



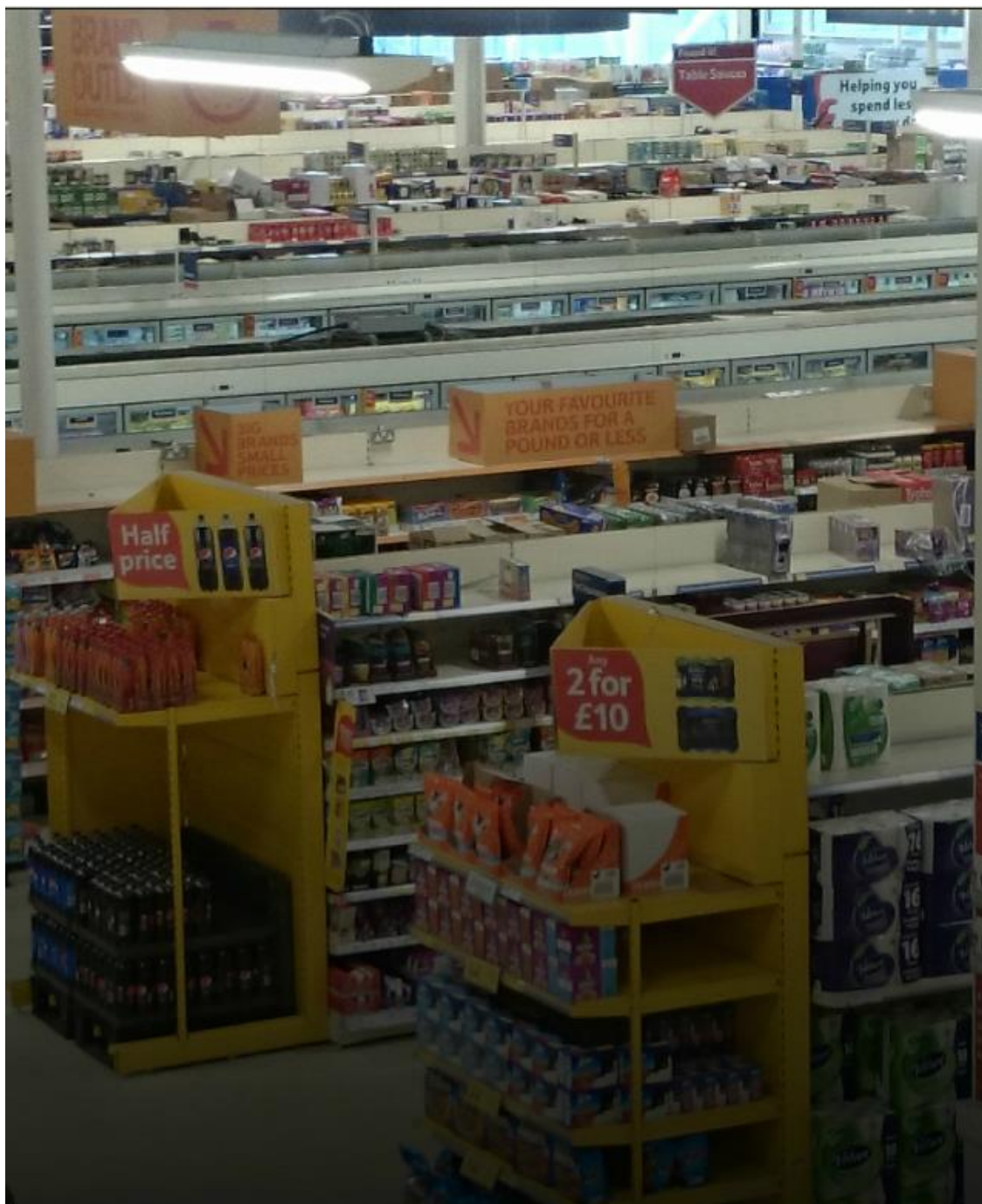
## A BRITISH INFRASTRUCTURE GROUP (BIG) REPORT

### **Sunday Trading:**

**A BIG study into saving the Great British High Street by localising Sunday Trading Rules**

Chaired by  
the Rt. Hon.  
Grant Shapps

–  
May 2016



# **Sunday Trading for the 21<sup>st</sup> Century**

A New Study into Saving the Great British High Street by Radically Amending  
Sunday Trading Rules

**A British Infrastructure Group (BIG) Report**  
by The Rt. Hon Grant Shapps MP

Published: 21<sup>st</sup> February 2016

## Who is the British Infrastructure Group (BIG)?

The British Infrastructure Group (BIG) is led by The Rt Hon Grant Shapps MP and brings together cross-party Members of Parliament dedicated to promoting better infrastructure across the entire United Kingdom.

Each report it releases focusses on a different area of current or future infrastructure need. An individual MP's support is distinct to the particular subject and report under research.

BIG is about ensuring every opportunity for growth is seized with bold new ideas and recommendations, backed by authoritative research and evidence.

At its core, the British Infrastructure Group firmly believes that Britain should lead the world in cutting edge policy developments and infrastructure investment in order to drive forward our economy for the benefit of both this and future generations.

It is in this spirit that the British Infrastructure Group publishes its second report, 'Sunday Trading: Saving the Great British High Street'. This research highlights the overwhelmingly positive benefits that relaxing Sunday trading laws will have for high streets across the UK. It argues that the current situation of limiting the hours that shops larger than 280 square metres can open for is archaic and preventing high street retailers from competing more fairly against online shops. It also limits consumer choice and reduces flexibility.

With UK shoppers turning ever more to the internet to satisfy their flexible and convenient shopping needs it no longer makes sense for large shops to be restrained by limiting their opening hours.

