

# EASTER SUNDAY SHOP TRADING POLICY



<b>Policy type</b>	City		
<b>Authorised by</b>	Council		
<b>First adopted</b>	23 November 2017	<b>Minute reference</b>	M17/105.2
<b>Revisions/amendments</b>	Add date	<b>Minute references</b>	Add reference
<b>Review date</b>	The Policy must be reviewed no later than five years after the date on which it was adopted.		

## 1. PURPOSE

- 1.1 The purpose of this Policy is to enable shops in Tauranga city to trade on Easter Sunday if they wish to.
- 1.2 This Policy is made under the Shop Trading Hours Act 1990. The Act was amended in 2016 to allow territorial authorities to have a policy to permit shops to open on Easter Sundays. The change in legislation only enables Council to develop a policy regarding Easter Sunday and does not include any other holiday dates such as Good Friday.
- 1.3 The Policy aims to meet demand for goods and services from visitors and residents in Tauranga during the Easter holiday weekend.
- 1.4 The Policy shows support for events and markets held on Easter Sunday, noting that markets are included in the definition of a shop.

## 2. SCOPE

- 2.1 This policy covers the whole of Tauranga City, as indicated in Schedule 1 of this policy.

## 3. DEFINITIONS

Term	Definition
The Act	Shop Trading Hours Act 1990
Council	refers to Tauranga City Council - the elected member body representing Tauranga City
Shop	Has the same meaning as in the Shop Trading Hours Act 1990, that is: “a shop is 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-

	<p>(a) a private home where the owner or occupier's effects are being sold (by auction or otherwise); or</p> <p>(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</p> <p>(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.”</p>
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#### 4. PRINCIPLES

4.1 This Policy does not:

- a) Control the types of shops that may open, or their opening hours<sup>1</sup>;
- b) Limit Council's ability to undertake its duties, powers or functions under any other Act (e.g. the Sale and Supply of Alcohol Act 2012); and/or
- c) Address shop employee rights which are governed by the requirements of the Shop Trading Hours Act 1990 (the 'Act')<sup>2</sup>. For the avoidance of doubt, shop employees have the right to refuse to work on Easter Sunday.

4.2 Council is not responsible for the enforcement of this Policy. Enforcement will continue to be undertaken by the Ministry of Business, Innovation and Employment (MBIE), which enforces current legislation.

4.3 This Policy does not apply to the sale and supply of alcohol on Easter Sunday from licenced premises, which is regulated by the Sale and Supply of Alcohol Act 2012.

#### 5. POLICY STATEMENT

5.1 Tauranga City Council will permit unrestricted shop trading in Tauranga on Easter Sunday as provided for by the Act.

#### 6. RELEVANT DELEGATIONS

6.1 The implementation of this policy is delegated to the Chief Executive and his/her delegates.

#### 7. REFERENCES AND RELEVANT LEGISLATION

7.1 Shop Trading Hours Act 1990.

7.2 The Policy must be reviewed **no later than five years** after the date on which it was adopted.

7.3 Section 5C (4) of the Shop Trading Hours Act requires the use of the Special Consultative Procedure when undertaking a review and determining whether to amend, revoke, replace or continue the Policy.

7.4 Council cannot delegate the power to make the final decision on whether to adopt, amend or revoke the Policy.

7.5 Section 5E requires Council to provide a copy of any decision to adopt, amend or revoke the Policy to the Chief Executive of the Ministry of Business, Innovation and Employment within 10 days of the decision being made.

<sup>1</sup> As per the requirements of Part 2, subpart 1, 5A (1A) of the Act.

<sup>2</sup> Refer to Part 2, subpart 2, 5G – 5L of the Act.

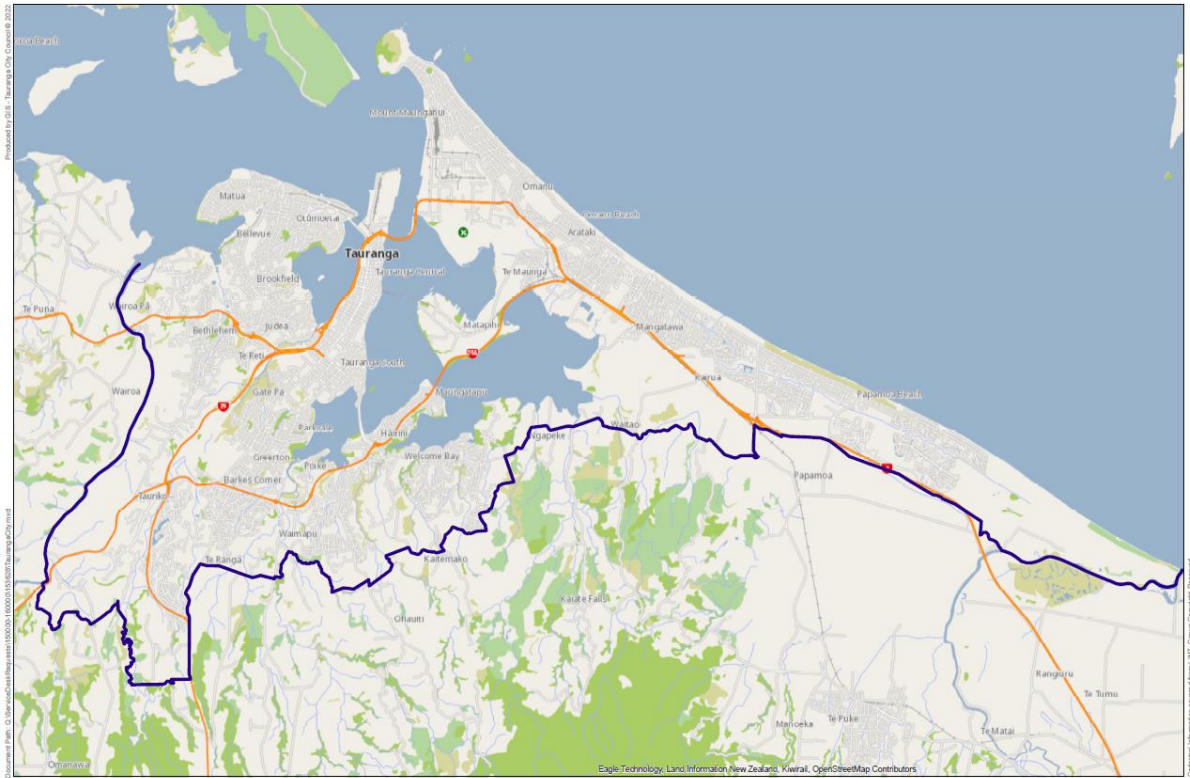
## **8. ASSOCIATED POLICIES/PROCEDURES**

N/A

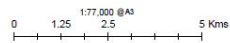
## **9. SCHEDULES**

Schedule 1- The whole of Tauranga City as defined in the Easter Sunday Shop Trading Policy

# Schedule 1



**The whole of Tauranga City  
as defined in the Easter Sunday Shop Trading Policy**



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