
Regulatory and Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Regulatory and Hearings Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 22 June 2017 at 9.30am.

PRESENT

Chairperson: Cr Angela O’Leary

Deputy Chairperson: Cr Leo Tooman

Membership: Mayor Andrew King
Cr Siggie Henry
Cr Dave Macpherson
Cr Paula Southgate

In Attendance: Sean Hickey, General Manager Strategy and Communications
Julie Clausen, Strategy Programme Manager
Riki Manarangi, Corporate Policy Specialist

Governance Advisors: Claire Guthrie – Committee Advisor
Amy Viggers – Committee Advisor

1. Apologies (Crs O’Leary/Tooman)

That the apologies for Deputy Mayor Gallagher, Crs Bunting, Casson, Pascoe, Taylor, Yeung and Cr Macpherson (for lateness) be received and accepted.

2. Confirmation of Agenda

Resolved: (Crs O’Leary/Tooman)

That the agenda is confirmed.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. Regulatory and Hearings Committee Open Minutes 16 February 2017

Resolved: (Crs O'Leary/Henry)

That the Regulatory and Hearings Committee confirms the Open Minutes of the Regulatory and Hearings Committee Meeting held on 16 February 2017 as a true and correct record.

5. Regulatory and Hearings Committee Open Minutes 23 February 2017

Resolved: (Crs O'Leary/Henry)

That the Regulatory and Hearings Committee confirms the Open Minutes of the Regulatory and Hearings Committee Meeting held on 23 February 2017 as a true and correct record.

4. Regulatory and Hearings Committee Open Minutes 23 March 2017

Resolved: (Crs Tooman/Henry)

That the Regulatory and Hearings Committee confirms the Open Minutes of the Regulatory and Hearings Committee Meeting held on 23 March 2017 as a true and correct record.

The Chair noted that 225 submissions had been received and outlined that the process for the day included specific speaking times for submitters with gaps for questions from Elected Members.

The following people spoke to, and responded to questions on their submissions:

Monique Rowe (Submission 23)

Ms Rowe spoke in opposition to the proposed Easter Sunday shop trading policy because introducing trading on Easter Sunday would make small businesses feel obligated to open in order to compete with other businesses. She believed Easter Sunday had a sacred significance and even though many New Zealanders had no religious affiliation, belief or practice she said everyone benefited from this holiday by spending time together and taking a break from consumerism.

Cr Macpherson joined the meeting (9.39am) after the above submission.

Roger Stratford (Submission 50)

Mr Stratford spoke in opposition to the proposed Easter Sunday shop trading policy noting on the following points: Hamilton has a high proportion of beneficiaries in relation to the rest of the country and there was no demand for more shopping days in the year; if people wished to shop they could go to Auckland as he assumed it would be approved for Auckland; it was unfair to ask people to work on days when other people did not have to; the introduction of this policy would have a negative impact on students by requiring them to do part time retail work at Easter instead of being able to take a break; and that it was institutional discrimination against churches to remove this protection.

The meeting adjourned from 9.45am – 10.08am.

Bishop Helen-Ann Hartley (Anglican Diocese of Waikato & Taranaki) (Submission 61)

Bishop Hartley opposed the proposed Easter Sunday shop trading policy and encouraged Council to show leadership and consider the well-being of the city because in its wellbeing was everyone's wellbeing. All citizens valued time off and the opportunity to rest. She urged the Council to keep Easter Sunday as a non-trading day because there was more to a city than just the economy. Wellbeing was of equal importance. Currently, only three days were protected for everyone and although these were pre-dominantly Christian

in their origin they spoke to all who wanted a different pace of life focused on family not Mammon. She acknowledged it was difficult with the pressures on shop workers but consistency was important. In response to a question from an Elected Member, Bishop Hartley clarified that she had spoken to many parishioners and in meetings as she went around the district and all had supported restrictions on Easter Sunday trading.

The meeting adjourned from 10.20am – 11.00am.

Mayor King left the meeting at 10.20am during the adjournment.

Gloria Stockdale (Submission 209)

Ms Stockdale opposed the introduction of proposed Easter Sunday trading policy. She stated she had seen many changes over her years in Hamilton from no weekend shopping to 7-days a week shopping, some until midnight and she did not see that these extended hours benefited people. Ms Stockdale spoke to four points which addressed social problems aggravated by a lack of rest time such as a lack of family time with parents working over weekends, financial and health problems from over-spending and too much stress. She said Hamilton did not need to open on Easter Sunday because it was not a tourist town. She stated that the Easter weekend was the only decent length of public holiday for retail workers and that there are still 51 other Sundays for shopping.

