



DEBATE PACK

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E-petition 168524, the closure of retail stores on Boxing Day

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Summary

MPs will debate an e-petition, E-petition 168524 relating to the closure of retail stores on Boxing Day in Westminster Hall on Monday 12 December 2016. Helen Jones MP will lead the debate. This House of Commons Library briefing provides a background summary of the issues and press and parliamentary coverage.

The debate will be broadcast live online at parliamentlive.tv

- December is the busiest time of year for retailers, and Boxing Day is an important shopping day.
- In 2014, 365,000 people in the UK retail industry worked on Boxing Day – this was 12% of those in employment in retail.
- Retail industry workers made up about 20% of those working on Boxing Day.
- In response to a petition from March 2016, calling for retailers to be forced to close on Boxing Day, the government response stated “We do not believe it is for central Government to tell businesses how to run their shops or how best to serve their customers. Therefore we are not proposing to ban shops from opening on Boxing Day.”
- The British Retail Consortium have stated “Boxing Day is a popular time to take advantage of the post-Christmas sales and retailers will respond accordingly to cater for this customer demand.”

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

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1. Background

1.1 E-petition 168524

A [petition](#) calling for a debate on retail outlets opening on Boxing Day got 138,235 signatures. It said:

Christmas is a family time, the one day is not enough time to see two sides of families, retail workers work extremely hard during the Christmas run up and only get the one day. If only everywhere could be closed boxing day! Some things are needed over the festive period, retail isn't one of them.

The Department for Business, Energy and Industrial Strategy responded, saying:

The Importance of the Retail sector and its employees

The Government recognises the importance of retail to national and local economies. It employs 3 million people and the sector generated £90 billion of Gross Value Added in 2014, 5.6% of the UK economy and 4% higher than in 2013.

The Government also believes that all workers, including those in retail, should have access to employment rights and protections. The Government's website, GOV.UK, provides detailed and accessible advice on all aspects of employment, including what to do in case of a dispute.

Retail opening hours

There are no controls on shops' opening hours on Boxing Day, unless it falls on a Sunday. The Sunday Trading Act 1994 limits the opening hours of large stores in England and Wales (i.e. those with a trading area over 280 square metres / 3,000 square feet) to 6 continuous hours (between 10am and 6pm) on a Sunday and not at all on Easter Sunday. The Christmas Day Trading Act 2004 prohibits large shops from opening on Christmas Day whatever day of the week it falls. Similar legislation applies in Northern Ireland.

The arrival of the internet has changed consumers' shopping habits radically and many have got used to the freedom to buy what they need at any time that suits them. Online businesses and smaller retailers already have the flexibility to respond to this demand. Billions of pounds are spent by millions of shoppers on Boxing Day and it is also a busy day for internet sales. The Government believes that all businesses should be allowed flexibility to meet their customers' needs and offer consumers choice about when and how they want to shop. This will help drive competition, productivity and the local economy, as well as helping create jobs.

In this internet age, the Government aims to support local high streets to remain at the heart of our communities by being vibrant and viable places where people live, shop, use services and spend their leisure time, both during the day and evening.

Boxing Day, Bank Holidays and Working Hours

The Government believes that the current regulatory situation represents a fair balance between the interests of employers and workers.

Under the relevant legislation (the Working Time Regulations or WTRs), workers do not have a statutory entitlement to time off on Bank Holidays. However employers may allow workers to take time off on those days.

Workers have many protections under the WTR, including

- A statutory annual leave entitlement of 5.6 weeks (subject to a limit of 28 days)
- A maximum working week of 48 hours, normally averaged over 17 weeks (however workers can choose to opt-out of the 48 hour limit)
- Entitlements to rest breaks, and daily and weekly rest periods

Young workers and night workers are entitled to additional protections.

If workers are unhappy with any aspects of their working conditions, they can contact the ACAS helpline for free and confidential advice on 0300 123 1100, or consult the ACAS website at www.acas.org.uk.

1.2 E-petition 107166

In March 2016, there had been [another petition](#) to 'Force close retailers on Boxing Day – Greed keeps many having to go to work'. This petition closed after attracting 27,525 signatures. The full text of the petition stated:

Retailers ram Boxing Day sales down your throat, but it is important to remember that retail workers have families too and would probably appreciate an extra day of Xmas with them. Rather than having to return and work ridiculous hours listening to people complain and shout about their returns!

