

Easter Sunday Shop Trading Policy Review: Summary of Submissions and Post-Consultation Analysis

1. Background

On 8 June 2023, the Strategy and Operations Committee approved the draft Kāpiti Coast District Council Easter Sunday Trading Policy 2023 for public consultation.

The special consultative procedure ran from 26 June 2023 to 26 July 2023. The consultation process was advertised in local papers and promoted online and in service centres¹. The process asked two questions:

1. “Do you support having a District-wide Policy allowing all shops to have the option to open on Easter Sunday in the Kāpiti Coast District?”, and
2. “Do you have any other comments related to the review of the Easter Sunday Trading Policy?”

2. Summary of submissions and analysis

A total of 134 submissions were received during the public consultation. These submissions are summarised alongside Council’s analysis and recommendation in Table 2 below.

Of the 134 submissions, 100 (75%) favoured retaining and renewing the Easter Sunday Trading Policy, while 34 (25%) did not. The predominant theme from the comments provided was support for choice for businesses, employees and/or consumers. However, of those not supporting the policy, comments included the importance of having days off with family and concern about pressure being placed on employees to work.

None of the feedback received, made specific comment to the wording in the Policy nor did anyone request a variation to what was proposed.

¹ The consultation was advertised in Ōtaki Today, Kāpiti News, and in the Kāpiti Observer in June 2023, and promoted through the Council website, the Everything Kāpiti newsletter, Council’s Facebook page, and through Council’s service centres and libraries.

Table 1: Summary of Submissions and Summary of Post-Consultation Analysis

Summary of submissions		Post-consultation analysis of themes							
Themes resulting from the submissions are summarised below.		The final comments and recommendation for each theme are summarised below.							
Theme 1 – Policy Overall									
Submission results: <table><tr><th>Total submissions</th><th>Submissions in support</th><th>Submissions against</th></tr><tr><td>134</td><td>100</td><td>34</td></tr></table> <p>Overall, 100 of 134 submitters supported retaining the Easter Sunday Trading policy, as proposed through the consultation.</p> <p>Most submitters did not make specific comments to support or further elaborate on their position. Of the 10 that did, the comments were all in support of the policy and broadly considered that it works well and should be kept unchanged.</p> <p>Key stakeholder view(s):</p> <ul style="list-style-type: none">• Foodstuffs North Island submission supported the continuation of the Policy. They support giving stores the ability to choose to trade.• Retail NZ submission supported the continuation of the Policy, as a proactive policy that supports local businesses.• First Union submission was generally against the Policy.• Kāpiti Uniting Parish submission was generally against the Policy.		Total submissions	Submissions in support	Submissions against	134	100	34	Comment: <p>Feedback indicates that the Policy is, and has been, working appropriately for the last five years as set out by the policy review’s Statement of Proposal. Of note, the majority of respondents were supportive of the policy, and no major issues were identified.</p> Recommendation: <p><u>Progress</u> the proposal to renew the policy in its current form.</p>	
Total submissions	Submissions in support	Submissions against							
134	100	34							
Theme 2 - Business									
Submission results: <table><tr><th>Comments in Support</th><th>Comments Against</th></tr><tr><td>37</td><td>0</td></tr></table>		Comments in Support	Comments Against	37	0	Comment: <p>Key consultation themes under ‘business’ indicated strong support for businesses to retain their freedom of choice in deciding to open on Easter Sunday or not. A lack of policy removes this choice from both business owners and employees on opening/working on Easter Sunday. An asbence of policy imposes costs on</p>			
Comments in Support	Comments Against								
37	0								

<p>Key themes for <u>Support</u> respondents were:</p> <ul style="list-style-type: none"> • general support, no further comments • choice – for businesses to choose to open or not, or for individuals to choose to shop or not <p>Key themes for <u>Against</u> respondents were:</p> <ul style="list-style-type: none"> • general lack of support, no further comments <p>Any iwi or key stakeholder view(s):</p> <ul style="list-style-type: none"> • Foodstuffs North Island submission supported the continuation of the Policy. They support giving stores the ability to choose to trade and the flexibility this provides. • First Union submission believes the case for flexibility under the policy is limited given large retailers such as Coastlands choose to close for Easter Sunday. • Retail NZ submission supported the continuation of the Policy. They support local businesses having the freedom to make their own decisions about whether to open or not. • Kāpiti Uniting Parish submission was generally against the Policy. 	<p>Council for staff time to answer questions around regulations, and imposes costs on the Ministry for Business, Innovation, and Employment issuing breaches for non-permitted shops open on Easter Sunday. Therefore, the case for businesses to retain their freedom of choice seems the most appropriate position to support.</p> <p>The majority of submitters who specifically commented on the business theme supported the policy in its current form.</p> <p>Recommendation: <u>Progress</u> the proposal to renew the policy in its current form.</p>				
Theme 3 – Economic					
<p>Submission results:</p> <table border="1" data-bbox="443 1018 842 1129"> <thead> <tr> <th>Comments in Support</th><th>Comments Against</th></tr> </thead> <tbody> <tr> <td>9</td><td>11</td></tr> </tbody> </table> <p>Key themes for <u>Support</u> respondents were:</p> <ul style="list-style-type: none"> • general support, no further comments • supports Kāpiti as a tourism destination • supports local businesses and levels the playing field for all businesses 	Comments in Support	Comments Against	9	11	<p>Comment:</p> <p>Key consultation themes under ‘economic’ identified that there was support for the Policy as Kāpiti is identified as a tourist destination, particularly for those from neighbouring districts. Those visiting may have a need/want to shop on Easter Sunday, so enabling more shopping opportunities increases Kāpiti’s attractiveness as a destination and provides an opportunity for more and differing economic activity in the community (particularly for specialist shops). Some of these activities may be restricted if a policy were not in place. Other holiday destinations including Taupo, Tauranga, and Gisborne also have policies for similar purposes.</p>
Comments in Support	Comments Against				
9	11				

