



Sunday Trading (London Olympic Games and Paralympic Games) Bill [HL]

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The *Sunday Trading (London Olympic Games and Paralympic Games) Bill* [HL] is subject to the fast-track procedure. The Bill was introduced into the House of Lords where it had its Second Reading debate on 24 April 2012. It is expected to complete its remaining stages in the House of Lords on 26 April 2012 and then to be introduced in the House of Commons. All stages of the Bill are expected to take place in the House of Commons on just one day, 30 April 2012. Given these time constraints, this Paper has been published after the Bill's Second Reading in the House of Lords but before its consideration in Committee.

The Bill would introduce a temporary suspension of the current rules on Sunday trading for large stores in England and Wales. The period of suspension would be for eight consecutive Sundays during the Olympic and Paralympic Games, beginning on 22 July 2012 (the Sunday before the opening ceremony) and ending on Sunday 9 September 2012 (the date of the closing ceremony of the Paralympics).

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Summary

The *Sunday Trading (London Olympic Games and Paralympic Games) Bill* [HL], would introduce a temporary eight week suspension of the current rules surrounding Sunday trading for large stores. The period of suspension would be during the Olympic and Paralympic Games, beginning on 22 July 2012 (the Sunday before the opening ceremony) and ending on Sunday 9 September 2012 (the date of the closing ceremony of the Paralympics).

Current legislation distinguishes between large and small shops in respect of permissible trading hours. Large shops (over 280 sq m/3,000 sq ft) may open Monday to Saturday without restrictions. On Sundays, opening is restricted to 6 continuous hours between the period 10am and 6pm. There are no opening restrictions for small shops (under 280 sq m/3,000 sq ft) on any day of the week.

In introducing this Bill, the Government has said that it wants to ensure that visitors to the UK for the London Games have the best experience possible. It is an opportunity to show that the UK is 'open for business'; a temporary suspension of Sunday trading restrictions would assist in ensuring that visitors can take full advantage of all the UK has to offer, including its shopping attractions. If the Bill is enacted, the Treasury hopes to see a net increase in retail sales as well as a boost for employment and growth for the UK.

The Bill has received a mixed reception. Some large retailers have welcomed the Bill. However, other bodies, including USDAW (the Union of Shop, Distributive and Allied Workers), the Keep Sunday Special Campaign (KSS) and the Association of Convenience Stores (ACS) have expressed opposition to the Bill.

Due to the proximity of the London Games, the Government has decided to use the fast-track procedure for this Bill. Consequently, the Bill was introduced into the House of Lords where it had its Second Reading debate on 24 April 2012 and is expected to complete its remaining stages on 26 April 2012. All stages of the Bill are due to take place in the House of Commons on just one day, 30 April 2012.

The Bill applies only to England and Wales.

1 Introduction

The *Sunday Trading (London Olympic Games and Paralympic Games) Bill* [HL] is subject to the Fast Track Procedure. The Bill was introduced in the House of Lords on 28 March 2012 and had its Second Reading on 24 April 2012. The Bill is expected to complete all its stages in the House of Lords on 26 April 2012 and then pass to the House of Commons. All stages of the Bill are expected to take place in the House of Commons on just one day, 30 April 2012.

Given these time constraints, this Paper has been published after the Bill's Second Reading in the House of Lords but before it has been considered in Committee. However, information on its Committee Stage can be obtained from the [Bill page](#) on the Parliament website.

2 Background

In January 2012, the BBC reported that the Sunday trading laws could affect spectators wishing to buy merchandise at the closing ceremony of the Olympic Games, due to take place on Sunday 12 August 2012.¹ Five of the official Olympic retail outlets exceed the size at which restrictions on Sunday opening hours apply – the main megastore (40,000 sq ft) and two superstores (8,000 sq ft each) at the Olympic Park, the superstore in the Athletes' Village (9,000 sq ft), and the main non-venue retail outlet in Hyde Park (12,500 sq ft). These stores would be allowed to open for no longer than six hours on the day of the closing ceremony, and would have to shut by 6pm, although the closing ceremony is not scheduled to start until 7 pm at the earliest.² According to the BBC:

The Retail People – the company responsible for running the commercial outlets at London 2012 – only discovered the problem at the end of last year (2011). They had been under the impression that the Government's Olympic legislation would include an amendment which would have enabled all retail outlets at the Games to remain open beyond normal Sunday trading hours. There is the potential for millions of pounds of revenue to be lost as a result.³

The weekend before the March 2012 Budget it was reported in the press that the Government intended to temporarily suspend the Sunday trading restrictions during the London Games.⁴

In a BBC interview on 18 March 2012, George Osborne, the Chancellor of the Exchequer, confirmed Government plans to introduce emergency legislation so that large shops in England and Wales could trade on Sundays for more than six hours for the duration of the Olympic and Paralympic Games.⁵ This would, of course, include the official Olympic retail outlets.

The Chancellor said that it would be a "great shame" if Britain had a "closed for business sign on it during the Games".⁶ He argued that a temporary suspension of Sunday trading restrictions would assist in ensuring visitors could take full advantage of all the UK has to offer, including its world class shopping attractions. Appearing on the same programme, Ed Balls, the Shadow Chancellor, said there should be proper consultation first.⁷

¹ 'London 2012: Olympic closing ceremony hit by Sunday trading laws', *BBC News*, 26 January 2012

² 'Olympics fall foul of Sunday trading laws', *Times*, 27 January 2012

³ 'London 2012: Olympic closing ceremony hit by Sunday trading laws', *BBC News*, 26 January 2012

⁴ 'Osborne's Sunday opening plan controversial', *Independent*, 18 March 2012; 'Changes to Sunday shopping hours', *Sunday Telegraph*, 18 March 2012

⁵ 'Budget: Osborne plans new Sunday trading laws during Olympics', *BBC News*, 18 March 2012

⁶ *Ibid*

⁷ *Ibid*

As expected, in his Budget Statement on 21 March 2012, the Chancellor announced that as part of the Government's programme of reforms to support growth, legislation would be introduced under the fast track procedure to temporarily suspend the *Sunday Trading Act 1994* (STA 1994):

As a country, we also want to make the most of the Olympic and Paralympics Games. Some of the biggest events will be on a Sunday. When millions of visitors come to Britain to see them, we don't want to hang up a 'Closed for Business' sign. So we will introduce legislation limited to relaxing the Sunday trading laws for eight Sundays only, starting on July 22nd.⁸

During the Budget debate, there was little direct comment on the Chancellor's announcement to temporarily suspend Sunday trading law. Meg Hillier said she supported the proposal, recognising that this would be a global event coming to her constituency (Hackney South and Shoreditch). However, she raised concerns that the move could be a trial run for a permanent change in the law.⁹ In the House of Lords, the Bishop of Chichester said he was not in principle opposed to the idea of relaxing Sunday trading laws for a short period in locations close to the main events of the Games, but was concerned that removing all restrictions for eight weeks "sounded suspiciously like a stalking horse for the wider deregulation for which some large retailers have been campaigning for some time."¹⁰

The *Sunday Trading (London Olympic Games and Paralympic Games) Bill* [HL] was introduced in the House of Lords on 28 March 2012. The purpose of the Bill is to introduce a temporary suspension of the current restrictions on Sunday opening hours for large stores during the Olympic and Paralympic Games. In effect, large shops in England and Wales would be able to open for more than six continuous hours on the eight consecutive Sundays that occur during the period 22 July to 9 September 2012.

