



EXTRAORDINARY MEETING OF COUNCIL

Open Minutes

Meeting Date: Friday 30 November 2018

Time: 9.00am-12.42pm

Venue Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
Napier

Present The Mayor (In the Chair), Councillors Boag, Brosnan, Dallimore,
Hague, McGrath, Price, Tapine, Taylor, White, and Wise

In Attendance Chief Executive, Director City Strategy, Manager City Development,
Policy Planner, Project Planning Facilitator

Administration Governance Team

Apologies

Council resolution Councillors Boag / Price

That the apologies from Councillor Jeffery and Councillor Wright be accepted.

Carried

Conflicts of interest

Councillor Jeffery provided an apology for this Hearing based on a declared interest in the topic at hand.

Announcements by the Mayor

Nil

Announcements by the management

Nil

SUBMISSIONS

SPEAKER

POINTS MADE

***Steph Kennard –
Napier City
Business Inc.***

Steph Kennard spoke to Napier City Business Inc.'s submission in favour of Council adopting the Easter Sunday Trading policy. An independent survey of members resulted in 259 unique responses; 182 in support of the option to open on Easter Sunday and 77 against, 59% of those in support would consider opening and want to know that it is their choice to do so. Of those against the option to open on Easter Sunday 25% either do not currently open on a Sunday or this is not applicable to them.

In response to questions from Councillors the following points were clarified:

- Financial revenue was purposely omitted from their submission as retailers should be able to decide whether opening on Easter Sunday is a viable option for them or not.
- General feedback from retailers was that those who opened on Easter Sunday either traded the same as a normal Sunday or better.
- Respondents' staff numbers breakdown:
 - 67% five and under staff members.
 - 19% six to nine staff members.
- The national chains do not tend to open on Easter Sunday.

David Day

Mr Day is an Anglican Priest in Napier South and his submission is in favour of Council adopting the Easter Sunday Trading policy. He noted that church is not a large part of everyone's life anymore and in his opinion there is no reason why churches should govern whether retailers are able to trade on Easter Sunday or not. However, he acknowledged it was important that staff be given a choice as to whether they are required to work on that date.

In response to questions from Councillors he advised that around half his church vestry group held the same views as him, and the age spread of his church is mainly elderly.

***Gese Talaga –
Congregational
Church of Samoa***

Gese Talaga spoke to her submission, on behalf of the Congregational Church of Samoa, against Council adopting the Easter Sunday Trading policy. She noted that there are not many public holidays left and Easter is a time for families to spend time together and worship.

In response to questions from Councillors the following points were clarified:

- Working on Easter Sunday may be the worker's choice but financial pressures make this choice more difficult.
- Currently a small number of parishioners work in retail with the majority working in orchards etc. They would like to see more of their youth to look for employment in different industries, including retail.

***Salvatore Rigione-
Pisone***

Mr Rigione-Pisone spoke to his submission, noting that he has worked at Pak'nSave, has owned his own business in Napier, and is now employed at Countdown. He is against Council adopting the

Easter Sunday Trading policy. Workers feel obliged to work on this date if asked. Part-time and casual workers especially are affected financially by refusing to work on this date as this limits their hours for the week.

In response to questions from Councillors the following points were clarified:

- As Easter Sunday is not a public holiday; workers are not entitled to time and a half.
- In his experience while a business owner, the turnover for this period is not enough to consider opening on Easter Sunday; there is not enough happening in Napier over this weekend to bring tourists into the City.

Matt Edwards

Mr Edwards spoke to his submission in favour of Council adopting the Easter Sunday Trading policy, noting that this is not an easy decision. He discussed the religious aspect and advised that there is nothing in the scriptures directing that Easter or Christmas either exist or should be observed.

God does not compel our obedience; we should not compel people to do one thing or another when it comes to religious belief. On religious grounds, allowing freedom for people to choose how they want to spend Easter Sunday does not come with any restrictions from God.