This report urges the Government to urgently introduce its plans to relax Sunday trading laws.



**The Rt. Hon Grant Shapps MP**

21<sup>st</sup> February 2016

Sir,

As representatives of communities right across England and Wales, we recognise that the world has changed a great deal since Sunday trading laws were last updated in 1994. Back then constituents would have been unlikely to contact their MP or councillor via email, few had internet access at work let alone at home, and online shopping was an idea whose time had yet to come.

It is in this spirit that we today write to support the government's plans to devolve Sunday trading laws to local councils and urge this to be introduced as quickly as possible.

It is two decades on from the 1994 reforms and the world has fundamentally changed. Families rely on the internet for everything from helping their children research school projects, to keeping in touch with friends and doing their grocery shopping online.

Nowadays people rightly expect greater flexibility in all aspects of their lives. Being able to shop when it's convenient is one such freedom. Yet whilst times and attitudes have changed, Sunday Trading laws have stayed the same.

Our high streets and physical retailers have been left trying to compete with 24/7 online shopping. A task which is made harder by a shortened trading day at the weekend, just when many families might hope to go shopping together.

Today the British Infrastructure Group of MPs (BIG) have issued a report backing the modernisation of our outdated retail law, 'Sunday Trading in the internet age'.

The report tracks the significant shifts in society that have taken place over the past two decades, recognises how shopping habits have fundamentally changed as a result of the internet and wholeheartedly backs the kind of change in law now proposed by the government.

We believe that the time is right to allow local authorities a choice about whether shops should be allowed to extend their Sunday trading hours in England; just as is already the case in Scotland. This position is endorsed by over one hundred council leaders who have written to the Communities Secretary to support the Government's proposals.

Today's report notes that in addition to helping our constituents shop at times more convenient to them, modernised trading laws could also provide economic benefits worth £1.4 billion per year to the overall UK economy and £64 to each family in this country.

The trend across Europe is for liberalising Sunday trading laws. A comparison of European countries where trading laws had been relaxed or removed found that the changes resulted in a 7-9% net increase in employment.

Ultimately, we believe that the best way to determine whether large shops are open for longer than 6 hours on a Sunday is to hand this decision to local communities. It is for this reason that we back the proposed change in England and Wales which would update our trading laws for the 21st century.

Yours

The Rt Hon Grant Shapps MP

Yours

### **British Infrastructure Group of MPs (BIG)**

*BIG campaigns for better infrastructure with the support of MPs from across parliament. A MPs support is specific to each report and campaign.*

The Rt Hon Grant Shapps MP	Welwyn Hatfield
Adam Afriyie MP	Windsor
Lucy Allan MP	Telford
Richard Bacon MP	South Norfolk
Steve Baker MP	Wycombe
James Berry MP	Kingston and Surbiton
Crispin Blunt MP	Reigate
Victoria Borwick MP	Kensington
Sir Peter Bottomley MP	Worthing West
Geoffrey Clifton-Brown MP FRICS	The Cotswolds
Chris Davies MP	Brecon and Radnorshire
Philip Davies MP	Shipley
Michelle Donelan MP	Chippenham
Nigel Evans MP	Ribble Valley
Michael Fabricant MP	Lichfield
Nusrat Ghani MP	Wealden
Helen Grant MP	Maidstone and The Weald
Peter Heaton-Jones MP	North Devon
Simon Hoare MP	North Dorset
Kevin Hollinrake MP	Thirsk and Malton
Philip Hollobone MP	Kettering
John Howell OBE MP FSA FRGS	Henley
Nigel Huddleston MP	Mid Worcestershire
The Honourable Bernard Jenkin MP	Harwich and North Essex
Andrea Jenkyns MP	Morley and Outwood
Boris Johnson MP	Uxbridge and South Ruislip

The Rt. Hon Sir Greg Knight MP	East Yorkshire
Jonathan Lord MP	Woking
David Mackintosh MP	Northampton South
Anne Main MP	St Albans
Dr Tania Mathias MP	Twickenham
David Mowat MP	Warrington South
David Nuttall MP	Bury North
Dr Daniel Poulter MP	Central Suffolk and North Ipswich
Paul Scully MP	Sutton and Cheam
Graham Stuart MP	Beverley and Holderness
David Warburton FRSA MP	Somerton and Frome
Matt Warman MP	Boston and Skegness
Craig Williams MP	Cardiff North
Nadhim Zahawi MP	Stratford-On-Avon

## Key Findings

- Following the initial changes to Sunday trading laws in 1994, Sunday shopping proved to be a massive success, with UK shoppers spending an estimated £20 billion on Sundays over the last 20 years<sup>1</sup>.
- Sunday is the second busiest shopping day of the week, with 44% of people going to the shops that day<sup>2</sup>.
- Despite the huge growth in online shopping, consumers say that they still prefer to browse and buy items in a traditional store<sup>3</sup>.
- A comparison of European countries, where trading laws had been relaxed or removed, shows that the changes resulted in a 7-9% net increase in employment<sup>4</sup>.
- The UK has the largest online market in Europe<sup>5</sup> making it vital that traditional high street shops are given more flexibility to compete.
- The benefits of relaxing Sunday laws would benefit the economy by an average of £20.3 billion over a 20 year period<sup>6</sup>, equating to around a maximum of £1.4 billion per year, which is £64 per household<sup>7</sup>.
- The government is strengthening the protections that are already in place for workers.

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<sup>1</sup><http://www.lse.ac.uk/researchAndExpertise/researchHighlights/Economy/SundayTrading.aspx>, accessed 10 February 2016.