By allowing large retailers to trade for longer on Sundays during the London Games the Government hopes the retail industry can maximise on the predicted sales boom which will be created by the many tourists visiting the capital.¹¹ The Chancellor has confirmed that the suspension will be a temporary measure, but added that the Treasury may "learn lessons" from the experiment.¹² This comment has provoked some bodies to accuse the Government of using the Olympics as a step towards the permanent deregulation of Sunday trading.¹³

Tessa Jowell, Shadow Minister for the Olympics and London, has stated that whilst the Opposition accepted that there was a case for this short-term deregulation, the Government must continue to reassure those who are affected that these changes are not a Trojan horse for longer term deregulation.¹⁴

3 Current legal position

3.1 Week day and Saturday trading in England and Wales

Restrictions on shop opening hours on weekday and Saturdays were completely removed for all shops (large and small) by section 23 of the *Deregulation and Contracting Out Act 1994*.

⁸ [HC Deb 21 March 2012 c.800](#)

⁹ [HC Deb 21 March 2012 c.861](#)

¹⁰ [HL Deb 22 March 2012 c1042](#)

¹¹ 'Budget: Osborne plans new Sunday trading laws during Olympics', *BBC News*, 18 March 2012

¹² 'Budget: Osborne plans new Sunday trading laws during Olympics', *BBC News*, 18 March 2012

¹³ 'Anger over plans to extend Sunday trading', *Independent*, 19 March 2012

¹⁴ Labour Party notice, '[Government accepts Labour's amendments to protect Sunday Trading rights](#)', 29 March 2012

All shops are free to remain open for as long as they wish for week day and Saturday trading.

3.2 Sunday trading in England and Wales

Background to Sunday trading legislation

The *Sunday Trading Bill* [Bill 1 of 1993/94] was published on 19 November 1993, presenting Parliament with three options for reforming the law on Sunday trading: total deregulation; a regulatory scheme based on proposals supported by the Keep Sunday Special Campaign and the Retailers for Shops Act Reform; and, a compromise scheme of partial deregulation based on the proposal of the Shopping Hours Reform Council (SHRC).

The vote by MPs to decide between these three options was on the first day of the Bill's Committee Stage on 8 December 1993, when the SHRC scheme was agreed by 333 votes to 258 votes. The Bill finished its progress in the Commons on 23 February 1994, and was read a second time in the Lords on 8 March. On 29 March, the first day of the Bill's Committee Stage, the House was given the same free choice as the Commons between the three options for reform. In the event, the SHRC option was agreed to, by a vote of 206 Contents to 151 Non-Contents.

The Bill received its Third Reading in the Lords on 19 May, and returned to the Commons for consideration of the Lords' amendments on 21 June, when the Commons accepted all but one of these amendments, concerning the treatment of garden centres and DIY stores (see below). On 30 June, the Lords concurred with the Commons' objection to this amendment, and made no further changes to the Bill.

The *Sunday Trading Act 1994 (STA 1994)* received the Royal Assent on 5 July and came into effect on 26 August 1994. According to the Department of Trade and Industry (now the Department of Business Innovation and Skills), the STA 1994 was a compromise between strongly held and competing views.¹⁵

Permissible opening hours

The STA 1994 liberalised Sunday trading law for shops, by repealing Part IV of the *Shops Act 1950*.¹⁶ It introduced a scheme of partial deregulation. It allows shops to trade in all goods on Sundays but restricts most large shops to a continuous six hours' trading between 10 a.m. and 6 p.m. Under the STA 1994, shops are 'large' if they exceed 280 sq m /3,000 sq ft in size.

The *Regulatory Reform (Sunday Trading) Order 2004* has now removed the requirement for large shops to notify local authorities of their Sunday trading hours or of any changes. However, large shops are still limited to trading for a maximum of six hours between 10am and 6pm on Sundays and must display their opening hours inside and outside the premises.

A few types of large shops are exempt from the provisions of the STA 1994 and are allowed to open all day on a Sunday. These are:

- farm shops
- motor and cycle supply shops
- stands at exhibitions
- pharmacies for the sale of medicines

¹⁵ 'Sunday Trading', *DTI Factsheet*, February 2006

¹⁶ Clause 1 of the *Sunday Trading Act 1994* provides for the repeal of the Sunday trading provisions contained in Part IV of the *Shops Act 1950* and for their replacement by the provisions in Schedule 1 which contains restrictions on the Sunday opening of large shops

- shops at airports, railway stations and shops servicing ocean going ships
- shops at petrol filling stations and motorway service stations¹⁷

Outlets which offer a service such as restaurants and public houses are also excluded from the restrictions on Sunday trading.

Local authorities trading standards officers enforce the STA 1994. It is an offence punishable on summary conviction by a maximum fine of £50,000, for a large shop to trade on a Sunday in contravention of the provisions of the Act.¹⁸

Small shops (not over 280 sq m/3,000 sq ft in size) are not covered by the restrictions of the STA 1994 and can open at any time on a Sunday.

3.3 Easter Sunday trading in England and Wales

In addition to regulating opening by large shops on Sundays, the STA 1994 prohibits large shops from opening on Easter Sunday.¹⁹

3.4 Sunday trading in Scotland and Northern Ireland

The STA 1994 applies only to England and Wales. The regulation of shop opening hours is a devolved matter for both Scotland and Northern Ireland. There are no restrictions on Sunday trading in Scotland. In Northern Ireland, Sunday trading is regulated by the *Shops (Sunday Trading) (Northern Ireland) Order 1997*. This makes similar (but not identical) provisions to the rules that apply in England and Wales: small shops can open at any time on a Sunday but large shops with a floor area of more than 280 sq m can open only between 1pm and 6pm. As in England and Wales certain types of large shops are exempt.

The Department for Social Development in Northern Ireland has stated that it will not be changing Sunday trading rules for Northern Ireland during the Olympics.²⁰

3.5 Employment protection provisions

Under Part IV of the *Employment Rights Act 1996*, shop workers in England and Wales who work in large shops have certain rights if they are asked to work on Sundays. With the exception of shop workers who work only on Sundays, shop workers have the right to refuse to work on Sundays.

Certain shop workers are automatically protected from having to work on Sundays, they are:

- those who were employed with their current employer on or before 26 August 1994; and
- those who were employed after 26 August 1994 but whose contracts exclude Sunday working

The above categories of workers are '*protected workers*'. They have the right not to be dismissed, selected for redundancy or subjected to any detriment for refusing to work on Sunday. They are able to surrender these rights by agreeing in writing that they do not object to working on Sundays ('opting-in' notices).

All other shop workers can 'opt out' of working Sunday by giving their employer three months notice that they object to working on Sundays ('opting out' notices). Once the three months

¹⁷ Paragraph 3(1) of Schedule 1 of the *Sunday Trading Act 1994*

¹⁸ Section 7(1) Schedule 1 of *Sunday Trading Act 1994*

¹⁹ Schedule 1 to the *Sunday Trading Act 1994*

²⁰ 'Sunday trading laws unchanged in North', *The Irish News*, 22 March 2012

are up, these shop workers, too, have the right not to be dismissed, selected for redundancy or subjected to any detriment for refusing to work on Sunday. People who opt-in to Sunday working still have the right to opt-out by giving 3 months notice at any time. Employers are required to give all new shop workers and all existing employees who may be required to work on Sunday under their existing contract a written notice setting out their rights.