**Mike McNabb –
First Union**

Mr McNabb spoke to First Union's submission against Council adopting the Easter Sunday Trading policy, on behalf of the membership of around 250 workers. Currently retail workers in Napier have a guaranteed three and a half days off in a year; this policy would reduce this to two and a half. He noted the importance of family and whanau spending time together over the Easter period. Easter is special in that it gives families four consecutive days off.

In response to questions from Councillors the following points were clarified:

- There is no time and a half or time in lieu for Easter Sunday.
- Mr McNabb's petition of around 400 signatures [*tabled at the meeting*] included retail shoppers as well as employees.
- First Union members affected by Easter Sunday trading would be mainly supermarket and larger business employees.
- Supermarkets are included in the Easter Sunday Trading policy.
- Although there were no grievances raised in relation to Easter Sunday last year, quite a few workers were affected and felt pressured to work.
- Having bylaws in place will make it easier for Government and the Unions to sit down and discuss workers' rights.

Meeting adjourned at 9.59am

Meeting reconvened at 10.30am

Ruth Smithies

Ruth Smithies spoke to her submission against Council adopting the Easter Sunday Trading policy. Easter is a special event with four consecutive days for families and cultural groups to gather and sports tournaments/ festivals to be held. We should promote people over commerce. She noted that it would be culturally insensitive to ignore the religious significance of Easter Sunday, and what we do in Napier will impact elsewhere i.e. Hastings.

It is naïve to think workers won't be impacted in a negative way and competitive pressure makes it difficult for small retail businesses to refuse to open. By adopting the Easter Sunday Trading policy, Council would be promoting limitless growth in direct contrast with their own principal of encouraging a more sustainable lifestyle.

Robin Gwynn

Dr Gwynn spoke to his submission against adopting the Easter Sunday Trading policy, noting that Napier would be bleaker if we lost a four day weekend for families to spend time together. As a child, the common break days established by law were important to allow families time to spend together. In our times we are in desperate need of hope and parents should be encouraged to put family first. We should value people over commerce. In allowing retailers to open on Easter Sunday, pressure is put on workers and only the wealthy would have the freedom of choice.

Reverend Tony Franklin-Ross - Trinity Methodist Church

Reverend Franklin-Ross spoke to his submission against Council adopting the Easter Sunday Trading policy. The socially responsible outcome would be to put community interest first. He spoke to religious observance of Easter Sunday and suggested that rather than promoting retail on this date we could work with tourism operators to enjoy Napier in a special non-commercial way.

He cited other cities as examples where religious holiday observance does not affect tourism. The Reverend acknowledged that other industries already work on this date; however, it isn't about who is working but rather about ensuring those that are working are doing so in the interests of the community, as opposed to financial gain.

Greg Harford – Retail NZ

Mr Harford spoke to his submission in favour of Council adopting the Easter Sunday Trading policy, noting that the Policy does not create any requirement for anyone to go shopping or to open their shop on this day. Workers have rights under the law and employers must advise their staff that they are not required to work.

In response to questions from Councilors, the following points were clarified:

- Approximately two thirds of Councils have adopted policies allowing shops to open on Easter Sunday.
- In relation to whether the arguments in favour of adopting the Policy apply to Christmas/ Good Friday etc., this hasn't been addressed in submissions as the question at present is specifically in relation to Easter Sunday.

Kay Craig

Mrs Craig spoke to her submission against Council adopting the Easter Sunday Trading policy, noting that Easter Sunday is one of the most significant days on the Christian calendar.

Napier is already a tourist destination; there is no need for the shops to open on Sunday. She highlighted the potential negative

impact on employees if they decline to work on Easter Sunday and noted this is a time for family to spend together. If Council adopt the Policy, this could also be applied to Good Friday and Christmas etc. One change in law or policy opens the door for others when this may not have been the original intention.