Working in retail at Xmas is bad enough, with the long hours, large queues and angry shoppers. Boxing Day should be an enforced holiday which allows workers time to spend with their families. Retailers do not save lives, do not provide protection and are not necessary to open on Boxing Day! Greed is the reason these companies open and it should be stopped. Family values and traditions should be respected. Let us respect the tradition!

The Government's response to the petition was as follows:

We do not believe it is for central Government to tell businesses how to run their shops or how best to serve their customers. Therefore we are not proposing to ban shops from opening on Boxing Day.

1.3 Boxing Day retail statistics

People working on Boxing Day

- In 2014, 365,000 people in the UK retail industry worked on Boxing Day – this was 12% of those in employment in retail.
- Retail industry workers made up about 20% of those working on Boxing Day. Other industries with substantial numbers working on Boxing Day include health and social work (505,000 people in 2014) and accommodation and food services (271,000 in 2014).
- Overall, 6% of people in employment worked on Boxing Day 2014, up from 5% in 2012.¹

Retail patterns

December is the busiest time of year for retailers,² and Boxing Day is an important shopping day.

Figures based on the number of shoppers entering non-food retail stores suggest that Boxing Day 2015 (a Saturday) was 0.7% busier than Boxing Day 2014.

Boxing Day 2015 was however quieter than the December peak on Wednesday 23 December and also quieter than Saturday 28 November (the day after Black Friday).³

1.4 Shop opening hours

A Commons briefing paper, [Shop Opening hours and Sunday trading](#), sets out the current legal position in respect of shop opening hours - in brief, the position is as follows:

In respect of weekday and Saturday trading, all shops (regardless of size) are free to remain open for as long as they wish.

- The [Sunday Trading Act 1994](#) (the STA 1994) regulates Sunday shop opening hours in England and Wales. There are no equivalent restrictions to the STA 1994 in Scotland, but there are similar restrictions in Northern Ireland.
- Currently, under the STA 1994, a distinction is made between large and small shops in respect of permissible trading hours. Large shops (over 280 square metres or 3,000 square feet in size) may open Monday to Saturday without restrictions. On Sundays, opening is restricted to 6 continual hours between the period 10am and 6pm.
- All large shops must close on Easter Sunday and on Christmas Day.

¹ Office for National Statistics, [People who worked on Christmas Day by Occupation and people who worked on Boxing Day by Industry: 2014](#), 7 December 2016

² Office for National Statistics, [Retail sales in Great Britain: Oct 2016](#) (17 November 2016) – [Retail sales index](#) Table 4M

³ Ipsos Retail Performance, [Christmas 2015 characterised by extraordinary last minute peak](#), 29 December 2015

- In contrast, there are no opening restrictions for small shops (under 280 square metres or 3,000 square feet). In effect, a small shop could open twenty-four hours a day, every day of the year, including Easter Sunday and Christmas Day, if the owner so wished.

1.5 Boxing Day shop opening hours

There are no controls on shops' opening hours on Boxing Day, unless it falls on a Sunday. The [Sunday Trading Act 1994](#) limits the opening hours of large stores in England and Wales (i.e. those with a trading area over 280 square metres / 3,000 square feet) to 6 continuous hours on a Sunday and not at all on Easter Sunday. The Christmas Day Trading Act 2004 prohibits large shops from opening on Christmas Day whatever day of the week it falls. Similar legislation applies in Northern Ireland. If Boxing Day falls on a Saturday or Sunday, then the Government arranges for another day to be a bank holiday.

In recent years Boxing Day has marked the start of the post-Christmas sales. Many major stores start their sales on the day after Christmas, with shops opening early to cope with the crowds and closing late. Since Boxing Day falls on a Monday this year (i.e. a weekday), all shops (regardless of size) are free to remain open for as long as they wish.

In 2010, Boxing Day fell on a Sunday. In April (2010), some of the biggest stores launched a campaign to be given special dispensation to open for longer on Sunday 26 December 2010 (i.e. they were asking for a temporary suspension of the *Sunday Trading Act 1994*). However, on 6 July 2010, Baroness Wilcox (then Business Minister in the House of Lords) confirmed that the Government would not relax the *Sunday Trading Act* to accommodate Boxing Day sales:

The Lord Bishop of Gloucester: My Lords, can the Minister confirm that the Government have no intention to relax the current Sunday Trading Act in a way that would alter Boxing Day this year, which is on a Sunday, to be a normal shopping day, which would undermine the rights of workers to a proper Christmas break?