Stuart Bayes (Submission 152)

Mr Bayes said although he was a retailer he was opposed to proposed Easter Sunday trading policy because he did not believe employees would be able to say they did not want to work on Easter Sunday. He pointed out that everyone has to work but it was also important to support quality of life. He gave the example of Norway which had never had Sunday trading and Norwegians were considered one of the world's more contented people. In response to questions from Elected Members he said he had employed many people and he believed that there were some employers who may take advantage of the rule and require staff to work on Easter Sunday and that it might be difficult for some of those workers to refuse.

The meeting adjourned from 11.50am – 12.20pm.

Patricia Gregory (Submission 161)

Mrs Gregory opposed the introduction of proposed Easter Sunday shop trading policy and said that there are only three days when shop trading was not permitted and that these days represented the values of New Zealand society based on equality and integrity. She said it was important to set aside time when everyone in a nation could take a break, stating there was more to life than making money. In response to a question from an Elected Member for the reasons why the 55% of New Zealand's population who did not identify as Christian would have for no Easter Sunday trading Mrs Gregory stated that the observance of the three non-trading days had existed since New Zealand had been first settled by Europeans and that it was important to have these times to stop and think.

Mayor King rejoined the meeting at 12.40pm during the above submission.

Reverend Michael J. Hewat (West Hamilton Community Church)

Reverend Hewat spoke to the submission from the West Hamilton Community Church which opposed the proposed Easter Sunday trading policy. He said he wished to submit on two points – one faith based and one on the social/commercial benefits of no Easter Sunday trading.

Reverend Hewat said that Easter Sunday was the high point of the Christian year and he was aware of pressure on Christian employees to work on this day. He said that although this was a Christian holiday he believed non-christian religions supported the right for the observance of "holy days". He spoke to the need for New Zealand culture to change from the pressures of commercialism and to be able to value rest as a good thing – like parks which have little commercial value but a lot of social value. When considering

the argument that Easter Sunday was no longer relevant, he pointed out that Australia and Britain still have no shop trading on this day and that the majority of nations have days of no retail.

He pointed out that the argument that shops did not have to open did not appreciate pressures of commercial competition on retailers. He understood the expectation that workers could refuse to work but believed that the reality would be somewhat different. He said the existing Act allowed for shops to open for tourist attractions and food and alcohol outlets and that there was no need for other retail shops to open.

Steven Crutchley (Submission 168)

Mr Crutchley spoke in support of the proposed Easter Sunday trading policy and said he was not a retailer but he believed there was discrimination against retailers and shoppers because other businesses could operate on Easter Sunday. He said he believed the Council should not need to make a decision because the shop owners should be able to decide whether or not to open because they own the shops.

Mr Crutchley said that this policy had been delegated to Councils and asked if enforcement of this policy would require using ratepayer money to stop people from trading on Easter Sunday.

He also stated that in the last census, 54% of respondents had no religious beliefs and that Easter Sunday observance had no relevance for those people.

Cassia ten Hove and David ten Hove (Submission 120)

Miss ten Hove spoke in opposition to the proposed Easter Sunday trading policy. She said there were three parties involved in shops opening on Easter Sunday – retailers, consumers and employees. Employees were compromised because of their lack of power and choice to work or not. She said this arose from the low wages and poor working conditions for this group of employees and she believed that if this policy was implemented such employees would feel pressured to work. Miss ten Hove said there were approximately 20,000 retail workers in the low wage sector in Hamilton and this policy would be inequitable for them.

Frank Grover (Calgary Chapel) (Submission 221)

Mr Grover spoke on behalf of Calgary Chapel submission in opposition to the proposed Easter Sunday trading policy. He said there were two reasons for the opposition. Firstly, the spiritual significance and importance of Easter Sunday would never be diminished by law. Secondly, Easter Sunday with no retail shopping allowed families to spend time together. He spoke of his personal experience as someone who worked long hours and said it was only at the Easter break that he spent quality time with his children. He said families today were under a lot of stress and it was important to keep this as a holiday.

Cr Southgate retired from the meeting at 1.15pm after the above submission.

5. Hearings Report and Submission Analysis - Easter Sunday Shop Trading Policy

The Corporate Policy Specialist took the report as read. Elected Members asked for the report which was to be presented to Council on 27 July 2017 to include clarification on the following issues:

- The submission from Farmers (Submission 90) stated that no Farmers shops would be opening on Easter Sunday. Could it be confirmed if this was its national policy?
- What were the likely issues for Council around 'enforcement' if the Easter Sunday Shop Trading policy was approved?
- What were the implications for retail employees working Easter Sunday given that Easter Sunday was not a public holiday?

Resolved: (Crs Tooman/O'Leary)

That the Regulatory and Hearings Committee

- a) receives the report; and
- b) the deliberations report is considered at the Council meeting on 27 July 2017.

Mayor King and Cr Macpherson retired from the meeting at 1.15pm during the above item and were not present when the matter was voted on.

The meeting was declared closed at 1.20pm.