<p>Key themes for <u>Against</u> respondents were:</p> <ul style="list-style-type: none"> • general lack of support, no further comments • there are other days available to shop/other shopping opportunities (i.e., online) • some shops can still open <p>Any iwi or key stakeholder view(s):</p> <ul style="list-style-type: none"> • Foodstuffs North Island submission supported the continuation of the Policy. They support giving stores the ability to choose to trade and the flexibility this provides. • First Union submission believes the case for flexibility under the policy is limited given large retailers such as Coastlands choose to close for Easter Sunday. They state as it is not a public holiday, there is no additional pay incentive for employees to work that day. • Retail NZ submission supported the continuation of the Policy. They believe it is a proactive policy that supports local businesses. • Kāpiti Uniting Parish submission was generally against the Policy. 	<p>However, some submitters did not feel that shopping opportunities were needed all days of the Easter holiday period, and it was identified that that some shops can still open. While there is validity in these arguments, it could create an environment of perceived Council interference in private businesses where it is not necessary – eg by creating a blanket restriction on who can and cannot trade on Easter Sunday, and there is no clear community issue that we would be addressing in doing so.</p> <p>A small majority of submitters who specifically commented on the economic theme did not support the policy in its current form. However, the majority of submitters overall supported the continuation of the current Policy.</p> <p>Recommendation: <u>Progress</u> the proposal to renew the policy in its current form.</p>
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Theme 4 - Employee

<p>Submission results:</p> <table border="1"> <thead> <tr> <th>Comments in Support</th><th>Comments Against</th></tr> </thead> <tbody> <tr> <td>15</td><td>30</td></tr> </tbody> </table> <p>Key themes for <u>Support</u> respondents were:</p> <ul style="list-style-type: none"> • general support, no further comments • it should be up to employees to choose whether to work or not • employees need/want to earn <p>Key themes for <u>Against</u> respondents were:</p>	Comments in Support	Comments Against	15	30	<p>Comment: Key consultation themes under ‘employee’ identified that there were some concerns from the public relating to employee rights and protections. Where issues do arise there are specific legislative provisions which are already in place to protect the employee and provide an avenue for workplace grievances to be raised.</p> <p>Given there is already a legal avenue for recourse, and any legislative concerns sit outside of the policy, Council should not make policy recommendations based on this concern. Further, Council have not received reports of this being a substantive issue in our district that could be used to justify removing the policy providing the choice to open or work in Kāpiti.</p>
Comments in Support	Comments Against				
15	30				

- general lack of support, no further comments
- time with family
- pressure exerted on employees to work
- not a public holiday so employees are paid normal rates only

Any iwi or key stakeholder view(s):

- **Foodstuffs North Island** submission supported the continuation of the Policy and the flexibility this provides.
- **First Union** submission believe the cost for employees is greater than that for employers under the policy. They state the policy removes one guaranteed day off a year for employees, that workers are compelled by their employer to work on Easter Sunday and face reprisal if they refuse, and that there is no extra pay for employees for working as it is not a public holiday.
- **Retail NZ** submission supported the continuation of the Policy. They noted that worker rights are explicitly protected under the Shop Trading Hours Act 1990.
- **Kāpiti Uniting Parish** submission was generally against the Policy.

Another three consultation themes were included:

- That there were some concerns from the public relating to the loss of a guaranteed day off from work. These concerns can be addressed similarly to the above, in that there are already legislative provisions in place protecting employees from continuous work to allow for sufficient rest time. This concern has not been identified as a substantive issue in Kāpiti as while many shops and employees have chosen to open and work on Easter Sunday, many have also chosen not to. Any concerns regarding the provision of public holidays and mandatory rest days sit outside of the policy.
- That there is no extra pay for working on Easter Sunday. Easter Sunday is not a public holiday. Employees who work are not entitled to pay over and above their agreed normal rate, and similarly employees who do not work but for whom it is a normal day of work are not entitled to public holiday leave pay. However, there is minimal information to identify this as a substantive issue for many in Kāpiti given that many shops and employees over the past five years have chosen to open and work on Easter Sunday (while some have chosen not to).
- That there were some concerns from the public who believe that Easter Sunday is a day to spend with family and for rest. This discussion is covered in the above paragraphs, as employees right to choose not to work on Easter Sunday is protected under legislation. As per the above discussions, issues with legislated rights and mandatory rest days sit outside of the policy.

