review should be carried out:

This policy will be reviewed within five years of adoption

Policy Inventory number:

Hubble reference

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Table of Contents

EXECUTIVE SUMMARY ERROR! BOOKMARK NOT DEFINED.

INTRODUCTION 4

Why we need a policy 5

Scope of policy 5

POLICY CONTEXT 5

BACKGROUND AND ISSUES 6

OBJECTIVES AND POLICIES 6

APPENDIX - MAP OF THE WHANGANUI DISTRICT 7

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Executive Summary

The Local Easter Sunday Trading Policy permits shops in the Whanganui District to trade on Easter Sunday, as provided for under the Shop Trading Hours Act 1990 (the Act) Without a policy only some shops can trade under the current legislation.

The choice to open sits with individual retailers. Council recognises that Easter Sunday is a day of significance for many and some will choose not to work on this day. Under the Act all shop employees have the ability to refuse to work on Easter Sunday without providing a reason to their employer.

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Introduction

Why we need a policy

The purpose of the Local Easter Sunday Shop Trading Policy (“the Policy”) is to enable shops in the Whanganui District to trade on Easter Sunday should they wish to. The Policy neither requires shops to open, nor individuals to shop on Easter Sunday.

Scope of policy

Whanganui District Council will permit shop trading in the entirety of the district on Easter Sunday as defined by the map in Appendix A.

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.

This Policy does not apply to sale or supply of alcohol which is regulated under the Sale and Supply of Alcohol Act 2012.

Definitions

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*

Policy context

Adopting a Local Easter Sunday Shop Trading Policy is in line with legislation provided for under the Shop Trading Hours Act 1990 (the Act). The policy contributes towards the economic outcome of the Leading Edge Strategy by ensuring our services and facilities are reflecting the diverse and changing needs of our community; and through enabling a downtown vibrancy.

As the bulk of retail activity in the Whanganui District is focused in the town centre, this Policy also aligns itself to the Town Centre Regeneration Strategy.



Background and issues

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, take away food sellers, restaurants, cafes, souvenir stores and garden centres) to remain open on the restricted trading days. Prior to amendment, the Act did not permit some shops to open on Easter Sunday including: shopping malls; supermarkets; clothing retailers; appliance, computer and electronics shops; homeware shops; and sports and recreation equipment shops.

The Act was amended in 2016 to enable territorial authorities to create local policies to allow wider shop trading across their entire district or in designated areas on Easter Sunday. The local policies can only permit shop trading on Easter Sunday but cannot place other conditions around shop trading (for example the types of shops, or the times of opening). Policies cannot apply to the sale or supply of alcohol which is regulated under the Sale and Supply of Alcohol Act.

In 2016 Whanganui District Council decided to retain the status quo and not adopt a Local Easter Sunday Shop Trading Policy in time for Easter 2017. They decided to give this further consideration prior to Easter 2018.

Objectives and policies

Easter Sunday shop trading permitted

Shop trading is permitted on Easter Sundays throughout the Whanganui District.

The choice to open rests with each individual retailer. The Policy neither requires shops to open, or individuals to shop on Easter Sunday.

Employer obligations to notify employees

Employers are obligated under the Act to notify employees if they want them to work on Easter Sunday. Section 51 of the Act specifies the process for employers to provide notification to staff.

Employee “right to refuse”

All shop employees have the ability to refuse to work on Easter Sunday without providing a reason to their employer.

There are “right to refuse” provisions in the Act which means that all employees will have the ability to refuse to work on Easter Sunday without any repercussions for their employment relationship.

Enforcement

Whanganui District Council is not responsible for the enforcement of this Policy. Enforcement is undertaken by the Ministry of Business, Innovation, and Employment who are responsible for the administration of the Act.



