

Social and Community Development Committee

SUPPLEMENTARY AGENDA

Notice of Meeting:

An ordinary meeting of the Social and Community Development Committee will be held on:

Date: Wednesday 5 April 2017
Time: 1pm
Venue: Committee Room 1, Level 2, Civic Offices,
53 Hereford Street, Christchurch

Membership

| | |
|--------------------|------------------------------|
| Chairperson | Councillor Phil Clearwater |
| Deputy Chairperson | Councillor Glenn Livingstone |
| Members | Councillor Jimmy Chen |
| | Councillor Anne Galloway |
| | Councillor Yani Johanson |
| | Councillor Aaron Keown |
| | Councillor Tim Scandrett |

3 April 2017

Principal Advisor

Mary Richardson
General Manager Customer &
Community
Tel: 941 8999

Liz Ryley
Committee Advisor
941 8153
liz.ryley@ccc.govt.nz
www.ccc.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted.
If you require further information relating to any reports, please contact the person named on the report.

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<https://www.ccc.govt.nz/the-council/meetings-agendas-and-minutes/>

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| Part A | Matters Requiring a Council Decision |
| Part B | Reports for Information |
| Part C | Decisions Under Delegation |

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11 Resolution to Include Supplementary Reports

1. Background

- 1.1 Approval is sought to submit the following report to the Social and Community Development Committee meeting on 05 April 2017:
 - 8. Easter Sunday Trading Hours
- 1.2 The reason, in terms of section 46A(7) of the Local Government Official Information and Meetings Act 1987, why the report was not included on the main agenda is that it was not available at the time the agenda was prepared.
- 1.3 It is appropriate that the Social and Community Development Committee receive the report at the current meeting.

2. Recommendation

- 2.1 That the report be received and considered at the Social and Community Development Committee meeting on 05 April 2017.
 - 8. Easter Sunday Trading Hours

8. Easter Sunday Trading Hours

Reference: 17/103300

Contact: Claire Bryant claire.bryant@ccc.govt.nz

941 8876

1. Purpose and Origin of Report

Purpose of Report

- 1.1 The purpose of this report is to provide advice to the Social and Community Development Committee on options related to Easter Sunday retail trading and make a recommendation on the preferred approach.

Origin of Report

- 1.2 This report is staff generated in response to recent central government changes to the Shop Trading Hours Amendment Act 2016 (the Act). The Act provides territorial authorities with the powers to adopt a policy that enables all retail shops, in part or all of the District, to trade on Easter Sunday.

2. Significance

- 2.1 The decision in this report is of medium significance in relation to the Christchurch City Council's Significance and Engagement Policy.
 - 2.1.1 The level of significance was determined by the potential cost and possible social and cultural impacts of a policy.
 - 2.1.2 The community engagement and consultation (via the 2017 Residents Survey) outlined in this report reflect the assessment.

3. Staff Recommendations

That the Social and Community Development Committee recommend to Council:

1. That the Council does not investigate an Easter Sunday Trading Hours policy, at this time.
2. To request staff to maintain a watching brief for public expressions of interest in having a policy and, if support does emerge, to report back to the Social and Community Development Committee with further options.

4. Key Points

- 4.1 This report supports the [Council's Long Term Plan \(2015 - 2025\)](#):
 - 4.1.1 Activity: Strategic Planning and Policy
 - Level of Service: 17.0.9 Provision of strategic advice on the social and economic issues facing the city
- 4.2 The following feasible options have been considered:
 - Option 1 – do not investigate an Easter Sunday Trading Hours policy and maintain a watching brief. (preferred option)
 - Option 2 –investigate an Easter Sunday shop trading policy for Banks Peninsula.
- 4.3 Option Summary - Advantages and Disadvantages (Preferred Option)
 - 4.3.1 The advantages of this option include:

- The majority (albeit a small majority) of city-wide residents surveyed do not want an Easter Sunday Trading policy.
- If significant interest in having Easter Sunday trading does emerge over time, there are no barriers to staff then undertaking policy investigations, as appropriate.
- It is a lower cost option than investigating a policy, as the Act requires a policy be adopted using the special consultative procedure.

4.3.2 The disadvantages of this option include:

- It does not provide for the one Community Board area (Banks Peninsula) where surveyed residents marginally support having an Easter Sunday Trading policy.