<sup>2</sup> <http://www.express.co.uk/finance/city/626268/Full-trading-Sunday-certain-shopping-centre-giant>, accessed 10 February 2016

<sup>3</sup> <http://www.express.co.uk/finance/city/626268/Full-trading-Sunday-certain-shopping-centre-giant>, accessed 10 February 2016.

<sup>4</sup><http://www.lse.ac.uk/researchAndExpertise/researchHighlights/Economy/SundayTrading.aspx>, accessed 9 February 2016.

<sup>5</sup> Devolving Sunday Trading Rules Government Response February 2016, 4.

<sup>6</sup> The economic costs and benefits of easing Sunday Shopping Restrictions on Large Stores, May 2006, 2.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/36765/easing\\_Sunday\\_shopping\\_restrictions\\_on\\_large\\_stores\\_in\\_England\\_and\\_Wales.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/36765/easing_Sunday_shopping_restrictions_on_large_stores_in_England_and_Wales.pdf), accessed 10 February 2016

<sup>7</sup> Shop Opening Hours and Sunday Trading, House of Commons Library, 11 November 2015, 16

## Introduction

“There is an overwhelming case for the relaxation of the current Sunday trading laws”

*“Times have changed and the law should change with them”*

1. This report contends that there is an overwhelming case for the relaxation of the current Sunday trading laws so as to benefit consumers, workers, businesses, the economy and society as a whole. At the moment England and Wales have been left with a compromise position where small shops are free to do as they please but, rather arbitrarily, larger stores are tightly restricted for how long they can open for every Sunday. This compromise was put in place over 20 years ago at a time when the high street was king and the internet as we know it day simply did not exist. This report believes that times have changed and that the law should change with them.
2. The UK is a modern and forward looking economy that is recovering strongly after the great recession. However, in some important respects we are allowing outdated ideas to stand in the way of progress. The world has undergone massive change since the last time Sunday trading laws were updated, with rising internet sales having huge consequences for traditional brick and mortar shops.
3. This report looks to question the current role of Sunday trading restrictions and seeks to make a case for radically altering the law in this area. Limited trading hours mean the larger stores located on high streets are open for fewer hours. These larger stores are the main thing drawing shoppers to the high street. Once these shops shut footfall falls away as well hurting the shops and other outlets, like restaurants and cafes, which are allowed to remain open. It is time to really stand up for the great British high streets and town centres that would see profound benefits from liberalising the rules governing when and for how long shops can open for on Sundays.



## The Current Situation

*“UK shoppers spending an estimated £20 billion on Sundays over the last 20 years”*

*“Sunday is the second busiest shopping day of the week”*

*“There are no restrictions on shop opening hours in Scotland”*

5. The current Sunday trading rules were first introduced over 20 years ago when the *Sunday Trading Act 1994* was passed<sup>8</sup>. This partially relaxed the law on Sunday trading for all shops by repealing Part IV of the *Shops Act 1950*. There was much debate over this at the time, with three options presented to MPs on how to handle Sunday trading, where they eventually passed the comprise law we have today. Sunday shopping proved to be a massive success, with UK shoppers spending an estimated £20 billion on Sundays over the last 20 years<sup>9</sup>. A recent study by Intu discovered that Sunday is the second busiest shopping day of the week, with 44% of people going to the shops that day<sup>10</sup>.
6. The current rules make a key distinction between large and small shops and only apply to England and Wales. There are no restrictions on shop opening hours in Scotland, where it is devolved issue anyway, and powers over this issue have already been transferred in Northern Ireland<sup>11</sup>. Small shops are not impacted by the 1994 Act and are free to open when and for however long they like on Sunday. A small shop is defined as having a floor area that does not exceed 280 square metres (3000 square feet)<sup>12</sup>. Any shops larger than the above criteria are therefore subject to trading rules that restrict them to only opening for 6 continuous hours between 10am and 6pm. There are some exceptions to this where some large stores are allowed to open all day, such as pharmacies, airport shops and motorway service stations.
7. The *Employment Rights Act 1996* contains protections for those who work on Sunday. Those hired before 26 August 1994 cannot be required to work on a Sunday with all others being able to give their employer an opting-out notice of three months to give them the right to not work on a Sunday<sup>13</sup>.

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<sup>8</sup> Shop Opening Hours and Sunday Trading, House of Commons Library, 11 November 2015, 5

<sup>9</sup> <http://www.lse.ac.uk/researchAndExpertise/researchHighlights/Economy/SundayTrading.aspx>, accessed 10 February 2016.

<sup>10</sup> <http://www.express.co.uk/finance/city/626268/Full-trading-Sunday-certain-shopping-centre-giant>, accessed 10 February 2016

<sup>11</sup> Devolving Sunday Trading Rules Government Response February 2016, 5.

<sup>12</sup> Sunday Trading Act 1994, Schedule 1, accessed 10 February

[http://www.legislation.gov.uk/ukpga/1994/20/pdfs/ukpga\\_19940020\\_en.pdf](http://www.legislation.gov.uk/ukpga/1994/20/pdfs/ukpga_19940020_en.pdf)

<sup>13</sup> Shop Opening Hours and Sunday Trading, House of Commons Library, 11 November 2015,

## The Government Proposals

*“The government is proposing to devolve power to extend Sunday trading rules”*

*“This announcement met opposition from... the SNP, Labour MPs, Christian groups and some unions”*

