

**3.3: EXTENDED TRADING HOURS WITHIN THE CITY OF ALBANY-
VERSION TWO**

Land Description	:	Municipality of Albany
Proponent	:	Albany Chamber of Commerce and Industry
Attachments:	:	<ul style="list-style-type: none">• Albany Chamber of Commerce and Industry Application 9 August 2012, correspondence 19 September 2012• Department of Commerce correspondence 13 September 2012
Responsible Officer	:	Acting Executive Director Community Services (C Woods)

IN BRIEF

- This extended retail trading application is of temporary/short term nature only and relates to specific dates over the December 2012 to January 2013 period.
- At the September 2012 OCM the matter was laid on the table for further consideration.
- This application should not be confused with the broader Deregulation of General Trading Hours debate.
- The recommended Option 2 proposes dates and times similar to that approved for the previous 2011-12 Christmas period.

**ITEM 3.3: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT the Extended Trading Hours as per Option 2 for the Christmas period for the year 2012-13 be APPROVED.

OPTION TWO: ORIGINAL PROPOSED 2012-13 (WITH REDUCED SUNDAY TRADING HOURS)

Sunday 2 December 2012	11am-5pm
Monday 3 December 2012	8am-9pm
Tuesday 4 December 2012	8am-9pm
Wednesday 5 December 2012	8am-9pm
Friday 7 December 2012	8am-9pm
Sunday 8 December 2012	11am-5pm
Monday 10 December 2012	8am-9pm
Tuesday 11 December 2012	8am-9pm
Wednesday 12 December 2012	8am-9pm
Friday 14 December 2012	8am-9pm
Sunday 16 December 2012	11am-5pm
Monday 17 December 2012	8am-9pm
Tuesday 18 December 2012	8am-9pm
Wednesday 19 December 2012	8am-9pm
Friday 21 December 2012	8am-9pm
Sunday 23 December 2012	11am-5pm
Monday 24 December 2012	8am-5pm
Wednesday 26 December 2012	8am-9pm
Friday 28 December 2012	8am-9pm
Sunday 30 December 2012	11am-5pm
Monday 1 January 2013	8am-5pm

APPROVED 2011-12		OPTION 1 ORIGINAL ACCI PROPOSAL 2012-13		OPTION 2 ORIGINAL PROPOSAL 2012-13 (With Reduced Sunday Trading Hours)	
Sunday 4 December	11am-5pm	Sunday 2 December	9am-6pm	Sunday 2 December	11am-5pm
Monday 5 December	8am-9pm	Monday 3 December	8am-9pm	Monday 3 December	8am-9pm
Tuesday 6 December	8am-9pm	Tuesday 4 December	8am-9pm	Tuesday 4 December	8am-9pm
Wednesday 7 December	8am-9pm	Wednesday 5 December	8am-9pm	Wednesday 5 December	8am-9pm
Friday 9 December	8am-9pm	Friday 7 December	8am-9pm	Friday 7 December	8am-9pm
Sunday 11 December	10am-5pm	Sunday 9 December	9am-6pm	Sunday 9 December	11am-5pm
Monday 12 December	8am-9pm	Monday 10 December	8am-9pm	Monday 10 December	8am-9pm
Tuesday 13 December	8am-9pm	Tuesday 11 December	8am-9pm	Tuesday 11 December	8am-9pm
Wednesday 14 December	8am-9pm	Wednesday 12 December	8am-9pm	Wednesday 12 December	8am-9pm
Friday 16 December	8am-9pm	Friday 14 December	8am-9pm	Friday 14 December	8am-9pm
Sunday 18 December	10am-5pm	Sunday 16 December	9am-6pm	Sunday 16 December	11am-5pm
Monday 19 December	8am-9pm	Monday 17 December	8am-9pm	Monday 17 December	8am-9pm
Tuesday 20 December	8am-9pm	Tuesday 18 December	8am-9pm	Tuesday 18 December	8am-9pm
Wednesday 21 December	8am-9pm	Wednesday 19 December	8am-9pm	Wednesday 19 December	8am-9pm
Friday 23 December	8am-9pm	Friday 21 December	8am-9pm	Friday 21 December	8am-9pm
Monday 26 December	10am-5pm	Sunday 23 December	9am-6pm	Sunday 23 December	11am-5pm
Tuesday 27 December	8am- 5pm	Monday 24 December	8am-9pm	Monday 24 December	8am- 5pm
Wednesday 28 December	8am-9pm	Wednesday 26 December	8am-9pm	Wednesday 26 December	8am-9pm
Friday 30 December	8am-9pm	Friday 28 December	8am-9pm	Friday 28 December	8am-9pm
Sunday 1 January	10am-5pm	Sunday 30 December	9am-6pm	Sunday 30 December	11am-5pm
Monday 2 January	8am-5pm	Monday 1 January	8am-6pm	Monday 1 January	8am-5pm