As noted above (in section 3.4), the STA 1994 does not apply to Scotland and Northern Ireland. Sunday trading is not restricted in Scotland. However, the protections for shop workers in England and Wales contained in the *Employment Rights Act 1996* were extended to shop workers in Scotland by the *Sunday Working (Scotland) Act 2003*. In Northern Ireland, Schedule 2 to the *Shops (Sunday Trading) (Northern Ireland) Order 1997* gives shop workers similar rights with regard to Sunday trading as those given to shop workers in England and Wales.

4 Past review of Sunday trading laws

On 13 January 2006, the previous Government announced a review of the pros and cons of further liberalization of the Sunday trading laws.²¹ The Government gave various reasons for instigating this review:

The current Sunday trading laws have been in place for more than ten years. Consumers now have greater expectations. Many more people are in employment, often benefiting from flexible working outside core 9-5 weekday hours. We are a more multicultural society. There is greater recognition that we should only regulate where it is necessary to do so. We believe the time has come to have a fresh look at the issues around Sunday trading.²²

The Government wrote to a large number of organisations, groups and retailers seeking their views on Sunday trading. It also welcomed the views of interested consumers, religious groups, employees and businesses, not only on the economic case, but on all aspects of further liberalisation. As part of the review, the Government commissioned an economic cost-benefit analysis report on the impact of allowing large shops to open for longer.²³

On 6 July 2006, Alistair Darling, then Trade and Industry Secretary, announced that there would be no change to the current Sunday shopping hours:

With the Sunday trading laws having been in place for many years, it was important that we looked at whether they were still appropriate.

As part of our review we commissioned an independent cost benefit analysis and sought a wide range of views on the subject in an informal consultation.

We received nearly 1,000 responses to the consultation from consumers, religious groups, employees and business, with no substantial demand for change. On that basis, and having considered all the evidence from the review, we have concluded that there should be no change to the Sunday trading laws.²⁴

It was reported in the press that proposals to relax Sunday trading laws were considered ahead of last year's 'Budget for growth' (March 2011) but were subsequently dropped.²⁵

²¹ 'Sunday and Christmas Day shopping', *BERR* (now BIS), 2006

²² Department of Trade and Industry press notice P/2006/005, 'DTI seeks views on Sunday trading law', 13 January 2006

²³ 'The economic costs and benefits of easing Sunday shopping restrictions on large stores in England and Wales', Indepen, a report for the DTI, May 2006

²⁴ Department of Trade and Industry press notice, 'No Change to Sunday trading laws', 6 July 2006

²⁵ 'Relaxing Sunday trading laws off agenda', *Financial Times*, 18 March 2011

The STA 1994 was also one of the laws considered last year during the Government's Red Tape Challenge - a two-year initiative launched in April 2011 to review regulations with a view to reducing the burden of red tape on businesses and society.²⁶ Consulting on whether the existing Sunday trading restrictions should be changed, the Government received 2,695 responses via its Challenge website from 7 April to 10 May 2011 (the period that the Challenge focused on retail regulations). In July 2011, Baroness Wilcox, Parliamentary Under-Secretary of State for Business, Innovation and Skills (BIS), stated that the Government had no plans to change the law on Sunday trading.²⁷

Attention should also be drawn to the *Localism Bill* and the *Sunday Trading (Amendment) Bill* (both 2010-12). During the passage of the *Localism Act 2011*, Philip Davies tried to introduce a new clause which would have given local authorities the power to reduce or extend the Sunday trading hours of large shops for their areas.²⁸ However, Mr Davies' amendment was not accepted.

On 7 July 2011, Mark Menzies presented a Ten Minute Rule Bill. The purpose of the *Sunday Trading (Amendment) Bill* was to require the Secretary of State to permit local authorities to vary restrictions on Sunday trading on a temporary basis for the period of the Olympics and Paralympics. In introducing this Bill, Mr Menzies explained that this measure would provide a temporary and modest economic stimulus during the period of the Games. The Second Reading of the Bill was expected on 20 January 2012 but the Bill was withdrawn.

5 The Bill

5.1 Main provisions of the Bill

The Bill, as introduced in the House of Lords, is very short, consisting of just two clauses.

Clause 1 of the Bill would suspend for the period of the Olympic and Paralympic Games the current restrictions in the STA 1994 on Sunday opening times for large shops.²⁹ The suspension period would run for eight consecutive Sundays beginning on 22 July 2012 (the Sunday before the Olympic opening ceremony) and ending on 9 September 2012 (the Sunday on which the closing ceremony of the Paralympic Games will take place). In effect, during the suspension period all shops, of whatever size, would be able to set their own Sunday opening times. In addition, the duty on large shops to display a notice specifying their Sunday opening hours would not apply during the suspension period.³⁰

Clause 1(2) ensures that the provisions regarding loading and unloading at large shops on Sunday mornings contained in Schedule 3 to the STA 1994 will continue to apply in the usual way during the suspension period. In other words, large shops which currently need local authority consent in order to load or unload before 9.a.m. on Sunday mornings will continue to need that consent during the suspension period. A large shop which has already obtained such a consent from a local authority will continue to be able to rely on that consent during the suspension period despite any longer hours the shop may be open for during that period.

Clause 2 of the Bill contains a sunset clause. The Bill is repealed at the end of the eight-week suspension period. Importantly, the Bill will not affect existing protections for shop workers in Part IV of the *Employment Rights Act 1996*.

²⁶ 'Sunday trading', *Red Tape Challenge*, Cabinet Office, May 2011

²⁷ [HL Deb 5 July 2011 c.54WA](#)

²⁸ [HC Deb 17 May 2011 c220-1](#)

²⁹ The current restrictions are imposed by paragraph 2 of Schedule 1 to the *Sunday Trading Act 1994*

³⁰ Paragraph 6 of Schedule 1 to the *Sunday Trading Act 1994*

It should be noted that since small shops are not subject to Sunday trading restrictions, their freedom to open on Sundays will not be affected by the Bill. In addition, the Bill will not affect those categories of large shops that are already exempt from Sunday trading restrictions (see Section 3.2 of this note).

5.2 Fast track procedure

It has been agreed that the Bill will be dealt with using the fast-track procedure.³¹ Fast-track legislation is generally accepted to be:

“[...] bills...which the Government of the day represents to Parliament must be enacted swiftly ... and then uses its power of legislative initiative and control of Parliamentary time to secure their passage”.³²

In the Explanatory Notes the Government sets out its reasons for using the fast-track procedure for this Bill:

The Government has carefully considered the implications of using the fast-track process for expediting this Bill through Parliament. The Government considered using the usual Parliamentary process for this Bill but came to the conclusion that the imminence of the London Olympics and Paralympics justified the exceptional use of the fast-track process for this Bill. Any delay in the legislation could mean that the full benefits to the UK economy that this Bill is designed to facilitate will not be realised. This is a short Bill, implementing a temporary and deregulatory measure designed to enable business and consumers to take full advantage of benefits that the London Olympics and Paralympics can bring. The Government considers that the use of the fast-track process is fully justified in this case. It is important that the Bill is passed as soon as possible so that businesses and shop workers can make their arrangements for the period of the Olympics and Paralympics as much in advance as possible.³³

The Government acknowledges that due to the nature of this Bill and the need to ensure that the suspension of the Sunday trading restrictions can take effect in time for the London Games, full Committee scrutiny will not be possible. However, it confirmed that interested parties and outside groups would be given an opportunity to influence the policy proposal:

To what extent have interested parties and outside groups been given an opportunity to influence the policy proposal?