*“It will provide greater choice for both consumers and workers”*

8. The previous coalition government reignited the debate on the issue of Sunday trading when Sunday opening hours were temporarily relaxed for the 8 Sundays during the Olympics and Paralympics in the summer of 2012<sup>14</sup>. Following on from this, the Chancellor, George Osborne, then announced in the 2015 summer budget that the newly elected majority Conservative government would be seeking to radically change the laws on Sunday trading permanently<sup>15</sup>.
9. The government is proposing to devolve power to extend Sunday trading rules to shire, district and unitary councils across England and county councils and county borough councils in Wales. They will also allow elected mayors in London and Manchester to hold this power<sup>16</sup>.
10. This announcement met opposition from a number of areas, such as from some of its own backbench MPs, the SNP, Labour MPs, Christian groups and some unions. This led the government to place its plans on hold in November 2015<sup>17</sup> but it has now announced in February 2016 that it will press ahead with the changes<sup>18</sup>.
11. However, it is the firm view of this report that the government’s plans for devolving power to extend Sunday trading hours is badly needed and overdue. Allowing local authorities to extend trading hours is a radical way of helping to regenerate British high streets and help traditional brick and mortar shops fight on fairer ground against online retailers. It will provide greater choice and flexibility for both consumers and workers and benefit wider society in general. The government must introduce these reforms as a matter of urgency.

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<sup>14</sup> <http://www.bbc.co.uk/news/uk-18942729>, accessed 10 February 2016

<sup>15</sup> <http://www.telegraph.co.uk/finance/newsbysector/retailandconsumer/11721480/Budget-2015-Shops-to-trade-for-longer-on-Sundays-under-radical-new-plans.html>, accessed 10 February 2016

<sup>16</sup> Devolving Sunday Trading Rules Government Response February 2016, 3.

<sup>17</sup> <http://www.bbc.co.uk/news/uk-politics-34780273>, accessed 10 February 2016

<sup>18</sup> <http://www.dailymail.co.uk/news/article-3439749/Sunday-trading-laws-set-scrapped-months-Ministers-announce-plans-shops-open-24-7-despite-opposition-MPs-religious-family-grounds.html>, accessed February 2016

# The Benefits of Reform

## The Economy and Business

*“The trend across Europe is towards liberalizing Sunday trading restrictions”*

*“Changes resulted in a 7-9% net increase in employment”*

*“Retail businesses are a vital part of the UK economy and the integral part of Britain’s high streets.”*

12. The UK should aim to be the best place in the world to do business and this can only be achieved by building a strong economy and giving businesses the tools and freedoms to make it easier. A study published by the LSE shows that the trend across Europe is towards liberalising Sunday trading restrictions<sup>19</sup>. Restrictive trading practices are placing an unnecessary hurdle in the way of this aim. The impact of relaxing the law would not just be limited to simply allowing shops to be open for longer, it would give many positive knock on consequences. The London School of Economics (LSE) compared countries across Europe where trading laws had been relaxed or removed and found that the changes resulted in a 7-9% net increase in employment<sup>20</sup>. This implies that further deregulation in the UK would most likely lead to further job creation.

13. Retail businesses are a vital part of the UK economy and the integral part of Britain’s high streets. A common complaint is that Britain’s high streets are in decline, with many businesses choosing to shut up their traditional brick and mortar stores<sup>21</sup>. A central reason for this decline is shoppers heading online<sup>22</sup> and they are doing so in ever greater numbers. This doesn’t just hurt the shops that are forced to close, it also has consequences for merchants that rely on the larger stores to drive up custom and footfall. Merchants, such as restaurants and cafes, find themselves having to shut when the larger stores do as the demand for their services leaves with the closing of the shops. This will also help the smaller independent retailers as well as the larger ones as it keeps footfall higher for longer and so will drive up their custom<sup>23</sup>.

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<sup>19</sup>Evaluating the Impact of Sunday Trading Deregulation, March 2015, 7, [http://eprints.lse.ac.uk/61156/1/\\_lse.ac.uk\\_storage\\_LIBRARY\\_Secondary\\_libfile\\_shared\\_repository\\_Content\\_Centre\\_for\\_Economic\\_Performance\\_Discussion\\_papers\\_dp1336.pdf](http://eprints.lse.ac.uk/61156/1/_lse.ac.uk_storage_LIBRARY_Secondary_libfile_shared_repository_Content_Centre_for_Economic_Performance_Discussion_papers_dp1336.pdf), accessed 9 February 2016.

<sup>20</sup><http://www.lse.ac.uk/researchAndExpertise/researchHighlights/Economy/SundayTrading.aspx>, accessed 9 February 2016.

<sup>21</sup> <http://www.bbc.co.uk/news/business-31899346>, accessed 10 February 2016.

<sup>22</sup> <http://www.cityam.com/220435/high-street-shopper-numbers-continue-decline-they-head-online>, accessed 10 February 2016.

<sup>23</sup> Devolving Sunday Trading Rules Government Response February 2016, 5.

*“The UK has the largest online market in Europe”*

*“The benefits of relaxing Sunday trading laws would benefit the economy by £20.3 billion over a 20 year period”*

*“The vast majority of large and medium sized businesses... were in favour”*

14. The UK has the largest online market in Europe<sup>24</sup> with the share of sales being conducted online heading ever upwards<sup>25</sup>. It is therefore vital that we allow large shops to compete on fairer ground with internet retailers. The current laws were introduced when the World Wide Web did not even exist and so the Act is showing its age. The internet open every hour of every day of the year and puts physical retailers at a disadvantage if on the second most popular shopping day of the week they are restricted to opening for only 6 hours.