1. Option 1 - includes dates proposed by the ACCI for short term extended trading over the 2012/13 Christmas Period (Option 1 above in Table 1). These days and times are similar to those dates approved by Council for extended retail trading in the previous 2011/12 Christmas period (approved 2011/12 column in Table 1). The differences relate to slightly earlier and later open and close times for the nominated Sundays.
2. Option 2 – includes the same days as proposed by the ACCI in Option 1 however City officers have amended opening and closing hours on Sundays to mirror the recent changes made to general retail trading conditions in force across the Perth metropolitan region. The above proposed dates and times are similar to that approved for the 2011/12 Christmas period. Options 1 and 2 differ only on the opening and closing hours for the nominated Sundays.
3. This proposal would affect all retailers covered under the *Retail Trading Hours Act 1987* within the municipality of Albany.
4. It will not be compulsory for retailers to trade on these days and times.
5. The ACCI is the representative body of local businesses however temporary/short term adjustments to trading hours is not supported by all local Albany retailers.
6. On Sunday 26 August 2012, 11.00am to 5.00pm Sunday and Public Holiday trading commenced in the Perth metropolitan area. As per attached correspondence from WA Department of Commerce Perth metropolitan trading days and hours throughout the year are now:
 - Monday to Friday 8.00am to 9.00pm
 - Saturday 8.00am to 5.00pm
 - Sundays and Public Holidays 11.00am to 5.00pm
7. This application should not be confused with the broader Deregulation of General Trading Hours debate. The Deregulation of General Trading Hours debate relates to permanent changes to retail trading hours and would be in effect all year round. A separate and more extensive application process is required in order to effect permanent deregulation.
8. The findings of the recent report “Community Consultation Deregulated Trading Hours in the City of Albany” (Asset Research, August 2012) relate to but did not canvass community and business views on temporary/short term adjustments to trading hours over the Christmas period.
9. It is generally accepted that the period leading up to and around Christmas Day is considered an important trading period for all retail traders. Temporary/short term extension to trading hours over this Christmas period should benefit the majority of local retailers and provide additional retail opportunities for local residents and visitors during this peak tourism period.
10. Even if short-term extended trading hours are approved all businesses have the freedom of choice to trade or to remain closed.

11. Local retailers require sufficient notification of any approved extensions to retail trading hours in order to comply with staff rostering minimum lead time requirements some of which are subject to employee Enterprise Bargaining Agreements.

PUBLIC CONSULTATION

12. The Albany Chamber of Commerce and Industry Inc is a representative of the affected segment of the population and is the proponent of this initiative.

GOVERNMENT CONSULTATION

13. If the motion is approved by a clear majority of Council, The City of Albany will then apply to the Department of Commerce (Consumer Protection) for a temporary/short term adjustment to local trading hours for the dates specified.
14. The City has confirmed with the Department of Commerce that the Department will process an application for extended trading in Albany as soon as possible after the October OCM should Council approve extended trading for December/January.

STATUTORY IMPLICATIONS

15. Non-metropolitan Local Government may apply to the Department of Commerce (Consumer Protection) to extend the trading hours for local general retail shops beyond those stipulated in the *Retail Trading Hours Act 1987*.

STRATEGIC IMPLICATIONS

16. This item directly relates to the following elements from the City of Albany Strategic Plan 2011-2021.

Key Focus Area

Sustainability and Development

Community Priority

Enhance central business district

A diversified industrial base

Tourism development

Proposed Strategies

To develop a partnership with the Albany Chamber of Commerce Inc to identify opportunities to attract new business and services to the CBD to make it more vibrant and reduce the number of property vacancies.

Advocate and promote Albany as a viable centre for diverse industries

Encourage an increase in Albany's industry base to ensure employment for school leavers and university graduates.

Advocate for and encourage seven day a week trading, especially in the hospitality industry to better meet tourist's needs.

POLICY IMPLICATIONS

17. The Council's Extended Trading Hours Policy requires revision to reflect the changes to Perth Metropolitan trading that came into effect 26 August 2012.

RISK IDENTIFICATION & MITIGATION

18. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Change to trading hours has the potential to create division amongst local community and small business groups.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>It will not be compulsory for local retailers to trade on these days.</i>
<i>By not adopting extended trading hours on the nominated dates the City's retailers will miss out on additional consumer expenditure opportunities and diminish Albany's overall attractiveness as a vibrant visitor destination.</i>	<i>Likely</i>	<i>Moderate</i>	<i>High</i>	<i>The Council can adopt extended retail trading on long weekends, public holidays and special event dates.</i>

FINANCIAL IMPLICATIONS

19. Retailers opening on these days may gain significant economic benefit as it is anticipated there will be a greater number of visitors in Albany over the December and January Christmas School Holiday period.

LEGAL IMPLICATIONS

20. Nil

ALTERNATE OPTIONS

21. Council can decline or modify the application.
22. The Responsible Officer's recommendation is for Council to approve Option 2 as this aligns with current trading regulations within the Perth metropolitan area. This is represented as Option 2 in Table 1.

SUMMARY CONCLUSION

- 23. There is a precedent for temporary/short term adjustments to retail trading days and hours of this nature on long weekends, public holidays and cruise ship visits (when they have arrived in Albany on a Sunday) and Council approved similar extended trading days and hours over the same December 2011 and January 2012 Christmas period.
- 24. The dates proposed by the ACCI for short term extended trading over the 2012/13 Christmas Period are similar to those dates approved by Council for extended retail trading in 2011/12. The differences relate to slightly earlier and later open and close times for the nominated Sundays.
- 25. Temporary/short term extension to retail trading days and hours in the lead up to and around Christmas Day is a widely accepted practice and is expected by both retail customers and traders.
- 26. The consideration for approval of temporary/short term trading adjustments should not be confused with the broader General Retail Deregulation debate. This should be considered as a separate issue.

Consulted References	Council Policy – Extended Trading Hours Policy
File Number	Synergy Reference No: CM.STD.7/NP097724_2
Previous Reference	NIL