5. Context/Background

Legislative context

- 5.1 Territorial authorities now have the power to adopt an Easter Sunday Trading Hours policy under the Shop Trading Hours Amendment Act 2016 (the Act).
- 5.2 If adopted, a new policy would permit all retail shops, in part or all of the District, to open and trade on Easter Sunday. Shops must continue to be closed on Anzac Day morning, Good Friday and Christmas Day.
- 5.3 The enforcement of any new policy is the responsibility of the Ministry of Business Innovation and Employment (MBIE).
- 5.4 The Act does not allow a new Easter Sunday Trading Hours policy to limit the territorial authority's power under any other enactment, such as liquor licensing provisions.
- 5.5 The Act already allows retailers located at the Christchurch Arts Centre to trade on Easter Sunday. The Act also already allows many specific types of retailers to trade including garden centres, pharmacies, souvenirs and shops selling only prepared food, or daily necessities that people living in the area may reasonably need to be able to buy at any time. If a policy was adopted the additional retailers enabled to trade would largely be department stores and shops in malls.
- 5.6 If a territorial authority wishes to adopt an Easter Sunday Trading Hours policy the Act requires that the special consultative procedure be used to adopt the draft policy.

Community consultation

- 5.7 Over March 2017 a sample of 770 residents were asked if they agree *that all retail shops should be open for trade on Easter Sunday* as part of the General Service Satisfaction Survey which is conducted every year as part of the Christchurch City Council's Residents Survey. The respondents were Christchurch District residents who have lived in the city for at least 12 months and who are aged 18 years and over.
- 5.8 At the city-wide level, 34 percent of residents agreed *that all retail shops should be open on Easter Sunday* and 51 percent of residents disagreed. This supports the preferred option of waiting to see if more support for a policy emerges over time.
- 5.9 However, at the local level in one Board (Banks Peninsula), marginally more residents (38.5%) agreed with the statement *that all retail shops should be open for trade* than disagreed (30.8%) and a further third (30.8%) neither agreed nor disagreed. This support for Easter Sunday trading in Banks Peninsula is similar to other areas with high numbers of visitors over Easter. As many retailers (see 5.5 above) may already open, this may also reflect low awareness and/ or inherent complexity in the terms of the Act.

- 5.10 The council (as of 2 February 2017) has received 3 letters from faith-based organisations asking the Council **not** to adopt a policy.

What other territorial authorities are doing

- 5.11 A staff survey of territorial authorities in January 2017 received the following responses from forty Councils (60 percent):
- 13 have, or are in the process of adopting, an Easter Sunday Trading Hours policy for Easter 2017. These are generally Councils with high levels of visitor numbers over the Easter holiday.
 - 7 are planning to adopt a policy in 2018
 - 5 have decided not to develop a policy
 - 15 have not yet decided.
- 5.12 In the immediate surrounds of Christchurch District – Hurunui, Waimakariri, Selwyn and Timaru Councils will not have a policy in place for Easter 2017. Kaikoura District Council's public consultation on a draft policy closed on 3 March 2017 but, at the time of this report, the results have not been to a Council meeting, so they may or may not adopt a policy for 2017.

6. Option 1 – Do not investigate an Easter Sunday Trading Hours policy at this time (preferred)

Option Description

- 6.1 Do not investigate an Easter Sunday Trading Hours policy at this time. However, if significant expressions of support for a policy do emerge (such as from the Residents Survey in the field over February- March, or from malls or retailer associations), staff will report to Council with draft policy options for future Easter Sunday trading (potentially taking effect in 2018).

Significance

- 6.2 The level of significance for this option is low which differs from section 2 of this report because should community preference for a policy emerge, staff will report to Council with further options.
- 6.3 The engagement requirements for this level of significance have been met through the 2017 Residents Survey, and letters received to date.

Impact on Mana Whenua

- 6.4 This option does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Ngāi Tahu, their culture and traditions.

Community Views and Preferences

- 6.5 Please see 5.7 – 5.10 above.

Alignment with Council Plans and Policies

- 6.6 This option is consistent with Council's Plans and Policies

Financial Implications

- 6.7 Cost of Implementation – n/a
- 6.8 Maintenance / Ongoing Costs – n/a
- 6.9 Funding source – n/a

Legal Implications

- 6.10 As the Act is an enabling Act there is no requirement to investigate or adopt a policy and this option has no legal implications for the Council.

Risks and Mitigations

- 6.11 The risk of not investigating a policy now is that it may result in work later if it becomes apparent over time that the community do want a policy.

6.11.1 Treatment: Given that many retailers, including tourism-related retailers, may already be open and pending any conclusive demonstration of community preferences this report recommends option one including a watching brief for changes in community preferences.