Maurice Craig

Mr Craig spoke to his submission and specifically the influence of Jesus Christ, noting the religious aspect of this day. He acknowledged that his spiritual viewpoint is not shared by everyone but stated that we should honour Jesus Christ as a community.

We commemorate ANZAC Day as we should; Jesus Christ should be continued to be held as a leader and inspiration of so much that is good in this country.

Meeting adjourned at 11.24am

Meeting reconvened at 11.57am

Wayne Church

Mr Church spoke to his submission in favour of Council adopting the Easter Trading policy. He noted that the policy has been in place for two years now, without incident, which should be seen as ample endorsement of Council's decision. He addressed the High Court action in this matter as well as the religious element.

Council's original decision was the correct one and he respectfully requested that it remain the same. Can it really be called a holiday if we are restricted by what we can do on that day?

The meeting moved into deliberations at 12.09pm.

DELIBERATIONS

1. EASTER SUNDAY TRADING POLICY - SUMMARY OF SUBMISSIONS REPORT

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	667671
<i>Reporting Officer/s & Unit:</i>	Paulina Wilhelm, Manager City Development

1.1 Purpose of Report

To report on the submissions received on Council's proposed Local Easter Sunday Trading Policy and once having heard and considered those submissions, for Council to make a decision on whether to adopt the Local Easter Sunday Trading Policy.

At the Meeting

During the course of deliberations the following points were raised and discussed:

For the motion:

- Council needs to weigh up the content of each submission as well as considering the sheer numbers for or against a proposal.
 - Regardless of whether one holds and or actively pursues any faith based practises, it is important that opportunity for others to choose according to their own preferences is given. Council should not compel people based on a belief system they may not hold.
 - Council should not mandate the choices of retailers in this matter; they should have the option to open at a time of year which still sees significant numbers of tourists visiting the city. Equally, opening would not be mandatory.
 - It is the role of Council to act as an enabler, and not to close off opportunities.
 - The option to trade on Easter Sunday has been available for two Easters since the original decision, and no significant negative impacts have been raised over that time.
 - The debate is not between religion, family and or commercial interests, but a matter of freedom of choice.
 - Most other sectors do not have the option not to work on Easter Sunday if it is a rostered day.
 - Social/ family breakdown and employment vulnerability are large, complex issues and it is difficult to argue that the outcome of this decision will mitigate or exacerbate them.
 - It is important to trust employers to behave in a responsible manner towards their employees, and in unions and the law to address situations where this is not the case.
 - Families look, behave and believe very differently now to 50 or 60 years ago. Whatever their structure or preferences they should have a full range of choices as to what they do.
 - The impact of religion is diminishing significantly in New Zealand and is losing its emphasis across our society as a whole.
-

Against the motion:

- The majority of submissions did not support the option to open on Easter Sunday.
- There is a need to consider those retail workers for whom the option to turn down work on Easter Sunday may be less of a real choice, such as part time or casual workers.
- The debate is not religion vs commercial interests, but rather about family and family time.
- It was undesirable to reduce the number of guaranteed days off for retailers and their staff.
- The current four days off in a row makes Easter a unique holiday in New Zealand. It is in the interests of families to protect this.
- Community interests should be promoted over commercial ones in this matter.

Council resolution Councillors White / McGrath

That Council:

- a. Receive, consider and hear (where requested) submissions on the proposed Easter Sunday Trading Policy
- b. Following consideration of submissions, Council adopts the Easter Sunday Trading Policy 2018 to allow shops to trade on Easter Sunday in the Napier District.

*The division was declared **carried** by 8 votes to 3 votes the voting being as follows:*

For: *Mayor Dalton, Councillors Dallimore, Hague, McGrath, Price, Taylor, White and Wise*

Against: *Councillors Boag, Brosnan and Tapine*

Carried

The meeting closed at 12.42pm

Approved and adopted as a true and accurate record of the meeting.

Chairperson

Date of approval