Baroness Wilcox: I can confirm that the Government have no plans to change the rules on Sunday trading at the moment.

Baroness Deech: Does the Minister recognise the gender imbalance in this Question, in that men will always want their pubs open on a Sunday and their sporting fixtures, whereas working women—indeed, women work seven days a week, but I mean those who work outside the home—would be greatly restricted if shops and so on were not open on a Sunday? We should all be allowed to choose our own day of rest—not to mention the diversity issue. Sunday is not a special day for everybody.

Baroness Wilcox: My Lords, it is right that everybody should be able to choose the way they spend their day of rest, and there is no pressure for women to be looked at as a special case at this time. However, I am sure that, with the work that the noble Baroness has done on equality, she will bring anything to my attention that she feels we can do something about.

[\[HL Deb 6 July 2010 c 96 -98\]](#)

1.6 Time off – Bank Holidays

The 1971 Banking and Financial Dealings Act does not entitle workers to leave on bank holidays, rather it suspends financial and other dealings on bank holidays. The statutory entitlement to annual leave is set out in [section 13](#) of the *Working Time Regulations 1998* (SI 1998/1833), which provides for a maximum 5.6 weeks leave per year, adjusted pro rata for part-time workers. For full-time workers this equates to 28 days per year. Twenty of those days are required by EU law (the Working Time Directive), with the other eight being a purely domestic entitlement representing bank holidays, although with no corresponding right to take the leave on a bank holiday itself.

Many employers do in fact give employees the day off on bank holidays, despite the lack of a statutory requirement to do so. In many cases, therefore, a worker will have a contractual right to leave on these days. Similarly, an employer may require a worker to attend work on a bank holiday if entitled to do so by the contract or industry custom. Under [section 1](#) of the *Employment Rights Act 1996*, all employees should receive a written statement of their terms and conditions of employment, including those relating to “holidays, including public holidays, and holiday pay” within two months of starting a new job. The particulars should be “sufficient to enable the employee’s entitlement, including any entitlement to accrued holiday pay on the termination of employment to be precisely calculated”.

2. Press Articles

[Retail news on Premium Foods, Boxing Day and more,](#)

Retail News, 16 November 2016

[Petition says close shops on Boxing Day to spare workers](#)

BBC, 14 November 2016

[Bank holiday footfall down in shops as consumers visited retail destinations outside shopping hours](#)

The Retail Bulletin, 30 August 2016

[Retail Christmas: the winners and losers in the UK: The festive shopping season is the busiest time of year for retailers, both online and on the high street. Here's how they fared](#)

The Guardian, 13 January 2016

[UK high street footfall jumps 12% on Boxing Day](#)

Karthick Arvinth

International Business Times, 29 December 2015

[British retailers box clever to make most of demand for shopping: Centres see increased footfall as consumers strategise to make most of online and high street deals](#)

Malcolm Moore

Financial Times, 28 December 2015

[High street reclaims Boxing Day sales crown: Footfall was up for the first time in years as shoppers closed their laptops and headed to high streets in search of bargains](#)

Rebecca Burn-Callander

Daily Telegraph, 27 December 2015

[Boxing Day sales 2015: UK shoppers expected to spend over £3bn as John Lewis and Selfridges enjoy strong starts](#)

Joe Hall

City AM, 26 December 2016

[Millions of shoppers hit Britain's high streets as retailers slash prices: Up to 22 million consumers are forecast to spend £3.74bn over course of Boxing Day with many departments stores cutting prices by 50%](#)

Joel Gunter

The Guardian, 26 December 2015

[Boxing Day sales hope to lure UK shoppers with biggest discounts yet: Average discounts likely to top 50% as high street stores try to shift stock left over after disappointing Black Friday and mild winter](#)

Sarah Butler

The Guardian, 25 December 2015

[Thousands of Boxing Day shop workers demand retailers close so staff can spend time with families: A petition, which has been signed by more than 23,000 people, is calling on the authorities to make December 26 an 'enforced holiday'](#)

Gemma Mullin

Daily Mirror, 23 December 2015

[How important is Christmas to retailers?](#)