6.11.2 Residual risk rating: low.

Implementation

- 6.12 Implementation dependencies - n/a

- 6.13 Implementation timeframe – n/a

Option Summary - Advantages and Disadvantages

- 6.14 The advantages of this option include:

- The majority (albeit a small majority) of surveyed city-wide residents do not want an Easter Sunday Trading policy.
- If significant interest in having Easter Sunday trading does emerge over time, there are no barriers to staff then undertaking policy investigations, as appropriate.
- It is a lower cost option than investigating a policy, as the Act requires a policy is adopted using the special consultative procedure.

- 6.15 The disadvantages of this option include:

- It does not provide for the one Community Board area (Banks Peninsula) where there is marginal resident support for an Easter Sunday Trading policy.

7. Option 2 – investigate an Easter Sunday shop trading policy (for Banks Peninsula).

Option Description

- 7.1 The Shop Trading Hours Amendment Act 2016 enables Territorial Authorities to adopt an Easter Sunday Trading Policy which permits **all** retail shops **in part** of the District to open and trade on Easter Sunday. This option will develop a draft policy for Council consideration that permits all retail shops in Banks Peninsula to trade on Easter Sunday (in time for Easter 2018).

Significance

- 7.2 The level of significance of this option is medium consistent with section 2 of this report.

Impact on Mana Whenua

- 7.3 This option does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does not specifically impact Ngāi Tahu, their culture and traditions.

Community Views and Preferences

- 7.4 As noted above 38.5 percent of surveyed Banks Peninsula residents want Easter Sunday trading compared to 30.8 percent who do not.

Alignment with Council Plans and Policies

- 7.5 This option is consistent with Council's Plans and Policies.

Financial Implications

- 7.6 Cost of Implementation – policy development, special consultative procedure, Hearings Panel, submissions analysis and report drafting is estimated to require between 220-250 staff hours.
- 7.7 Maintenance / Ongoing Costs – n/a. The policy is enforced by the Ministry of Business Innovation and Employment.
- 7.8 Funding source – from within the existing Strategic Policy budget.

Legal Implications

- 7.9 As the Act specifically enables different approaches in different locations within the District, there are no legal implications for the Council.

Risks and Mitigations

- 7.10 The consultation creates strong polarities within the Banks Peninsula community.
- 7.10.1 Treatment: Work closely with the Community Board to establish appropriate consultation approaches.
- 7.10.2 Residual risk rating: low.

Implementation

- 7.11 Implementation dependencies - availability of staff and elected member (Community Board, Hearings Panel) resource.
- 7.12 Implementation timeframe – draft policy must be adopted by February 2018 to enable retailers to consult with their staff before Easter (as the Act requires).

Option Summary - Advantages and Disadvantages

- 7.13 The advantages of this option include:
- It enables local preference and context i.e. high visitor numbers in Banks Peninsula over Easter.
- 7.14 The disadvantages of this option include:
- There are some cost and resource implications.

Attachments

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| A ↓ | Shops Currently Able to Trade on Easter Sunday | 11 |
| B ↓ | Easter Sunday Trading 2017 General Service Satisfaction survey results | 12 |

Confirmation of Statutory Compliance

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).
(a) This report contains:

- (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
 - (ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.
- (b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

Signatories

| | |
|--------------------|--|
| Author | Claire Bryant - Team Leader Policy |
| Approved By | Helen Beaumont - Head of Strategic Policy Brendan Anstiss - General Manager Strategy and Transformation |

ATTACHMENT A: Shops Currently Able to Trade on Easter Sunday

Easter Sunday is a “restricted trading day” under the Shop Trading Hours Act 1990. In general, this means that shops must be closed for trading on Easter Sunday. Some shops have an exemption under the Act and are permitted to open. Shops are only exempt if they meet one of the three main categories listed below¹:

1) Shops which meet the following conditions set out in the Shop Trading Hours Act:

- a) a shop where—
 - i) the goods for sale include nothing that is not food, drink, a household item, a personal item, an automotive fuel, an automotive lubricant, an automotive part, or an automotive accessory, of a kind that people may reasonably need to be able to buy at any time; and
 - ii) the quantity of goods for sale is no greater than that sufficient to meet the demands of the people who live or are staying in the area where the shop is, and people (other than people travelling in order to buy goods at the shop) travelling through the area; or
- b) a shop whose principal business is selling goods falling into one or other of the following categories:
 - i) goods intended to be bought as souvenirs;
 - ii) duty free goods (that is to say goods sold from or through an export warehouse (within the meaning of section 2(1) of the Customs and Excise Act 1996) to people intending to take the goods out of New Zealand);
 - iii) prepared or cooked food ready to be eaten immediately in the form in which it is sold; or
- c) a shop at any public passenger transport terminal, or at any station where public passenger transport services stop, whose principal business is selling goods falling into one or other of the following categories:
 - i) books, magazines, and newspapers;
 - ii) the categories specified in paragraph (b); or
- d) a pharmacy; or
- e) a shop in premises where a bona fide exhibition or show devoted (entirely or primarily) to agriculture, art, industry, and science, or any of those matters, is being held
- f) a garden centre, being a shop where the sole or principal business is the sale of plants or garden supplies²

