

Glebe Administration Ordinance 1930 Amendment Ordinance 1997 37/95 Sunday Trading

(A report from the Standing Committee.)

Introduction

1. In October 1995, the Synod resolved -
"This Synod asks the Standing Committee to prepare a policy report on Sunday Trading on its commercial premises." (37/95)
2. The Standing Committee does not have any commercial premises and takes the Synod resolution as applying to property vested in the GAB, as opposed to parish "investment" property vested in the CPT.

Sunday Trading Restrictions on GAB Properties

3. Clause 11(3)(g) of the Glebe Administration Ordinance 1930 requires the GAB to insert in its leases, with certain exceptions (see items 5 and 6), a covenant restricting the use of the premises -
".... on Sundays for purposes of trade except the operation of automatic vending machines for essential purposes and for such trade as the law may at any time and from time to time permit, authorise or make lawful for the sale of food, newspapers, petrol or pharmaceutical services and supplies or other necessary services and supplies urgently required on Sundays for reason of sickness or injury".
4. Clause 11(3)(g) permits limited Sunday retail trading in several broad areas.
5. The GAB is not required to put the Sunday trading restriction in leases for private residential purposes, offices, professional consulting rooms or banking chambers and premises leased for any of those purposes may be used on Sundays.
6. By the Glebe Administration (Town Hall Arcade) Ordinance 1994 the Sunday trading restriction was removed for leases in Town Hall Arcade. In the 1970's the Standing Committee gave permission for the St Andrew's House Car Park (managed by the GAB) to trade on Sundays, mainly to help the Cathedral, but it was a commercial decision as costs had to be covered at least.
7. There are minor differences between the Standing Committee's general Sunday trading policy and its policy for the GAB. The general policy is that church trust property should not be used -
"for trade on Sunday except for the sale of food, newspapers, petrol, pharmaceutical services and supplies or other services urgently required on Sundays and for purposes approved by the Standing Committee in the context of specific local circumstances."

The Diocesan Doctrine Commission

8. The Commission reported to the Synod in 1995 on Sunday Observance and Sunday Trading (see pages 464 to 475 of the 1996 Year Book). The Commission concluded -
 - "10. In regard to the question of the obligation on the individual Christian, it is clear from our protracted discussions that the Doctrine Commission is unable to present an agreed theological position on either (1) Sunday as a norm for Christian gathering, or (2) Sunday as a day of 'rest from labours'.
 11. It appears to us, therefore, that each Christian, and each church or denomination, must read the Bible and exercise Christian wisdom and responsibility in regard to these matters.
 12. It follows from this conclusion that the individual Christian must reach his or her own decision in regard to engaging in business or paid employment on Sundays.
 13. In exercising this liberty, however, at least three other considerations need to be noted -
 - (a) love for neighbour requires us to consider whether the good of our society as a whole is best served by a common day of rest in each week;
 - (b) such actions as are taken should be mindful of the need to act in fellowship including in regard to the 'weak brother'; and
 - (c) a pattern of regular gathering for believers is desirable (Heb 10:25).
 14. It also follows that our denomination must exercise Christian wisdom and responsibility in considering the policy with regard to its tenants engaging in business on Sunday. The

members of a trustee of church trust property would also need to weigh up other considerations, e.g. as on one hand the possible inconsistency of public trading in an arcade close by a cathedral when public worship is being held, and on the other the potential unfairness of placing restrictions on tenants relative to their business competitors in neighbouring arcades."

9. The Standing Committee reported to the Synod last year that it "would like time to consider the Doctrine Commission's report and to work through any practical issues arising from that consideration".

Conclusion

10. A further liberalisation or restriction of the Sunday trading policy would take effect immediately with new leases but would not affect existing leases where the parties are contractually bound to the existing terms, unless those terms were changed by mutual agreement.

11. A lease portfolio without Sunday trading restrictions on retail properties would be more profitable longer-term than a portfolio with that restriction, but it would not make much difference (if any) to many of our present leases. However, the long-term commercial viability of Town Hall Arcade may depend on continuance of the present Sunday trading policy, as other adjacent arcades trade on Sundays and further arcades expected to be built soon will no doubt trade on Sundays also.

12. The bill for the Glebe Administration Ordinance 1930 Amendment Ordinance 1997 is being promoted to remove current restrictions on the GAB for Sunday trading on its properties. This will enable the GAB to adopt similar provisions as the Church Commissioners in the UK adopted in 1994 when they permitted but did not require tenants to trade on Sundays.

13. While the bill is promoted "by request of the Standing Committee" this does not necessarily mean that the Standing Committee (or a majority of the Standing Committee) supports the bill. The bill is being promoted to enable the Synod to debate the policy of Sunday trading on GAB's premises.

For and on behalf of the Standing Committee

WARREN GOTLEY
Diocesan Secretary

20 August 1997

Caution

There are variations between this Explanatory Statement and the Ordinance as printed, for there were amendments in Committee.