15. A previous report commissioned by the Department for Trade and Industry found that the benefits of relaxing Sunday laws would benefit the economy by an average of £20.3 billion over a 20 year period<sup>26</sup>. On an annualised basis this would equate to an upper figure of around £1.4 billion per year<sup>27</sup>. These figures come about from the less clearly seen benefits of extending trading hours. If larger shops are allowed to open for longer it means they become more efficient as they are freed to make more and better use of their existing space. The report found that this benefit would equate to a £64 saving per household every year<sup>28</sup>. Stores would also potentially benefit from improved productivity as they would be able to sell more without a proportionate increase in costs<sup>29</sup>. In fact, the vast majority of large and medium sized businesses that responded to the government consultation on the plans to relax Sunday trading rules were in favour<sup>30</sup>.

16. Major cities across England and Wales compete internationally to attract tourists. 50 million tourists visit London’s West End each year

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<sup>24</sup> Devolving Sunday Trading Rules Government Response February 2016, 4.

<sup>25</sup> <http://www.ons.gov.uk/ons/rel/rdit2/e-commerce-and-internet-use/5-facts-relating-to-web-sales/sty-5-facts.html>, accessed 10 February 2016.

<sup>26</sup> The economic costs and benefits of easing Sunday Shopping Restrictions on Large Stores, May 2006, 2.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/36765/easing\\_Sunday\\_shopping\\_restrictions\\_on\\_large\\_stores\\_in\\_England\\_and\\_Wales.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/36765/easing_Sunday_shopping_restrictions_on_large_stores_in_England_and_Wales.pdf), accessed 10 February 2016

<sup>27</sup> Shop Opening Hours and Sunday Trading, House of Commons Library, 11 November 2015, 16

<sup>28</sup> The economic costs and benefits of easing Sunday Shopping Restrictions on Large Stores, May 2006, 2,

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/36765/easing\\_Sunday\\_shopping\\_restrictions\\_on\\_large\\_stores\\_in\\_England\\_and\\_Wales.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/36765/easing_Sunday_shopping_restrictions_on_large_stores_in_England_and_Wales.pdf), accessed 10 February 2016

<sup>29</sup> Shop Opening Hours and Sunday Trading, House of Commons Library, 11 November 2015, 16

<sup>30</sup> Devolving Sunday Trading Rules Government Response February 2016, 7.

*“Retailers in the West End and Knightsbridge benefitting from additional sales of up to £290 million annually, whilst also creating up to 2,160 full time equivalent jobs”*

*“The UK now has the largest online market in Europe”*

*“The rise of the internet has changed habits”*

alone<sup>31</sup>, yet after 6pm, at the latest, all the major stores attracting visitors have closed their doors. A study by the New West End Company has estimated that by just extending trading hours by a mere 2 hours on Sundays would see retailers in the West End and Knightsbridge benefitting from additional sales of up to £290 million annually, whilst also creating up to 2,160 full time equivalent jobs<sup>32</sup>. This not only reduces the revenues of the stores in question but it also reduces footfall negatively impacting other smaller businesses, such as restaurants and cafes. All of this takes away from the economy and is not in line with other major tourist destinations, like New York and Dubai<sup>33</sup>. Allowing local authorities to give these stores permission to open later would help with this and it wouldn't just be limited to London. Cities like Bath, Bristol and Manchester are also popular tourist destinations that would benefit from longer trading hours. Shops closing at 4pm doesn't send the message to visitors that Britain is open for business.

### **Consumers**

17. The UK can rightly be proud of the fact it is a tolerant, modern and forward-looking nation that also values traditions that benefit us all. However, limiting how long shops can open for on Sunday is now a rather outdated idea. People's attitudes and the lives they lead have changed massively since Sunday trading rules were last looked at in 1994. Since then we have seen the birth and rise of the internet in so many aspects of our lives. The UK now has the largest online market in Europe and in the last year where data is available online sales grew by 15%<sup>34</sup>. The rise of the internet has changed habits leading many people to get used to and therefore expect the freedom to purchase items as and when they are needed<sup>35</sup>.

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<sup>31</sup> Sunday Trading Consultation on Devolving Sunday Trading Rules, August 2015, 4.

<sup>32</sup> Devolving Sunday Trading Rules Government Response February 2016, 7.

<sup>33</sup> *Ibid*

<sup>34</sup> *Ibid*

<sup>35</sup> Sunday Trading Consultation on Devolving Sunday Trading Rules, August 2015, 4.

*“Consumers say that they still prefer to browse and buy items in a traditional store”*

*“59% of those polled would support a permanent extension of Sunday trading hours”*

*“It creates an anti-competitive market where consumers are forced to pay more in convenience stores and also limits their choice”*

18. However, despite this huge growth in online shopping, consumers say that they still prefer to browse and buy items in a traditional store<sup>36</sup>. In fact, Sunday has become the second most popular day of the week for people to shop<sup>37</sup>. It therefore makes little sense for the hours shops can trade for on Sundays to be restricted. A Comres poll carried out on behalf of Open Sundays found that 59% of those polled would support a permanent extension of Sunday trading hours<sup>38</sup>.

19. There are now more people than ever before are in work. People therefore rightly expect greater flexibility in many aspects of their lives when they aren't working, such as being able to shop at convenient times. However, even as attitudes and habits have changed, the law surrounding Sunday trading has not. Time is therefore precious and there is an ever greater need for flexibility. Changing the law on Sunday trading will consequently benefit consumers who need to shop on Sundays from not having to do so in a frustratingly small window. It also enhances the freedom of those who wish to take advantage whilst leaving those who do not want to work or shop on Sunday to not do so.

20. The current law discriminates in favour of smaller convenience stores and against larger stores. This is not necessarily a bad thing if it allows smaller stores to compete but it is still discriminatory and it leads to consumers losing out, it is fundamentally an anti-consumer situation. By allowing smaller stores to open and forcing larger stores to close it creates an anti-competitive market where consumers are forced to pay more in convenience stores and also limits their choice<sup>39</sup>. Some supermarkets, such as Sainsbury's and Tesco, unsurprisingly largely favour the law not changing<sup>40</sup>. This makes sense for them as people can still shop with them online whenever they want or visit one of their more expensive 'local' convenience style stores. Ultimately reforming Sunday trading laws will benefit consumers.