Appendices and references

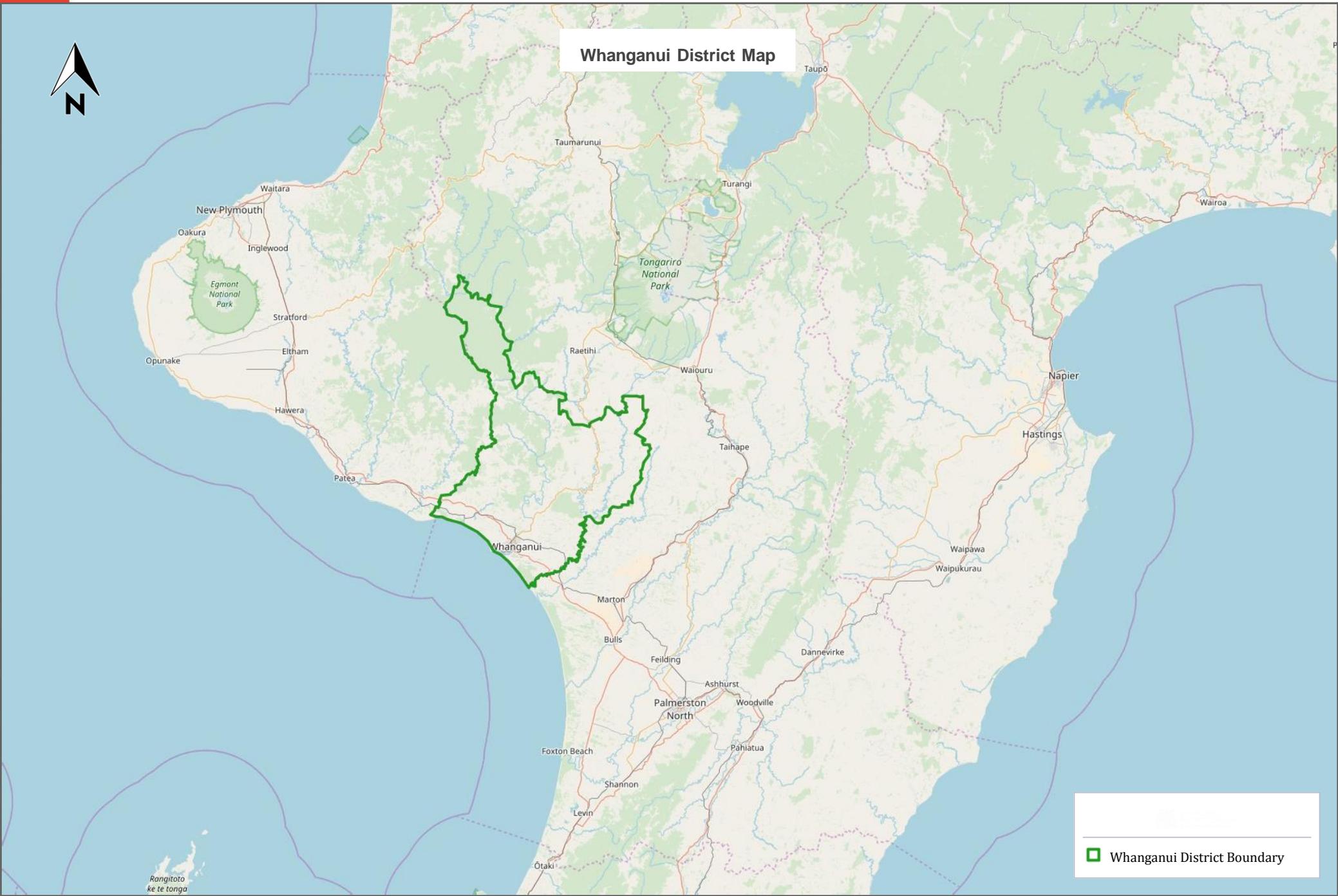
Shop Trading Hours Act 1990

Sale and Supply of Alcohol Act 2012

Map of Whanganui district

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Whanganui District Map



 Whanganui District Boundary

Rangitoto
ke te tonga