Due to the need to ensure that the Bill is drafted and ready for First Reading on the 28th March, only the main Opposition Party and Lords Spiritual have had a chance to comment on the proposals. Between First and Second Reading it is intended that interested parties and outside groups will be consulted and given the opportunity to comment on and where necessary influence the policy.³⁴

Commenting on whether mechanisms for effective post-legislative scrutiny and review are in place, the Government states that consultation will take place should it ever consider permanently removing Sunday trading restrictions:

³¹ [HL Deb 28 March 2012 c140WS](#)

³² Evidence from the Clerk of the House of Commons to the House of Lords Select Committee on the Constitution, *Fast-track Legislation: Constitutional Implications and Safeguards*, HL Paper 116-I of session 2008–09, p 11

³³ [Sunday Trading \(London Olympic Games and Paralympic Games\) Bill \[HL\]—Explanatory Notes](#), para 12

³⁴ *Ibid*, para 14

The suspension of Sunday trading restrictions effected by the Bill will be time limited, expiring on 9th September 2012. Accordingly, the Government does not judge that post legislative scrutiny is required for this Bill. Should the Government ever decide that it is appropriate to look again at the possibility of a more permanent relaxation of Sunday trading restrictions a full consultation would be undertaken.³⁵

Further detailed information on the background to, and the requirements of, the fast track procedure is set-out in Appendix 2 of this Paper.

6 Second Reading in the House of Lords

The Commercial Secretary to the Treasury, Lord Sassoon, introduced the Bill on behalf of the Government and Lord Davies of Oldham spoke on behalf of the Opposition. Lord Davies said that whilst the Opposition would not oppose the Bill, it was not reconciled to every aspect of it and would be tabling amendments to be considered in Committee. Specifically, he said:

Of course, as a party, we will not vote against this legislation. We will not do it here or in the other place. However, on Thursday we will go into detail on this Bill and I signal to the Minister that I do not regard his present amendment as being sufficient to safeguard the interests of those workers whose conditions will be changed by the legislation, and we shall be tabling amendments accordingly.³⁶

The issues raised during the Second Reading debate tended to fall under five broad headings. They were:

- the necessity for the Bill and its duration;
- the timing of the Bill and the use of the fast-track procedure;
- the geographical extent of the Bill
- the implications of the Bill for shop workers (including tabled Government amendments to the Bill); and
- the implications of the Bill for small businesses

It was clear that a number of the issues raised during the debate would be subject to more detailed scrutiny at Committee Stage.

The necessity for the Bill and its duration

Lord Sassoon introduced the Bill by explaining its benefits. He said the Bill would give shops the opportunity, should they wish to take it, to open for longer to make the most of the economic benefits of the Games. It would present retailers with a chance to increase sales, shop workers with a chance to earn some extra money, consumers the flexibility to shop when they want to; and it could help to increase temporary employment. In short, Lord Sassoon said that the Bill would be good for the Games and good for the economy in these challenging times.³⁷ To illustrate why the Bill is necessary Lord Sassoon gave the following example:

Just imagine the situation: it is the evening of Sunday 5 August, at 10 pm, and Usain Bolt has just won the 100 metre final; or a week earlier, on Sunday 29 July, and Becky Adlington has just set a new record in the 400 metres freestyle. Thousands of spectators, pumped up with pride and with the Olympic spirit, stream out of the stadium

³⁵ *Ibid*, para. 16

³⁶ [HL Deb 24 April 2012 c.1778](#)

³⁷ [HL Deb 24 April 2012 c1752](#)

to purchase their souvenirs or their celebratory Olympic mascot, only to find that a host of shops are in fact closed. Under the current rules, only shops of up to 3,000 square feet are open. One square foot over that and they are closed, unless of course they are in a specially exempt sector. Try explaining that to visitors from Germany, Russia, China, India or Japan, let alone the millions of British spectators at the Games, or think about the thousands of spectators at big screens up and down the country who will not be able to do their regular Sunday shopping before or after these events. That is why my right honourable friend the Chancellor of the Exchequer announced in the Budget that we will remove this restriction during the Olympic and Paralympic Games, starting on Sunday 22 July and concluding on 9 September.³⁸

Lord Sassoon argued that the Bill was just one of a number of measures that had to be put in place to ensure the success of the Games. The example of Germany hosting the World Cup in 2006 was also used by Lord Sassoon to justify why the Bill was needed:

As I said, the Games are an opportunity to showcase the UK's skills, talents and businesses to the rest of the world. They will be an occasion for unparalleled entertainment, and we want to make sure that everyone can enjoy them to the full. Allowing extended Sunday trading for UK retailers will be a small change that could have a significant impact on the enjoyment of the Games, on our national economy and on our international image. It is one that has been done elsewhere on similar occasions. It may surprise noble Lords to learn that even Germany, with its notoriously tight restrictions on Sunday opening - far tighter than ours - eased its opening hours restrictions during the football World Cup in 2006 and then reimposed them. If Germany could do it, I am sure that we in the UK can and should. The Bill will give employees, consumers and businesses the opportunity fully to seize the vast opportunities that will come from this once-in-a-lifetime event.³⁹

Lord Sassoon confirmed that the suspension of Sunday trading restrictions was emphatically a temporary measure:

I make it clear that this is not a test case or Trojan horse for a future permanent relaxation of the rules. The Bill is time-limited in its effect and contains a clear sunset clause. The suspension will be in effect from 22 July 2012, the Sunday before the opening ceremony of the London Olympics, to 9 September 2012, the date of the closing ceremony of the Paralympic Games. If the Government ever wanted to look at a permanent relaxation of the rules, new legislation would be required and consultation would be undertaken. Parliament would also have the opportunity fully to debate the issue. This Bill does not indicate any new government policy on the wider issue of Sunday trading restrictions.⁴⁰

However, many of the Members who spoke in the debate were unconvinced by the arguments for relaxing the Sunday trading restrictions. The main concern was the fear the Bill could be a pre-cursor to a permanent change in the Sunday trading laws. For instance, Lord Cormack thought it would be a retrograde step if this Bill led to a general relaxation of restrictions, not least because of the impact it would have on the lives of shop workers and small businesses.⁴¹ Lord Bishop of Bath and Wells gave notice that the Church would be on guard against arguments from any quarter that try to insinuate that this Olympics experiment has been so successful that it must be extended in the future:

³⁸ [HL Deb 24 April 2012 c.1752](#)

³⁹ [HL Deb 24 April 2012 c.1755](#)

⁴⁰ [HL Deb 24 April 2012 c.1754](#)

⁴¹ [HL De 24 April 2012 c.1774-1775](#)

