In his Summer Budget of 2015 the Chancellor announced that: ‘To ensure that local areas have a greater say over their own economies, the government will consult on devolving powers on Sunday trading to city mayors and local authorities. This will look at allowing mayors or councils to extend Sunday trading for additional hours within parameters that they would determine.’ On 5 August the consultation was duly issued, with a deadline for submissions of 16 September. The consultation sought views on whether Sunday trading rules should be extended to local levels, but also introduced the potential discretion for such rules to be applied to defined areas within localities. Perhaps unsurprisingly the proposals have generated considerable debate, with both support and concern in many quarters.

The current situation

In England a distinction is made between large and small shops in respect of Sunday trading. Large shops (over 3000 square feet in area) may open Monday to Saturday without restrictions, but on Sundays can only open for six hours between 10 am and 6 pm, and must close on Easter Sunday and Christmas Day. Exemptions include farm shops, bike shops, exhibition stands, pharmacies, airport, station and port shops, and forecourt retailers. Small shops (i.e. those below 3,000 square feet in area) can open any hours they choose.

It is 21 years since the current Sunday trading legislation was introduced, repealing Part IV of the Shops Act 1950. The implemented solution (the so-called ‘partial reform proposal’) represented a ‘happy British compromise’ between strongly held and competing views. Ten years later, the Regulatory Reform (Sunday Trading) Order 2004 removed the previous requirement for large shops to notify local authorities of Sunday trading hours, but hours must be displayed and are still limited to six hours per day on Sundays. In 2006 an informal consultation took place in recognition that ten years had passed, working patterns had changed and society was more multicultural. This concluded that there was no demand or good reason to change the law.

In 2012 limited legislation to relax Sunday trading laws for eight days was introduced for the London Olympics. George Osborne did note that the Treasury ‘may learn lessons’ from the experiment, but it was stated at the time that it was not a pilot for wider liberalisation of Sunday trading. In 2013, during the Business, Innovation and Skills Select Committee Retail Inquiry into the Retail Sector, the issue was raised by London’s New West End Company’s submission:

‘... it is important to ensure that retailers can compete with 24/7 internet retailing. While we appreciate that the Committee does not wish to examine Sunday trading, research undertaken by NWEC during the extended hours introduced by the government during the Olympic and Paralympics games showed that longer opening had a very positive impact on retailing with little detriment to smaller stores or employees.’

The New West End Company has argued that 3,000 jobs would be created in London, generating £200 million, if shops were allowed to trade for an extra two hours on a Sunday. The Select Committee report noted that it specifically excluded the issue of Sunday trading deregulation as there were no consistent views across the sector.

When she became High Streets Minister in 2014, Penny Mordaunt was reported as saying that the potential for Sunday trading must be explored. However, in April 2015 David Cameron reiterated that ‘we have no current plans to relax the Sunday trading laws.’

Pros and cons

The Summer Budget announcement and subsequent consultation have been welcomed by some and condemned by others. The context is very different from that of the 1994 debate, although some of the issues are the same.

Both the pro- and anti- sides of the debate claim that their position will make a better society and promote family life. The online environment has expanded and flourished, creating competitive
disruption; it has been argued that longer Sunday trading could transfer some trade back to shops. The recession has been deep and high street vacancies remain high; some think longer Sunday trading could boost trade and/or return trade to the high street. Others think that trade would just be spread more thinly across the extended day and week with no extra revenue. As the Chancellor also introduced an enhanced minimum wage in the 2015 Summer Budget, which will raise employment costs in the retail sector, extending hours at this point in time could prove too expensive for many businesses. Both competitive and cost issues are felt strongly by small shop lobbies, who also point to the need to protect work-life balance for their members.\(^1\)

The consultation was set in a specific contextual setting,\(^2\) of devolving powers from central government to either local councils or to local leaders, such as Mayors. In deregulating previously highly restrictive shop hours, Germany also chose to make this a devolved responsibility; the result is a wide variability, reflecting different local societal preferences and pressures. Variability of policy and regulation is never popular with major retailers, for whom it always becomes an extra cost, although they would also argue that it heightens consumer confusion as well.\(^3\)

However, the consultation went further and suggested that local authorities/Mayors could ‘zone’ areas for different hours – for example, extend Sunday trading for a high street with department and other large stores but maintain hours for out-of-town centres. The converse is, of course, also true, but possibly less likely in the current climate. The consultation did not propose the localisation of decisions to further restrict Sunday trading – although, if localism is the driver, one wonders: why not?

The wider picture

Scotland does not have the same Sunday trading restrictions as England and Wales. Generally, the large shops which open on Sundays are out-of-town superstores and non-food shops in managed shopping centres and city centres. In some parts of Scotland, such as the Western Isles, shops still choose not to open on Sundays. Northern Ireland also operates its own shop hours policy which restricts Sunday trading to 1 pm-6 pm. A review of Sunday trading in 2011\(^1\) concluded that no change should take place and post-Budget responses suggest this position still holds.\(^19\) The issue is also being debated in a number of European countries, and indeed supermarkets in France are advertising widely their recently permitted Sunday opening.

Given the proposals in the consultation, the public debate is narrowly defined by the Sunday trading focus, but it is worth widening it. Small-shop lobbies are concerned by changes to the competitive environment, and yet many small specialist food shops close at 5 pm or 5.30 pm, while multiple grocery retailers and affiliated convenience stores stay open. Increased multiple convenience store representation in town centres is creating a different evening trading environment and expectation.

Similarly, the consultation, with its renewed focus on localism and place, has opened up the debate about how places could be conceived and constructed in this field. By placing the onus on local authorities and/or Mayors (although quite how this would work in practice without being subject to legal challenge remains to be seen), the proposals firmly provide planning and control with a small window to focus on places and activities. If this happens, then the debates and outcomes at a local level will be fascinating. George Osborne’s speech at the 2015 Conservative Party Conference proposing the abolition of the uniform business rate, the retention of business rates locally and permission for cities to increase rates\(^2\)\(^6\) would suggest that this may be part of a wider agenda of localising or devolving policy.

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