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<sup>36</sup> <http://www.express.co.uk/finance/city/626268/Full-trading-Sunday-certain-shopping-centre-giant>, accessed 10 February 2016.

<sup>37</sup> <http://www.express.co.uk/finance/city/626268/Full-trading-Sunday-certain-shopping-centre-giant>, accessed 10 February 2016

<sup>38</sup> Open Sundays' Response to BIS Consultation on Devolving Sunday Trading Rules, Appendix 2, 2016.

<sup>39</sup> Open Sundays' Response to BIS Consultation on Devolving Sunday Trading Rules, 2, 2016.

<sup>40</sup> <http://www.independent.co.uk/news/business/news/supermarket-giants-opposed-to-new-sunday-hours-10373696.html>, accessed 10 February 2016.

## Workers

*“The government is not proposing to do anything but strengthen the protections that are already in place”*

*“The proposals will even create jobs.”*

*“The government proposals will allow those who wish to take advantage the opportunity to do so and protect those who do not at the same time.”*

21. Much of the current debate around the relaxing of the Sunday trading laws rightly focuses on those who will be doing the work. Many people are concerned that workers will be forced to work more hours on Sunday or work for the first time on that day. Some believe that workers may feel pressured to agree to work when they don't want to or that it takes people away from their families<sup>41</sup>. However, this report adamantly contends that these fears are completely unfounded and fail to consider the protections the government will be introducing alongside the change to trading hours.
22. The current employment rights for workers are set out in the *Employment Rights Act 1996* with section 4 relating to Sunday working<sup>42</sup>. Currently workers who started their employment prior to 26 August 1994 and remained continuously employed with that employer cannot be required to work on Sunday. All others, except those specifically contracted to work Sundays, can give an opting out notice to their employer with three months' notice to not work Sundays<sup>43</sup>. The government is not proposing to do anything but strengthen the protections that are already in place.
23. Workers will actually benefit from the changes in terms of their rights and opportunities for more work if they want it. The proposals will even create jobs. Many workers will welcome the opportunity to work more hours on Sundays and some will not. The government proposals will allow those who wish to take advantage the opportunity to do so and protect those that do not at the same time. The notice period workers have to give their employer to opt out of working on Sundays currently stands at 3 months. The proposals in question will reduce this to just 1 month<sup>44</sup>. In addition to this the proposals will also introduce a new right for workers allowing them to opt-out of working extra hours on Sundays by giving their employer notice. This stands at one month for

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<sup>41</sup> <http://www.itv.com/news/2016-02-09/government-to-allow-local-councils-to-extend-sunday-trading-laws/>, accessed 10 February 2016

<sup>42</sup> The Employment Rights Act 1996, Part IV, <http://www.legislation.gov.uk/ukpga/1996/18/contents>, accessed 10 February 2016.

<sup>43</sup> Shop Opening Hours and Sunday Trading, House of Commons Library, 11 November 2015, 9.

<sup>44</sup> Devolving Sunday Trading Rules Government Response February 2016, 5.

large shops and three months for smaller shops and for smaller shop workers this is a completely new protection<sup>45</sup>.

*“The proposals will also strengthen the duty on employers to make sure their employees are clearly aware of these rights”*

*“Workers currently find themselves facing efficiency costs if they work on Sundays”*

*“Those who tend towards less traditional working roles and hours... are therefore left at a disadvantage”*

24. In addition to this the proposals will also strengthen the duty on employers to make sure their employees are clearly aware of these rights and require them to inform workers where they can find support and advice about their rights<sup>46</sup>. If an employer fails in their duty to inform their workers of their rights then the notice period is reduced even further. Finally, the government also will introduce a minimum aware of 2 weeks' pay to be imposed by employment tribunals in cases where employers are found to have not made workers aware of their opt out rights<sup>47</sup>. It is therefore hard to see why people are concerned about worker rights as they are clearly being enhanced. It forces this report to conclude that those who warn of dire consequences for workers are either misinformed on or misleading the debate in this area.

25. Removing restrictive trading hours will also benefit workers in other ways. Workers currently find themselves facing efficiency costs if they work on Sundays compared to those who don't. Travel costs to work are, in the vast majority of cases, fixed whether you work on Monday or Sunday. However, workers on Sunday have less opportunity to recover the costs of travel as they largely work fewer hours meaning this cost affects them more than those who don't work on Sundays. Restrictive trading hours protect workers who are averse to working them and hurt those that actually want the work<sup>48</sup>. Those who tend towards less traditional working roles and hours, like students, are therefore left at a disadvantage as they find they are prevented from earning as much as those that can pick and choose what days they wish to work<sup>49</sup>.

26. There are many people who desperately want to work more but are prevented from doing so. To use patently false scare tactics about weakening of workers' rights to disadvantage those who want and

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<sup>45</sup> *Ibid*

<sup>46</sup> *Ibid*

<sup>47</sup> *Ibid*

<sup>48</sup> Evaluating the Impact of Sunday Trading Deregulation, March 2015, 3, [http://eprints.lse.ac.uk/61156/1/\\_lse.ac.uk\\_storage\\_LIBRARY\\_Secondary\\_libfile\\_shared\\_repository\\_Content\\_Centre\\_for\\_Economic\\_Performance\\_Discussion\\_papers\\_dp1336.pdf](http://eprints.lse.ac.uk/61156/1/_lse.ac.uk_storage_LIBRARY_Secondary_libfile_shared_repository_Content_Centre_for_Economic_Performance_Discussion_papers_dp1336.pdf), accessed 9 February 2016.