2) Shops within an existing area exemption

Some shops can open on Easter Sunday because they are within a limited geographic area which has an existing Shop Trading Exemption Order. All conditions of the individual order must be complied with, including hours and goods restrictions.

These locations are:

- | | |
|--|------------------------------------|
| • Auckland – Parnell Road | • Nelson |
| • Christchurch – Arts Centre | • Paihia |
| • Dunedin - Carnegie Centre, Moray Place | • Picton - Mariners Mall |
| • Hamilton - Market Place, Collins Road | • Taupo - central |
| • Napier - Harbour Market | • Thames - Richmond Court |
| | • Wanaka - Pembroke Mall (stage 1) |

3) Shops within an area where an Easter Sunday Shop Trading Policy permitting shops to open has been adopted by the local Territorial Authority.

¹ See the Shop Trading Hours Act 1990, sections 4, 4A and 4B.

² 1(a)-(e) applies to all “restricted trading days”. 1(f) is applicable to Easter Sunday only.

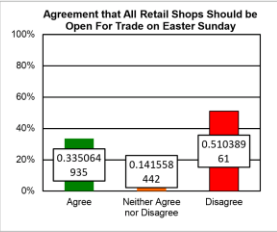


ATTACHMENT B: EASTER SUNDAY TRADING 2017 General Service Satisfaction Survey results

District-wide overall Level of Agreement that All Retail Shops Should be Open for Trade on Easter Sunday

| Agreement Levels | Number | Per cent |
|----------------------------|--------|----------|
| Strongly Agree | 64 | 8.3% |
| Agree | 194 | 25.2% |
| Neither Agree nor Disagree | 109 | 14.2% |
| Disagree | 226 | 29.4% |
| Strongly Disagree | 167 | 21.7% |
| Don't Know / NA | 10 | 1.3% |
| TOTAL | 770 | 100.0% |

| Retail Shops Open for Trade on Easter Sunday | |
|--|----------|
| Combined Levels | Per cent |
| Agree | 34% |
| Neither Agree nor Disagree | 14% |
| Disagree | 51% |



Overall Level of Agreement that All Retail Shops Should be Open for Trade on Easter Sunday: By Community Board

| | Community Board | | Coastal - Burwood | | Fendalton - Waimairi - Harewood | | Halswell - Hornby - Riccarton | | Linwood - Central - Heathcote | | Papanui - Innes | | Spreydon - Cashmere | | Total | |
|----------------------------|-----------------|---------|-------------------|---------|---------------------------------|---------|-------------------------------|---------|-------------------------------|---------|-----------------|---------|---------------------|---------|--------|---------|
| Agreement Levels | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Agree | 5 | 38.5% | 30 | 28.6% | 52 | 35.6% | 53 | 34.9% | 58 | 37.7% | 34 | 34.0% | 26 | 26.0% | 258 | 33.5% |
| Neither Agree nor Disagree | 4 | 30.8% | 19 | 18.1% | 20 | 13.7% | 22 | 14.5% | 19 | 12.3% | 11 | 11.0% | 14 | 14.0% | 109 | 14.2% |
| Disagree | 4 | 30.8% | 51 | 48.6% | 74 | 50.7% | 77 | 50.7% | 75 | 48.7% | 54 | 54.0% | 58 | 58.0% | 393 | 51.0% |
| Don't Know / NA | | 0.0% | 5 | 4.8% | | 0.0% | | 0.0% | 2 | 1.3% | 1 | 1.0% | 2 | 2.0% | 10 | 1.3% |
| TOTAL | 13 | 100.0% | 105 | 100.0% | 146 | 100.0% | 152 | 100.0% | 154 | 100.0% | 100 | 100.0% | 100 | 100.0% | 770 | 100.0% |