An exceptional measure for an exceptional period in time is not replicable and it will give us no worthwhile economic indicators about deregulation in general. In the past, the calls for greater deregulation have not come from across the whole retail industry but from the chains, which saw an opportunity to steal a march on their competitors. I gather that the present proposal is not universally welcomed across the industry and that many stores will not be availing themselves of its provisions. However, competitive pressure has already forced Sunday opening on some firms that did not want to open on Sundays and we must be wary lest this permissive Bill becomes a covert lever for wider deregulation later.⁴²

Lord Davies stated plainly that the Opposition was supporting the Bill in good faith. The Bill must not be used as a Trojan horse; the suspension of the Sunday trading restrictions must be a unique event related to the London Games:

We want to emphasise that we are accepting the good faith of the Government how this is not a tryout for some further onslaught on the abolition of red tape and the transformation of Sunday trading laws in circumstances where there is little public clamour for it, although there may be discreet interests of influence in the Conservative Party that seek to benefit from it.⁴³

Lord Sassoon assured Members that the suspension of Sunday trading restrictions was to be a one-off measure.⁴⁴

Use of the fast-track procedure

Lord Sassoon recognised that the use of the fast-track procedure for this Bill was not ideal, but thought that it was justified given the imminence of the Games.⁴⁵

However, Lord Newby questioned why it had taken seven years for the Government, with fewer than 100 days to go to the Games, to realise that there is a problem with Sunday trading.⁴⁶ Lord Glasman thought that panic was a very bad basis on which to build legislation and politics.⁴⁷

Lord Davies asked why the Bill was being fast-tracked through the House in just three days when there were past opportunities when the issue could have been properly addressed. In particular, Lord Davies highlighted the *London Olympic Games and Paralympic Games (Amendment) Bill*, which is now an Act, as having been a suitable vehicle for consideration of Sunday trading during the London Games.⁴⁸ The fact that an impact assessment would only be made available the day after the Second Reading of the Bill was, in his view, evidence of the extreme difficulty of dealing with fast-track legislation in this way:

The fast-track legislation process that we face in dealing with the Bill in three days, with an impact assessment interspersed between the days, is designed for urgent responses, for example to terrorist attacks or natural global disasters - not for retail opportunities during the Olympic Games, particularly when, as every Member of the House knows, we have known since 6 July 2005 that we would have the Games in London. One would have thought that that had given the Government plenty of time to get their act together. The noble Lord, Lord Newby, asked pointedly about the nature of

⁴² [HL Deb 24 April 2012 c.1779](#)

⁴³ [HL Deb 24 April 2012 c.1777](#)

⁴⁴ [HL Deb 24 April 2012 c.1779](#)

⁴⁵ [HL Deb 24 April 2012 c.1752](#)

⁴⁶ [HL Deb 24 April 2012 c.1755](#)

⁴⁷ [HL Deb 24 April 2012 c.1768](#)

⁴⁸ [HL Deb 24 April 2012 c.1776-7](#)

the emergency. The answer is clear: the Government had their chance a few months ago. They brought before the House six months ago the London Olympic Games and Paralympic Games (Amendment) Bill, which is now an Act. This was a suitable vehicle for consideration of exactly the issues that we are dealing with extraordinarily rapidly in the course of this week.

[...]

If the issue of trading opportunities was so important, why on earth was it left to this year's Budget, a few weeks ago, to air it? One can only speculate that pressures were brought to bear on the Government.⁴⁹

Lord Sassoon responded by stating that there has been no pressure from particular groups but a realisation that this measure was necessary if visitors and spectators across the country were to get the best experience from the Games.⁵⁰

The geographical extent of the Bill

Lord Sassoon said that the Government had decided to extend the Bill to the whole of England and Wales, not just to London, in order to ensure that all visitors and tourists travelling to venues throughout the UK during this period could take full advantage of longer shop opening hours:

The Government believe that the Bill should apply to all of England and Wales. The Games are for the whole of the UK, not just for London. Indeed, many of the Olympic and Paralympic events are based outside London. There will be football in Manchester, Newcastle and Coventry; sailing in Weymouth; mountain biking in Essex; rowing at Eton; and canoe slalom in Hertfordshire. In all those sports there will be events on Sundays, including Paralympic sailing and rowing.

Big screens will be put up in towns and cities around the country to enable people to get together to watch the Olympic and Paralympic Games. We want tourists and visitors to those events also to take advantage of longer shop opening hours in the vicinity of those locations. Of course, tourists may travel to other parts of the UK during the Games. We want families, whether they are in east London, the East Midlands or the north-east, to have the flexibility to plan their weekends around local and national events.⁵¹

However, Baroness Berridge questioned why the suspension of Sunday trading restrictions could not be limited to the official merchandising outlets of the requisite size directly connected to the Olympic Park, the Athletes' Village and Hyde Park. She argued that those areas were geographically discreet and the workers affected would be temporary workers hired just for the period of the Games.⁵²

The implications of the Bill for shop workers

In a written statement on the day of the Bill's introduction to the House of Lords, Lord Sassoon stated that:

The Government have undertaken to hold discussions before Second Reading in the House of Lords on 24 April with the Opposition, retailers, employers' groups and

⁴⁹ [HL Deb 24 April 2012 c.1776-7](#)

⁵⁰ [HL Deb 24 April 2012 c. 1779](#)

⁵¹ [HL Deb 24 April 2012 c.1753](#)

⁵² [HL Deb 24 April 2012 c.1772](#)

unions with a view to tabling a government amendment to ensure the better protection of shop workers, probably by shortening the notice period to opt out of Sunday working from three months to two months.⁵³

During the Second Reading debate, Lord Sassoon said that the Government accepted that there was particular concern that shop workers in large shops would not have sufficient time to 'opt out' of Sunday working in time for the suspension period, should they wish to do so (see section 3.5 above). Therefore, he would move a Government amendment in Committee that would temporarily reduce the three-month opting-out notice period to just two months for shop workers in large stores that are affected by the Bill. He also confirmed that the Government would publish guidance on the implications of the Bill for employers and employees.⁵⁴

However, Lord Newby and others remained concerned about the impact the Bill would have on shop workers. He highlighted the results of a survey conducted by USDAW that showed that the majority of shop workers were opposed in principle to longer working hours for the duration of the London Games:

The second reason why this is of greater significance is that shops are not machines. They need people to run them and, to put it mildly, the people who run them are less keen than the Government on this legislation. No doubt a number of noble Lords will have seen the representations from USDAW about the views of its members. Admittedly, they are USDAW members, not an absolute representation of everyone who works in a shop, but when you ask 20,000 shop workers what they think, and 78 per cent are opposed to longer working hours for the Olympics and 73 per cent believe that the Bill will lead to more pressure on them to work on Sundays against their will, it is a matter of concern.

[...]