Submitters who specifically commented on the employee theme did not support the policy in its current form, however issues raised by these submitters covered topics which sit outside of the policy, and it would not be appropriate for Council to take action where there is not a substantive issue we would be addressing in our District.

	Of note, the majority of all submitters supported the continuation of the current Policy. Recommendation: <u>Progress</u> the proposal to renew the policy in its current form.				
Theme 5 - Religion					
Submission results: <table><tr><th>Comments in Support</th><th>Comments Against</th></tr><tr><td>12</td><td>7</td></tr></table> <p>Key themes for <u>Support</u> respondents were:</p> <ul style="list-style-type: none">• general support, no further comments• secular society• not everyone is religious/many people practice a different faith• against compulsory religious holidays <p>Key themes for <u>Against</u> respondents were:</p> <ul style="list-style-type: none">• general lack of support, no further comments• day for religious observance/respect for religion <p>Any iwi or key stakeholder view(s):</p> <ul style="list-style-type: none">• Foodstuffs North Island submission generally supports the Policy in its current form.• First Union submission states that for some retail and bank workers Easter is an important time to take part in religious observance.• Retail NZ submission generally supports the Policy in its current form.	Comments in Support	Comments Against	12	7	Comment: Key consultation themes under ‘religion’ included some concerns from the public that some members of our community believe shops should not be trading on Easter Sunday due to the religious associations of this day. While Easter is the principal festival of the Christian Church, the majority of our Kāpiti residents are not Christian ² . In addition, our country is largely considered to be a secular society and has no state religion. Similarly, to the discussion under the employment theme, the rights and protections for employees who chose not to work on Easter Sunday are protected by legislation – this includes those who have a religious reason for choosing not to work. Given there is already a legislated avenue for recourse where any issues may arise, and legislative concerns sit outside of the policy, Council should not make policy recommendations based on this concern. Council have also not received widespread reports of this being a substantive issue in our district that could be used to justify removing the policy providing the choice for others to open or work in Kāpiti. The majority of submitters who specifically commented on the religious theme supported the policy in its current form. Recommendation: <u>Progress</u> the proposal to renew the policy in its current form.
Comments in Support	Comments Against				
12	7				

² Religious data breakdown obtained from: <https://peopleandplaces.nz/Kāpiticoast/people/ethnicity/religion/?entity=2289>

- **Kāpiti Uniting Parish** submission states that they believe Easter Sunday is a day for the Christian churches to celebrate the festival without distraction, and it provides a day for which all religious groups might engage in dialogue discovering those things which they have in common while appreciating their differences and demonstrating to the wider community that religion contributes to peace, reconciliation, and better understanding for all.

Theme 6 - Other

Submission results:

Comments in Support	Comments Against
22	8

Key themes for Support respondents were:

- general support, no further comments
- bureaucracy overreach/not the role of the State/archaic restrictions
- should cater for everyone

Key themes for Against respondents were:

- general lack of support, no further comments
- all regions and households should have the same rules/entitlements
- shops should be closed for a part day or on some/all Sundays

Any iwi or key stakeholder view(s):

- **Foodstuffs North Island** submission generally supports the Policy in its current form.
- **First Union** submission is against the Policy as they believe that for non-religious individuals it is a time to be part of family or whānau gatherings, sports tournaments, and other community activities.

Comment:

There were many mixed and diverse views submitted on the draft 2023 Policy, with many comments identified that did not specifically sit under any one theme. The strongest feedback in this category was that submitters did not feel that controlling the opening/closing of shops on Easter Sunday was the role of the Council and therefore the Policy should be retained to provide choice to employers and employees in the district.

The majority of submitters who specifically commented on an 'other' theme supported the policy in its current form.

Recommendation:

Progress the proposal to renew the policy in its current form.

<ul style="list-style-type: none"> • Retail NZ submission generally supports The Policy in its current form. • Kāpiti Uniting Parish submission states that they believe Easter Sunday provides a day to give those who want time to enjoy their environment, or contribute to its conservation, time to do so; that it gives the wider community time to develop alternative activities in their local areas (such activities might be initiated by local Community Boards); and is a day for which all religious groups might engage in dialogue discovering those things which they have in common while appreciating their differences and demonstrating to the wider community that religion contributes to peace, reconciliation, and better understanding for all. 	
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Further Post-Consultation Analysis

Consultation identified a range of views, and people will not necessarily see their individual preferences reflected in the draft 2023 Policy. The draft 2023 Policy seeks to find a reasonable balance between managing issues or concerns and not overly restricting people's activities. None of the feedback received related to the wording in the Policy or requesting a variation of what was proposed; all submissions were either entirely for or against the Policy. Some of the issues raised, such as the personal grievance process, are outside of the scope of Council's abilities.

Based on this analysis, no changes are being proposed to what was outlined in the draft 2023 Policy.