Laura Barnes

PCR, 9 November 2015

[Why retailers will regret creating 'Black Friday': Black Friday has quickly become known for setting retail sales records despite the annual day of discounting being only a recent import from America, but it has also created stock and website headaches for retailers while costing them full-price pre-Christmas sales](#)

Mindi Chahal

Marketing Week, 4 Nov 2015

[Lure of online sales cuts number of Boxing Day shoppers in UK](#)

Reuters, 26 December 2014

3. Press releases

[Christmas sales flop with bricks and mortar in sharpest decline since May 2009](#)

Retail Economics, 24 January 2016

Retail sales fell by 0.5 per cent year-on-year (non-seasonally adjusted) in December according to the Retail Economics Sales Index. The three month rolling average, which provides a more accurate underlying trend, fell to +0.4 per cent, the lowest since July 2009.

These figures are surprisingly weak given the strong underlying momentum behind consumer spending. Deep and widespread discounting throughout the industry failed to inspire consumers to leave their homes and shop on the high streets. According to the ONS, average store prices fell by 3.2 per cent in December, year-on-year, the 18th consecutive month of falling prices.

Unseasonably mild and wet weather is likely to have played a significant role in holding back sales growth, especially across Clothing and Footwear. December turned out to be the wettest on record with +190 per cent of the average rainfall. This hit clothing retailers the hardest with sales falling 5.2 per cent, year-on-year, according to the Retail Economics Sales Index. Anecdotal commentary from a number of clothing retailers suggested that winter-wear and heavier items were shunned by shoppers and deep discounts were needed to shift stock. Meanwhile, Food sales were remarkably robust, given the recent trend, suggesting that the boost in disposable incomes transitioned to families splashing out on festive nibbles and trading up across some brands. Trading updates for the Big Four (Tesco, Sainsbury's, Morrisons, Asda) food retailers all posted positive results which exceeded expectations.

Food sales rose by 1.4 per cent over the period. This is the strongest result since June 2014, excluding Easter distortions. With food deflation running at 2.9 per cent, it suggests volumes had increased by c.4.3 per cent in December. Total online sales performed robustly, although growth declined on the levels seen in November. In December, Online retail sales rose by 12.1 per cent, year-on-year, compared with 15.6 per cent in the previous month.

According to the ONS, Department Stores saw online sales up 27.1 per cent in December. Household Goods Stores rose even faster at 33.1 per cent. A comparison of online and store sales growth revealed that in December total Store sales declined by 1.5 per cent while Online sales rose by 12.1 per cent. This is the sharpest decline in Store sales since May 2009.

While temporary factors such as the mild weather and rainfall are likely to have played a role in the dismal December trading period, there is a growing body of evidence which suggests there are greater structural challenges at play.

A comparison of consumer spending growth versus total sales growth (BRC Retail Sales Monitor) reveals that consumer spending has now outpaced retail sales growth for 18 months. This is the first time in over 10 years. The latest data available showed an additional £9.6 billion of domestic consumer spending compared with the previous year - up 0.8 per cent. Recreation and Culture, Transport and Housing are the areas to have benefited the most from this additional spending.

Of the additional £9.6 billion spending compared with the previous year, Recreation and Culture and Transport accounted for over half. The proportion of consumer spending accounted for by the retail sector has been falling for many years, but this trend appears to be accelerating. Digital and online has caused a structural change in household spending habits. The pursuit of experiences and service-based consumerism over material goods has shifted spending away from traditional retail. The flood of cheap goods into the UK over the last 10 years has arguably led to a saturation of household products. Although the fundamentals underpinning UK households remain robust, the boost in consumer spending has not flowed through to the retail sector in the manner that would have been expected just a few years ago. Admittedly, the growth of Non-Food shows a more favourable comparison. Nevertheless, over the last 12 months, Non-Food sales growth has struggled to keep pace with consumer spending having consistently outpaced it in the previous three years. This shift to a more experiential based retail experience will favour retailers in out-of-town retail parks, where destinations have a greater mix of retail and leisure.

[Shoppers flock to the Boxing Day sales](#)

Fiona Briggs

4 January, 2016, Retail News

Hammerson's Retail Tracker (HART)*, which monitors sales activity across its shopping centres, reported a like for like sales boost of 1.0% yoy for the week ended 26th December 2015.

Across the portfolio, total sales for the eight weeks to 26th December increased 2%** yoy (-0.8% LFL) as customers made the most of promotional activity during the festive trading period, which began with a Black Friday bonanza across Hammerson's centres.