<sup>49</sup> Open Sundays' Response to BIS Consultation on Devolving Sunday Trading Rules, 5, 2016.



*“The great British high street has never faced stiffer competition than it has right now.”*

*“Give high streets and town centres the tools they need to fight back”*

*“Let local areas decide for themselves how they want to approach the problem.”*

*“Healthy and bustling town centres and high streets are a benefit to local communities.”*

need to work is unnecessary to say the least. Nobody is being forced to work when they don't want to but people who do want the work are being hurt. Therefore, the proposed changes represent more choice for those that want it and greater protection for those that do not.

### **Devolution of Power and Wider Social Benefits**

27. The great British high street has never faced stiffer competition than it has right now. As more and more people become more reliant on the internet it seems inevitable that online sales will continue to grow. It is common to hear complaints about the decline of the British high street with many businesses choosing to shut up their traditional brick and mortar stores<sup>50</sup>. A central reason for this decline is shoppers heading online<sup>51</sup> as they demand every greater flexibility and convenience.
28. Yet this trend does not have to mean the death of high streets. Consumers still prefer to browse and buy items in a traditional store<sup>52</sup> and Sunday has become the second most popular day of the week for people to shop in them<sup>53</sup>. Therefore it is vital that the power to liberalise Sunday trading laws is given to local authorities and elected mayors in order to allow communities to give their high streets and town centres the tools they need to fight back.
29. Devolving the power to extend Sunday trading hours to local areas has many benefits beyond the economic, consumer and worker driven reasons. It will let local areas decide for themselves how they want to approach the problem<sup>54</sup>. Not every area is the same and this law change recognises that. It can encourage people to shop local and boost communities. Healthy and bustling town centres and high streets are a benefit to local communities. The proposed changes also allow authorities to decide which part(s) of their local area to allow to trade for longer if they so desire. They can favour business development

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<sup>50</sup> <http://www.bbc.co.uk/news/business-31899346>, accessed 10 February 2016.

<sup>51</sup> <http://www.cityam.com/220435/high-street-shopper-numbers-continue-decline-they-head-online>, accessed 10 February 2016.

<sup>52</sup> <http://www.express.co.uk/finance/city/626268/Full-trading-Sunday-certain-shopping-centre-giant>, accessed 10 February 2016.

<sup>53</sup> <http://www.express.co.uk/finance/city/626268/Full-trading-Sunday-certain-shopping-centre-giant>, accessed 10 February 2016

<sup>54</sup> Devolving Sunday Trading Rules Government Response February 2016, 11.

zones and focus on allowing high streets to compete with the out of town shopping areas<sup>55</sup>.

*“It allows decisions to be made closer to those that are affected by them.”*

30. Devolving power to local authorities over trading hours also enhances democracy, it puts more power at the local level where authorities can be held to account for these decisions. It allows decisions to be made closer to those that are affected by them. Authorities will be able to decide what approach is best for their area in order to drive competition, productivity and local economic growth<sup>56</sup>. It will enable councils to help their high streets and town centres fight back and regenerate, boosting local communities. Finally, the idea of freedom is a core British value and it is simply no longer viable to cling on to outdated ideas about Sunday trading at the expense of our high streets and towns.

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<sup>55</sup> *Ibid*

<sup>56</sup> Shop Opening Hours and Sunday Trading, House of Commons Library, 11 November 2015, 17.

## Evaluating the Opposition

### Is Sunday Special?

*“Britain is one of the least religious places in the world”*

*“Ultimately, people should be free to live how they see fit when they are not impacting anyone else”*

*“It frees those who choose to work and shop on Sundays whilst not changing how opponents wish to live”*

31. It is of course important to note that some people believe that Sundays should remain as they are on religious grounds<sup>57</sup>. This report completely respects these views and those that hold them. Important aspects of the British state and culture stem from these ideals and they should be treated with respect. However, this report also believes it is important to note that the UK is increasingly more multi-cultural and secular. In fact Britain is one of the least religious places in the world<sup>58</sup>. We must be careful not to let the views of a minority dictate the freedoms of others. Times have changed. Those who wish to take a more traditional and religious approach to Sunday would still be able to following these changes. Nobody is compelling these people to visit the shops but their views are impacted on those who don't feel the same way. Besides we already allow Sunday trading for most shops and a further common sense relaxation of the laws would not really impact people with these concerns further.

32. There seem to be very few people standing up for those who are already working on Sundays or for those who aren't impacted by these rules, such as restaurant workers and journalists even<sup>59</sup>. Ultimately, people should be free to live how they see fit when they are not impacting anyone else and relaxing Sunday trading laws certainly meets this aim. It frees those who choose to work and shop on Sundays whilst not changing how opponents wish to live. Supermarkets allow you to shop online on Sunday evenings and will even deliver food when their large stores are closed meaning you can't shop but its fine if someone is doing it for you. If we already tolerate this and benefit from it why are we preventing further benefits being pursued if it only affects those who want to take advantage?

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<sup>57</sup> <http://www.independent.co.uk/news/uk/politics/church-hits-out-at-longer-sunday-trading-hours-as-conservative-mps-threaten-to-rebel-against-a6698621.html>, accessed 10 February 2016.

<sup>58</sup> <http://www.theguardian.com/world/2015/apr/12/uk-one-of-worlds-least-religious-countries-survey-finds>, accessed 10 February 2016.

<sup>59</sup> <http://www.conservativehome.com/thetorydiary/2015/07/six-reasons-why-the-chancellor-is-right-to-relax-sunday-trading-laws.html>, accessed 10 February 2016.