| | Community Board | | Coastal - Burwood | | Fendalton - Waimairi - Harewood | | Halswell - Hornby - Riccarton | | Linwood - Central - Heathcote | | Papanui - Innes | | Spreydon - Cashmere | | Total | |
|----------------------------|-----------------|---------|-------------------|---------|---------------------------------|---------|-------------------------------|---------|-------------------------------|---------|-----------------|---------|---------------------|---------|--------|---------|
| Agreement Levels | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| Strongly Agree | 1 | 7.7% | 10 | 9.5% | 11 | 7.5% | 6 | 3.9% | 17 | 11.0% | 12 | 12.0% | 7 | 7.0% | 64 | 8.3% |
| Agree | 4 | 30.8% | 20 | 19.0% | 41 | 28.1% | 47 | 30.9% | 41 | 26.6% | 22 | 22.0% | 19 | 19.0% | 194 | 25.2% |
| Neither Agree nor Disagree | 4 | 30.8% | 19 | 18.1% | 20 | 13.7% | 22 | 14.5% | 19 | 12.3% | 11 | 11.0% | 14 | 14.0% | 109 | 14.2% |
| Disagree | 1 | 7.7% | 21 | 20.0% | 49 | 33.6% | 57 | 37.5% | 36 | 23.4% | 32 | 32.0% | 30 | 30.0% | 226 | 29.4% |
| Strongly Disagree | 3 | 23.1% | 30 | 28.6% | 25 | 17.1% | 20 | 13.2% | 39 | 25.3% | 22 | 22.0% | 28 | 28.0% | 167 | 21.7% |
| Don't Know / NA | | 0.0% | 5 | 4.8% | | 0.0% | | 0.0% | 2 | 1.3% | 1 | 1.0% | 2 | 2.0% | 10 | 1.3% |
| TOTAL | 13 | 100.0% | 105 | 100.0% | 146 | 100.0% | 152 | 100.0% | 154 | 100.0% | 100 | 100.0% | 100 | 100.0% | 770 | 100.0% |

Overall Level of Agreement that All Retail Shops Should be Open for Trade on Easter Sunday: By Age

| | Age Group | | | | | | | | | | | | | | |
|----------------------------|-------------|---------|--------|-------------|---------|--------|-------------|---------|--------|-------------------|---------|--------|--------|---------|--------|
| | 18-24 years | | | 25-49 years | | | 50-64 years | | | 65 years and over | | | Total | | |
| Agreement Levels | Number | Percent | | Number | Percent | | Number | Percent | | Number | Percent | | Number | Percent | |
| Agree | 43 | | 47.8% | 115 | | 35.2% | 56 | | 27.9% | 44 | | 28.9% | 258 | | 33.5% |
| Neither Agree nor Disagree | 16 | | 17.8% | 53 | | 16.2% | 20 | | 10.0% | 20 | | 13.2% | 109 | | 14.2% |
| Disagree | 31 | | 34.4% | 157 | | 48.0% | 123 | | 61.2% | 82 | | 53.9% | 393 | | 51.0% |
| Don't Know / NA | | | 0.0% | 2 | | 0.6% | 2 | | 1.0% | 6 | | 3.9% | 10 | | 1.3% |
| TOTAL | 90 | | 100.0% | 327 | | 100.0% | 201 | | 100.0% | 152 | | 100.0% | 770 | | 100.0% |

| | Age Group | | | | | | | | | | | | | |
|----------------------------|-------------|---------|--|-------------|---------|--|-------------|---------|--|-------------------|---------|--|--------|---------|
| | 18-24 years | | | 25-49 years | | | 50-64 years | | | 65 years and over | | | Total | |
| Agreement Levels | Number | Percent | | Number | Percent | | Number | Percent | | Number | Percent | | Number | Percent |
| Strongly Agree | 4 | 4.4% | | 31 | 9.5% | | 17 | 8.5% | | 12 | 7.9% | | 64 | 8.3% |
| Agree | 39 | 43.3% | | 84 | 25.7% | | 39 | 19.4% | | 32 | 21.1% | | 194 | 25.2% |
| Neither Agree nor Disagree | 16 | 17.8% | | 53 | 16.2% | | 20 | 10.0% | | 20 | 13.2% | | 109 | 14.2% |
| Disagree | 26 | 28.9% | | 89 | 27.2% | | 68 | 33.8% | | 43 | 28.3% | | 226 | 29.4% |
| Strongly Disagree | 5 | 5.6% | | 68 | 20.8% | | 55 | 27.4% | | 39 | 25.7% | | 167 | 21.7% |
| Don't Know / NA | | 0.0% | | 2 | 0.6% | | 2 | 1.0% | | 6 | 3.9% | | 10 | 1.3% |
| TOTAL | 90 | 100.0% | | 327 | 100.0% | | 201 | 100.0% | | 152 | 100.0% | | 770 | 100.0% |