I believe that many people who do not want to work additional hours on Sundays, whatever the rules about them being able to request an exemption, will be pressurised to work on Sundays and, in the current climate, will feel that they have to work on Sundays for longer hours against their will.⁵⁵

Lord Newby welcomed the Government's planned amendments to make it easier for people to opt out of working longer hours on Sunday but questioned how effective in reality that would be.⁵⁶ Lord Judd argued that since the full burden of the Government's proposal falls on shop workers, they should be allowed to 'opt-in' rather than to 'opt-out' of working longer hours on a Sunday during the Games.⁵⁷

The implications of the Bill for small businesses

Addressing the potential impact of the Bill on small shops, Lord Sassoon confirmed that it is not clear whether, how, and to what extent small shops would be affected. He confirmed that both the Opposition and the Federation of Small Businesses had asked the Government to carry out an assessment of the impact of the temporary suspension. Lord Sassoon sought to assure the House that were the Government ever to decide to look at a permanent relaxation of Sunday trading restrictions, a full impact assessment would be carried out. As part of that

⁵³ [HL Deb 28 March 2012, c.40WS](#)

⁵⁴ [HL Deb 24 April 2012 c.1753](#)

⁵⁵ [HL Deb 24 April 2012 c.1756](#)

⁵⁶ *Ibid*

⁵⁷ [HL Deb 24 April 2012 c.1763](#)

assessment, the Government would consider any evidence of the impact that the temporary suspension had on small and large businesses.⁵⁸

Lord Davies emphasised that even without seeing the Government's impact assessment, it is obvious that small shops would lose their competitive advantage over the eight Sundays on which the Bill is to operate. That is why they have made representation to the effect that they are against this Bill; he said that small businesses are particularly concerned that the temporary suspension of Sunday trading restrictions may be made permanent.⁵⁹

As already mentioned, due to the time constraints imposed by the fast-track procedure, this Paper has been published after the Bill's Second Reading in the House of Lords but before its consideration in Committee. However, information on its Committee Stage can be obtained from the [Bill page](#) on the Parliament website.

7 Views of interested parties on the Bill

Appendix 1 to this Paper provides statistical information on the impact of the Bill in terms of possible economic benefit.

The Bill has had a mixed reception. Those in favour of a temporary suspension of Sunday trading laws see it as a necessary measure if large retailers (and the economy) are to benefit fully from London hosting the Games. Those opposed to the Bill criticise the use of the fast-track procedure and the lack of consultation, and have voiced concerns that this temporary suspension of Sunday trading laws may become permanent. There are also concerns about the impact of the Bill on shop workers and smaller businesses.

It has been reported in the press that some retailers and landlords, including the New West End Company (which represents more than 600 retailers in Oxford Street, Bond Street and Regent Street) and property developer Westfield⁶⁰ (which operates Stratford City mall), have been lobbying for a relaxation of the Sunday trading laws for the duration of the Games.⁶¹ The New West End Company published a report on 15 January 2012 which gave the following estimates:

[...] The Olympic year is set to drive a growth in retail sales of 3.5% in London's West End. West end retailers are optimistic that sales will reach £7.7 billion in 2012 with further momentum gained during the Queen's Diamond Jubilee, offsetting a slow start to the year.

[...]

- 17.8% of total annual additional retail spend will occur in June and July during the Queen's Diamond Jubilee and the Olympic Games.
- West End retailers are set to make an additional £16.6 million in revenue as a direct consequence of the London Games.

⁵⁸ [HL Deb 24 April 2012 c.1752](#)

⁵⁹ [HL Deb 24 April 2012 c.1778](#)

⁶⁰ [Westfield's Stratford City development is directly adjacent to the Olympic Park, Westfield's estimates that three quarters of spectators will pass through it on their way into the Park at Games-time](#)

⁶¹ ['Olympic suspension of Sunday trading laws proposed'](#), *Retail Gazette*, 19 March 2012

- The attraction of the West End to luxury seeking international shoppers is set to increase Bond Street's share of West End revenue in 2012 from the 12.6% it currently attracts to up to a fifth of shopper spend.⁶²

London First, a business group whose retail members include Fortnum & Mason and Marks & Spencer, is also said to have urged the Government to look at more flexible trading laws on Sundays during the period of the Games.⁶³

According to other press articles, members of the British Retail Consortium (BRC) (the trade body for store groups) are divided on whether the laws should be relaxed for the London Games.⁶⁴ Whilst some retailers think it would be a good opportunity to meet the extra consumer demand, others think it would be adding to their costs without necessarily having an increase in business to make that worthwhile. A spokesperson for BRC is reported to have said that the essence of the debate was whether the extended hours would "produce enough extra demand on top of what is already there on a Sunday or just extend it over the longer hours".⁶⁵

A number of retailers, including Asda, Debenhams, Tesco and Boots, have welcomed the move to longer Sunday trading hours during the London Games.⁶⁶ Lord Wolfson, chief executive of Next, is reported to have said that the temporary move to extend Sunday trading hours is expected to give the fashion chain a sales boost of between £5 to 8 million.⁶⁷ On the basis that in November, December and early January the whole industry faces capacity constraints, he said that he would be happy for the measure to be made permanent.⁶⁸ However, it is also reported that Justin King, chief executive of J Sainsbury, has criticised the easing of Sunday trading laws this summer, describing the current rules under the STA 1994 as a 'good compromise' for the country and industry.⁶⁹ Whilst Ian Geddes, UK Head of Retail at Deloitte, cautioned that any boost to revenue enjoyed by retailers during the Games is unlikely to be replicated if the measures become permanent.⁷⁰

USDAW, the shop workers' union, said its members were vehemently opposed to the proposal. It highlighted the speed at which the change is being introduced by the Government and has questioned whether it is, in fact, a renewed effort to achieve complete deregulation of Sunday trading laws. USDAW said that its members already have a struggle to achieve a work-life balance, and this latest move will only make that worse:

Our members are vehemently opposed to any further deregulation of Sunday trading hours and the Government's own consultation on this just last year showed that there is no widespread support from either retailers or the general public for change.

Deregulation would do little to stimulate growth or create jobs, but would have a very detrimental impact on the lives of millions of shopworkers and their families. Any change would fly totally in the face of the Government's commitment to be family-friendly.

⁶² ['Olympic Year set to drive retail sales in London's West End with a 3.5% growth forecast for 2012'](#), *New West End Company media release*, 15 January 2012

⁶³ ['Owners must be able to tap into business boom created by Games'](#), *Evening Standard*, 7 September 2011

⁶⁴ ['Move to ease Sunday shop hours during Olympics'](#), *Financial Times*, 14 March 2012

⁶⁵ ['Sunday trading rules to be relaxed during Olympics'](#), *Financial Times*, 18 March 2012

⁶⁶ ['Retailers divided over Sunday trading'](#), *Retail Week*, 22 March 2012

⁶⁷ ['Relaxed Sunday trading 'will give Next £8m boost'](#), *Evening Standard*, 22 March 2012

⁶⁸ *Ibid*

⁶⁹ ['Sainsbury chief criticises trade move'](#), *Financial Times*, 22 March 2012

⁷⁰ ['Retailers divided over Sunday trading'](#), *Retail Week*, 22 March 2012

To suggest that the current legislation, which allows shops to open for 150 hours a week, means Britain is 'closed for business' is frankly ridiculous. With ministerial aides apparently briefing the announcement as a prelude to permanent change, and with the total number of tourists actually expected to be down this summer, there is understandable suspicion that the Government is trying to use the London Olympics as cover for its wider deregulation agenda.

I'm encouraged that the Culture Secretary Jeremy Hunt has agreed to our request for an urgent meeting on the issue, which will take place this Tuesday, but we have made it clear to the Government that we are extremely disappointed that an announcement of such importance to our members and millions of other people has been made in this manner and without any prior consultation.

