

Attachment C: Response to Easter Sunday trading - options analysis

Criteria

The following criteria are used to analyse the options:

Criterion	Description
Alignment to the Act	How well the option aligns with the statutory requirements and intent of the Shop Trading Amendment Act 2016.
Community engagement	How well the option provides for community engagement to inform decision making.
Alignment to strategic objectives	How well the option aligns with council's strategic objectives.
Cost impact (quantum)	Cost associated with option (e.g. engagement, consultation, communication)

Scoring

A 1, 2 and 3 points system is used to for each of the assessment criteria. The points allocated for any one option is relative to the other two options. The points are totalled to identify the highest scoring (recommended) option.

Options and analysis

Option one: 'approve community engagement on status quo or a policy'	Option two: 'retain the status quo'	Option three: request the preparation of a statement of proposal containing a policy for Easter trading from 2018'
Pros	Pros	Pros
<ul style="list-style-type: none"> • alignment with the Act - complies with intent of the Act to seek community views, more so than option 3 because helps decide whether or not to adopt a policy • community engagement – provides for community engagement on the whether or not to adopt a policy • alignment with strategic objectives - <ul style="list-style-type: none"> ○ aligns with building Aucklanders' trust in council. ○ enables capture of representative views e.g. Māori, Pacific , diverse, hard to reach groups ○ enables strengthened evidence base for decisions. 	<ul style="list-style-type: none"> • alignment with the Act – complies with the Act because council is not required to have an Easter Sunday trading policy, but arguably not the Act's intent because it does not seek community views on the issue • alignment to strategic objectives - continued economic benefits for some businesses and workers <ul style="list-style-type: none"> ○ continued social and cultural benefits for some workers through retaining a day off work • cost - least cost option limited to communication of decision. Can be budgeted within existing baselines. • other - provides earlier clarity on Easter Sunday trading • no raised expectations. 	<ul style="list-style-type: none"> • alignment to the Act <ul style="list-style-type: none"> ○ complies with the intent of Act to seek community views because it uses the special consultative procedure, but presumes a policy should be adopted ○ a policy (if any) would address the perceived problem of unfairness • council may be able to announce a decision sooner than for option one giving Aucklanders greater certainty earlier on • alignment to strategic objectives - there are likely to be positive economic impacts associated with Easter Sunday shop trading e.g. through revenue and wages • provides greater choice for Aucklanders, visitors/tourists. • cost – lower compared to option 1 as only for special consultative procedure. Can be budgeted within existing baselines.
Cons	Cons	Cons
<ul style="list-style-type: none"> • other - length of time to make a decision by using a two-step community engagement process • costs - additional cost of two-step community engagement process. 	<ul style="list-style-type: none"> • other - uncertainty about when council may revisit its decision on Easter Sunday trading • alignment to strategic objectives - negative views from business and employees on missed opportunities for increased revenue and wages. 	<ul style="list-style-type: none"> • other - negative views that Aucklanders are not given the option to influence whether or not a policy should be considered.

Option one: 'approve community engagement on status quo or a policy'	Option two: 'retain the status quo'	Option three: request the preparation of a statement of proposal containing a policy for Easter trading from 2018'
<p>Risks</p> <ul style="list-style-type: none"> • reputational risk <ul style="list-style-type: none"> ○ council could be criticised for taking too long to respond to the Act (applies to all options) 	<p>Risks</p> <ul style="list-style-type: none"> • reputational risk <ul style="list-style-type: none"> ○ council may be criticised for not seeking Aucklanders' views on Easter Sunday trading and making decisions without a sufficient evidence base ○ council may be criticised for not enabling a policy that aligns with strategic objectives e.g. via associated economic benefits of a policy ○ council may be criticised that the perceived problem of unfairness remains (e.g. only some businesses able to trade on Easter Sunday). 	<p>Risks</p> <ul style="list-style-type: none"> • reputational risk <ul style="list-style-type: none"> ○ council may be criticised for putting forward a policy without asking the views of Aucklanders on whether or not to have a policy and without a sufficient evidence base for a decision e.g. by not undertaking community engagement ○ less ability to gather representative views of Māori, Pacific , diverse, hard to reach groups via the special consultative procedure ○ the views of businesses may be overrepresented in comparison to the views or workers or other Aucklanders due to the less comprehensive nature of the special consultative procedure.
<p>Risk Mitigation</p> <ul style="list-style-type: none"> • council can make practice key messages that: <ul style="list-style-type: none"> ○ use low cost, accessible, consultation channels including social media where possible ○ community engagement enables decisions to be informed by more Aucklanders including more Māori and Pacific people ○ other large cities - Wellington and Christchurch are not proposing policies for Easter 2017. This reflects the time needed by larger centres to properly respond to the legislative change. 	<p>Risk Mitigation</p> <ul style="list-style-type: none"> • council can make a statement about when it intends to reconsider the issue (e.g. 5 years which is the same review date if it had adopted a policy) • statement released as to why the decision has been made highlighting that council has chosen to retain the social, cultural and recreational benefits of the status quo. 	<p>Risk Mitigation</p> <ul style="list-style-type: none"> • use low cost, accessible, consultation channels including social media where possible • the special consultative procedure meets the minimum statutory requirement for consultation.

Implementation – Process and timing

Option one: Implementation	Option two: Implementation	Option three: Implementation
<ul style="list-style-type: none"> • April - July 2017 - Community engagement • August 2017 - Findings of engagement reported to Governing Body for a decision on whether to adopt a policy • If status quo – see option two • If policy: <ul style="list-style-type: none"> ○ October 2017 - Statement of proposal including a policy prepared and approved by Governing Body ○ November - December 2017 - Public consultation ○ February 2018 - Governing Body deliberation and decision. 	<ul style="list-style-type: none"> • April 2017 - Roll out communications package that informs Aucklanders that the decision has been made to retain the status quo. 	<ul style="list-style-type: none"> • April 2017 - Research and preparation of statement of proposal including a policy • June 2017 - Governing Body approves the statement of proposal including the policy • July - August 2017 Public submission period (4 weeks) • October 2017 - Governing Body deliberation and decision.