Demonstrating continued appetite for the traditional post-Christmas sales period, footfall on Boxing Day increased 3.9% yoy across Hammerson's portfolio of UK shopping centres. At Brent Cross, better than half price deals at stores including Fenwick saw customer traffic increase over 20% yoy. Bullring welcomed close to 200,000 customers, with River Island the best performing store from the retailer's portfolio on the day.

Perhaps a reflection of consumers preparing their homes for the holiday season and impending arrival of friends and family, sales in the

Homeware category increased 18.2% in the week ended 26 December. Knockout category performances across the year have included Jewellery (+7.0%)* ** with purchases of luxury watches and diamonds demonstrating a return to consumer confidence spreading across the regions; and Sports & Outdoor (+7.9%)* ** as customers continue to embrace healthier and more active lifestyles.

Commenting on the performance, CEO David Atkins said:

“Customers are undoubtedly the winners from Christmas 2015. Unseasonably mild weather and price deflation have produced a challenging combination for fashion retailers this month, but with promotional activity now beginning in earnest on Black Friday, customers are voting with their feet. I'm delighted that our premier shopping destinations continue to welcome more and more customers; with a near 4% uplift on Boxing Day alone, it's clear that our strategy to create destinations that bring the very best retail, leisure and entertainment brands to customers is the right one.”

** Sales per sq ft basis

*** Data shows category performance for 12 months to 30 November. December data not currently available.

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[Christmas 2015 characterised by extraordinary last minute peak](#)

Tim Denison

Ipsos Mori, 29 December 2015

The number of shopping trips made to non-food stores rallied during Christmas week (w/c 20 December), but fell 1.8% short of last year's corresponding figure. Day-on-day shopper numbers swelled as Christmas Day drew closer, peaking on Wednesday 23, when numbers were only 3.5% short of the busiest shopping day of the year so far – Saturday 28 November, the day following Black Friday. Saturday 26 was quieter than Wednesday 23, but 0.7% busier than Boxing Day last year.

Ipsos Retail Performance, the global retail and footfall consultant, compiles the Retail Traffic Index (RTI), which is derived from the number of shoppers entering over 4,000 non-food retail stores across the UK.

The loss of a trading day on Christmas Day contributed to shopper numbers across the UK being down by 2.5% on the previous week.

Dr Tim Denison, director of retail intelligence at Ipsos Retail Performance said:

“This is proving to be an extraordinary December as far as store traffic patterns are concerned. For the past 3 years the Saturday preceding the 25th has been the busiest day in the run-in to Christmas, and before 2012 it was the Saturday before that. This year Black Friday changed the course of Christmas shopping, in

that Saturday 28th November proved to be the busiest shopping day pre-Christmas, taking the wind out of gift hunting in the fortnight that followed. During the third week of the month, footfall staged a partial recovery in the stores, but the surge that we have seen during Christmas week has been truly exceptional. Not since our records started in 1998 has gift shopping peaked so late and never before on a weekday.

“Boxing Day has grown in significance as a shopping day over the last 5 years, as increasingly more retailers have started their Sales immediately after Christmas. This year that trend has continued and shopper numbers are marginally up on last year, but they failed to match the pre-Christmas peak. On-line bargain hunting on Christmas Day will be partly responsible, but retailers will be anxious that trading picks up in the stores during this final week of the year.”

“We got off to such a busy start to the year, but it’s now nip-and-tuck whether the year’s footfall levels will exceed those of 2014. If they do, it will mark the turnaround of a trend of diminishing annual footfall, that started in 2004, at a time when retailers were launching their first transactional websites. Were this to happen, it would be a landmark occasion, underlying the ongoing importance and relevance of the physical store in this omni-channel world,” concludes Denison.

4. Further reading

[Festive FAQs 2016](#)

The British Retail Consortium, December 2016

[Consumer Insights, Christmas 2016](#)

PricewaterhouseCoopers, December 2016

[Shop opening hours and Sunday trading](#)

House of Commons Library, April 2016

[Bank and public holidays](#)

House of Commons Library, December 2015

[Retail Confidence for Christmas](#)

Barclays, December 2015

[Festive Insights 2015](#)

Experian, 2015

[The retail industry: statistics and policy](#)

House of Commons Library, October 2015

[Employers – do they know it's Christmas?](#)

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