Shop workers are entitled to expect some respect from the Government and for their views to be heard and taken into account before any decisions of this importance are made.⁷¹

The GMB Union has called for an 'Olympic premium' for shop and distribution workers required to work for longer hours, particularly in London, and compensation for the extra time taken to travel to work in the capital during the Olympic and Paralympic Games.⁷²

The Keep Sunday Special (KSS) Campaign has also published a statement stating its opposition to the relaxation of Sunday trading law during the London Games. It argues that this suspension is unnecessary and merely a 'cover for creeping deregulation':

[...] The Keep Sunday Special Campaign totally opposes any plans to amend Sunday trading laws in the context of the Olympics. Such a move would be unnecessary and merely a cover for creeping deregulation.

David Cameron came into government promising to make this country the most family friendly in Europe. But over one million families have at least one parent working on both weekend days, meaning they have little time to spend with their children at a time when they are not at school. Research by the National Centre for Social Research has shown that Sunday working has a detrimental impact on fathers' time with their children, especially on playing, reading and teaching.

KSS has always promoted Sundays as a day for shared activities. No changes to Sunday Trading legislation are needed to enable all Olympic visitors to have a great day out enjoying time with family and friends. When did shopping become an Olympic sport? Why are the Olympics deemed to be a special case?

Nor will the proposed changes do anything to increase economic growth as all the evidence suggests that existing spending would not increase but simply be spread over a longer period. And many government services, both local and national, would need to function if there was further deregulation.⁷³

The Association of Convenience Stores (ACS) is also opposed to the Bill because it thinks it will have a negative impact on small convenience stores. Based on figures from one thousand convenience stores, the ACS estimates that the total cost (in terms of lost profits) to the convenience sector in England and Wales of suspending Sunday trading restrictions for eight consecutive Sundays to be £480 million. In a statement made before the Bill was

⁷¹ USDAW press release, 'Usdaw Vehemently opposed to any further deregulation of Sunday trading laws', 18 March 2012

⁷² 'Workers bullied' as shop hours extended for Games', *Independent*, 16 April 2012

⁷³ <http://www.keepsundayspecial.org.uk/Web/>

published, the ACS criticised the lack of public consultation in advance of the Chancellor's announcement and argued that this measure could be the 'thin end of the wedge':

Liberalising Sunday trading would cost businesses and jobs. A retailer survey in 2005 (the last time this was subject to public consultation) showed that 30% of retailers would shut down if Sunday trading were liberalized, and 44% would cut jobs.

The Government has twice looked at liberalizing Sunday trading, as part of their Retail Growth Review (Q1 2011) and their Red Tape Challenge (Q2, 2011). In both cases, a sober and considered assessment of the policy concluded that it was proportionate regulation that did not harm growth and job creation, yet a year on they have landed on this as a pro-growth measure.

There has been absolutely no consultation with the public and with retailers in advance of the Chancellor's announcement. This is perhaps because Sunday trading liberalisation is unpopular: a 2012 GfK /NOP poll commissioned by ACS showed that 89% of the public were opposed to further liberalisation of Sunday trading laws.

By extending these special provisions to the whole of England and Wales, the Government is making the main beneficiaries out of town superstores nowhere near Olympic sites where there will be no additional visitors bringing any new spending to the area.

This is not the time for gestures but for effective policy interventions to support the economy. This change could be the thin end of the wedge, and with no assurances from Government over how the law will be changed retailers are fearful that this will lead to more change after the Olympics.⁷⁴

The ACS has formed a coalition with the British Independent Retailers Association, the Federation of Wholesale Distributors, the National Federation of Sub-Postmasters, and the Rural Shops Alliance (which together represent more than 60,000 shops) to oppose the Bill.⁷⁵

Kieran McDonnell, President of the National Federation of Retail Newsagents (NFRN), has written to the Chancellor to register the Federation's opposition to the Bill. An extract from this published letter is reproduced below:

To support the proposal is to support supermarkets against independent retailers and has no public support or Parliamentary democratic legitimacy, given how many times it has been proposed and convincingly defeated in Parliament.

[...]

There is sufficient 24-hour retail provision during the Olympics through small shops who were relying on this unique opportunity to share in the £100m anticipated extra retail spend. No less money will be spent by Olympic consumers – this legislation will only change who gets that money. Suspending regulations limiting supermarket opening hours on Sunday will put this money in the hands of large retailers and not community based, independent retailers. This runs wholly against the grain of the sustainable communities and localism agenda and the Government's commitment to support small shops.

[...]

⁷⁴ ACS press release, '[ACS oppose changes to Sunday trading laws](#)', March 2012

⁷⁵ ACS press release, '[High street retailers unite to fight £480 million loss to small stores](#)', 5 April 2012

The Olympics are largely based in and around London – to push through a suspension of Sunday Trading laws nation-wide for eight Sundays is ridiculous and tantamount to using the Olympics as a smokescreen to railroad through pro-supermarket legislation. Such temporary measures have historically set us on the road to permanent change and we therefore strongly oppose the proposals.

Studies have shown that money spent in small, community based shops are disproportionately more likely to remain, and be reinvested in, their community as opposed to supermarkets whose supply chains and shareholders divert revenue nationally and internationally. The All Party Parliamentary Small Shops' Group's report, *High Street Britain 2015*, backs this up: "small retail businesses can contribute more to the local economy than large ones if they are purchasing from local suppliers, employing more staff per sale and if the shareholders or owners of the business are spending any profits in the local area."

89% of the public do not support the proposal; and 91% of workers oppose large shops being able to open all hours on Sunday.⁷⁶

Religious groups have expressed concern that the measure may prove permanent and further impede the Christian tradition of reserving Sunday for worship, and be detrimental to family stability and community life.⁷⁷ For instance, a spokesperson for the Church of England is reported to have said that whilst it is understandable that special arrangements will be made in various ways as the country hosts the London Games, the Church would strongly oppose any permanent attempts to erode the special nature of Sunday, which the STA 1994 still reflects.⁷⁸ Lord Carey, the former Archbishop of Canterbury, is also reported to have urged the Government to ensure that the Olympic changes to Sunday trading laws were only temporary.⁷⁹

Some commentators in the press have argued that the measure runs counter to the Prime Minister's pledge to make his the most family-friendly Government⁸⁰ and his vision of a Big Society.⁸¹ Others have pointed out that during its own red tape review last year the Government found that the majority of people supported the current trading laws.⁸²

⁷⁶ NFRN press release, '[Newsagents urge Chancellor to drop Sunday trading plan](#)', 20 March 2012

⁷⁷ '[Sunday trading rules to be relaxed during Olympics](#)', *Financial Times*, 18 March 2012

⁷⁸ '[Church warns against Sunday trading laws being relaxed by the back door](#)', *Telegraph*, 18 March 2012,