*“Removing the block on extra hours could actually help families”*

*“The warnings being issued about allowing relaxed Sunday trading completely failed to occur in Scotland*

*“The STA 1994 does not apply to Scotland as the powers are devolved”*

33. Then there are those who want to keep Sunday special for families<sup>60</sup>. It has been argued that people will be forced or feel pressured to work more and therefore have less time with their families<sup>61</sup>. However, it is clear that the government proposals will introduce better safeguards than we currently have to make sure people who don't want to work or don't want to do extra hours will not have to. Removing the block on extra hours could also actually help families as well as some will want the extra hours to increase family funds. Family life has changed and with that we must acknowledge that not all families are the same. Besides, if people don't want to work they don't have to so why will this hurt families? The truth is it won't.

### **Scotland Deregulation Success**

34. The warnings being issued about the potential consequences of liberalising Sunday trading laws completely failed to occur in Scotland. Scotland of course already allows shops to trade as they please on Sundays<sup>62</sup> and it is hard to see where the negative impact was there. Scotland is culturally and economically very similar to England and Wales and none of the dire consequences that have been claimed will happen in England and Wales have materialised north of the border. In fact very similar warnings were issued when the law was relaxed in 1994 and yet since then it has been estimated that UK consumers spent £20 billion in the shops on Sundays<sup>63</sup> and Sunday became the second most popular shopping day of the week<sup>64</sup>.

35. One of the key reasons why the government paused its plans for introducing these changes was due to political opposition<sup>65</sup>. The STA 1994 does not apply to Scotland as these powers are devolved to them and Scotland has completely liberalised laws on Sunday trading. The opposition's reasons for opposing this issue was over concerns that Scottish wages will be driven down and that there are inadequate

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<sup>60</sup> <http://www.keepsundayspecial.org.uk/>, accessed 10 February 2016.

<sup>61</sup> <http://www.itv.com/news/2016-02-09/government-to-allow-local-councils-to-extend-sunday-trading-laws/>, accessed 10 February 2016, accessed 10 February 2016.

<sup>62</sup> <https://www.gov.uk/trading-hours-for-retailers-the-law>, accessed 10 February 2016.

<sup>63</sup> Open Sundays' Response to BIS Consultation on Devolving Sunday Trading Rules, 3, 2016.

<sup>64</sup> <http://www.lse.ac.uk/researchAndExpertise/researchHighlights/Economy/SundayTrading.aspx>, accessed 10 February 2016.

<sup>65</sup> <http://www.theguardian.com/politics/2015/nov/10/plan-relax-sunday-trading-rules-shelved-snp>, accessed 10 February 2016.

*“If the Scottish government fear for the wages of Scottish workers then... they should seek to introduce these safeguards”*

safeguards for workers<sup>66</sup>. This report therefore asks why it is the responsibility of Westminster to introduce safeguards for Scottish workers when this is an issue that they have no direct control over in Holyrood. If the Scottish government fear for the wages of Scottish workers then this report would suggest that, as they have the legal authority over these issues, they seek to introduce these safeguards. It is simply hypocritical and undemocratic for a country to hold the position that they should be, and are, able to enjoy unrestricted Sunday trading whilst denying England and Wales the same pleasure.

36. As things currently stand some opponents are trying to block a law that doesn't affect them and, unfortunately, the English Votes for English Laws (EVEL) mechanism cannot be used in this situation as the legislation was introduced before EVEL<sup>67</sup>. It is clear that Sunday shopping has been good for the UK and complete deregulation has not had dire consequences for Scotland and that England and Wales should be freed to pursue this as well.

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<sup>66</sup> Shop Opening Hours and Sunday Trading, House of Commons Library, 11 November 2015, 17.

<sup>67</sup> <http://www.theguardian.com/politics/2015/nov/10/plan-relax-sunday-trading-rules-shelved-snp>, accessed 10 February 2016.

## Conclusion

*“We must allow shops to compete on fairer ground.”*

37. This report has shown the benefits that the government plans for deregulating Sunday trading laws will have. It has argued that there is an overwhelming case for the relaxation of the current Sunday trading laws so as to benefit consumers, workers, businesses, the economy and society as a whole. The great British high streets and town centres are under threat like never before from online retailers and we must allow shops to compete on fairer ground.

*“The internet is open for business 23 hours every day of the year”*

38. The internet is open for business 24 hours every day of the year but large high street shops are forced to shut after six hours every Sunday. If we don't make this vital change then we cannot complain when even more shops are forced to shut and our high streets and town centres enter a terminal decline. Britain has a proud history of commerce and we should be showing the world how open to business we are and how easy it is to do so here. By closing up early on a Sunday we undermine this message and aim.

*“It will create not only more hours for people to work but also more jobs.”*

39. Everyone who wants to will benefit from these changes whilst those who don't want to take advantage are not forced to do so. Those who wish to not shop or work on Sunday don't have to, nobody is going to force them to. The government is enhancing protection for those who don't want to work whilst also allowing those that do to seize the opportunity. It will create not only more hours for people to work but also more jobs. It also gives consumers more flexibility to shop at their convenience and will allow British towns and cities to cater better for tourists and visitors. Finally, it is good for democracy where power over a local issue is devolved closer to those it affects.

*“Liberalise Sunday trading and reap the rewards.”*

40. Therefore this report calls on the government to urgently press ahead with their planned changes to Sunday trading hours. This bold and proactive step will benefit all those who wish to take advantage and will work extremely well alongside other pro-business moves such as lower business rates for smaller businesses. Action must be taken to liberalise Sunday trading and the benefits will be felt across the UK.