⁷⁹ *Ibid*

⁸⁰ *Ibid*

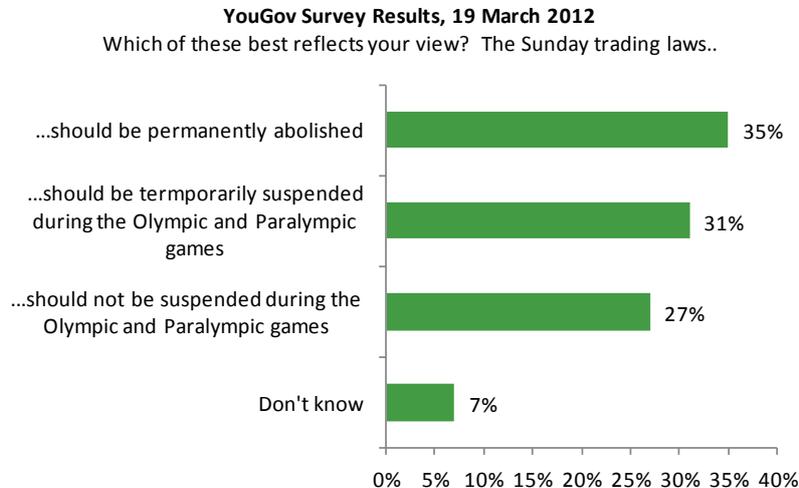
⁸¹ '[Whatever happened to Sundays?](#)', *Telegraph*, 18 March 2012

⁸² '[Sunday trading law suspension bid for Olympics](#)', *BBC News*, 18 March 2012

Appendix 1 – Sunday trading retail statistics

Public opinion

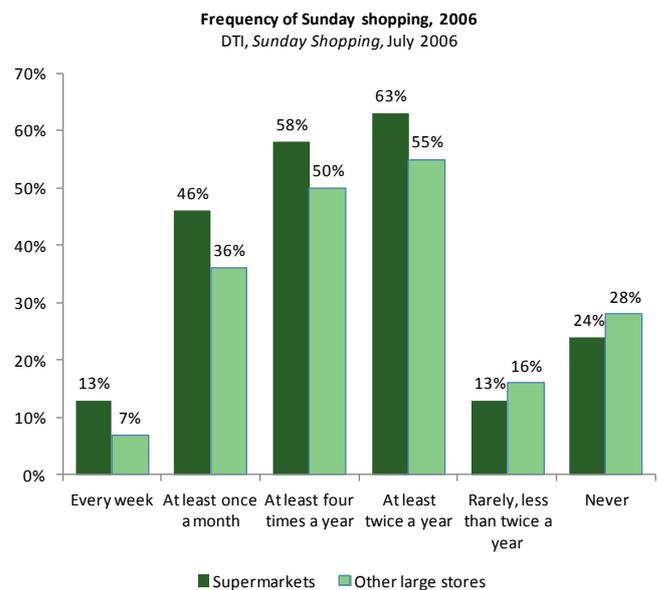
YouGov conducted research on public opinions of the proposed changes in Sunday trading laws on 19 March 2012. Of the 676 adults questioned, 35% said that Sunday trading laws should be abolished altogether, with 31% supporting the temporary change. However, 27% stated that the current regulations should not be suspended during the Olympic Games.⁸³



Shopping habits and predicted changes

As part of the DTI's review of Sunday trading restrictions in 2006, they commissioned the ONS to conduct a survey of consumers. The survey looked at the current behaviour of shoppers and found that:

- 5.6 million adults aged over 16 (out of a possible 41.9 million adults) shop at supermarkets every Sunday and 2.8 million shop at other large shops every Sunday.
- 53% of the individuals who shop at a large shop also shop at a supermarket on Sundays.
- Over a third of individuals shop at least once a month on a Sunday (46% at supermarkets and 36% at other large shops).
- an estimated 10.1 million people never shop at a supermarket on a Sunday and 11.9 million never shop at other large shops on Sundays.



The survey also asked consumers to consider how they would change their shopping habits if Sunday trading hours were extended and concluded that:

⁸³ YouGov, [Suspending the Sunday Trading Act](#), 20 March 2012

Whilst recognising that actual behaviour in the event of removing Sunday Shopping restrictions may be different to that predicted in this survey, the results suggest that the majority of people (especially older people) will not change their shopping behaviour as a result, although a significant minority say they would take the opportunity to shop later on a Sunday.⁸⁴

Another report commissioned by the DTI in 2006 looked at [the economic costs and benefits of easing Sunday shopping restrictions on large stores in England and Wales](#). This concluded that:

Some changes at the sectoral level that one might think have national economic impacts may in fact have very little impact on the economy as a whole. The reason for this is that at the level of the whole economy various negative feedbacks operate which dampen or eliminate sectoral impacts. For example:

- household budget constraints limit the scope for expanded Sunday trading to increase overall retail sales
- labour supply and monetary policy constraints limit the impact of employment changes at the sectoral level on aggregate employment
- the Bank of England's inflation target of 2 per cent implies that price changes in the retail sector are likely to be offset by changes elsewhere in the economy.⁸⁵

The report concluded that over a two year period:

To the extent that extended Sunday trading improves both the price and convenience of shopping at large stores it will attract additional customers to those stores over an extended period of time. This will impact negatively on small stores that are primarily substitutes for large stores, and positively on small stores that are complements to large stores and benefit from additional footfall.⁸⁶

Current proposals

The impact of the proposals to suspend the restrictions on Sunday trading over the Olympic and Paralympic Games on the retail industry is hard to quantify:

- It is difficult to predict the extent to which shopping habits might change over the eight week period;
- An influx of visitors to Great Britain is expected. Foreign visitors may have different expectations of the ability to shop in large stores on Sundays. Verdict Research have commented:

...this move would be particularly beneficial during the Olympic period when tourism levels would be high and it will enable increased spending from visitors that are only in the UK for a short time and who would have had their spending opportunities restricted.⁸⁷

⁸⁴ DTI, *Sunday Shopping: National Statistics Sunday Shopping Module for DTI*, July 2006, p9

⁸⁵ Indepen, [The Economic Costs and Benefits of easing Sunday shopping restrictions on large stores](#), 2006, p1

⁸⁶ *Ibid*, p2

⁸⁷ Verdict, [Response to Budget and relaxation of Sunday trading laws](#), 21 March 2012

Verdict have suggested that retailers “could stand to increase sales by £220m” due to changes in Sunday trading laws during the Olympics and Paralympics.⁸⁸

In a study commissioned by the online shopping comparison website Kelkoo, the Centre for Retail Research, an independent research consultancy, estimated that relaxing Sunday trading laws during the Olympic and Paralympics would benefit retailers by a total of £189.8 million:

It calculated that 47% of these gains would accrue to London and a further 11% to the South East. The impact would be less in other parts of England and Wales, but might amount to an additional 2.8 to 2.9% on top of existing Sunday trading. Outside London, retailers might not choose to extend their usual opening hours if they did not expect much business. The Centre for Retail Research predicts that clothing and food stores would see the largest gains from the extended Sunday opening hours.⁸⁹

- There are increased costs to businesses of longer opening hours on Sundays. Not all shops will take advantage of the opportunity to open for longer.
- Although some shops will benefit from longer opening hours, other shops which are currently exempt from restrictions may lose custom. On 21 March 2012, the Association of Convenience stores argued that:

Sunday Trading relaxation will cost small businesses more than £480 million and wipes out any hopes local shops had for a sales boost from the Olympics. Imposing such a measure at the last minute without consultation is plain wrong.⁹⁰

The lack of consensus amongst retailers and the unequal effect on retailers of different sizes perhaps explains why the British Retail Consortium has not argued either for or against the changes:

Some retailers support relaxation of the current rules on Sunday trading in England and Wales, others don't. It must not be the only part of the Government's deregulation plans.

⁸⁸ *Ibid*

⁸⁹ Centre for Retail Research, 'London Olympics 2012', 22 March 2012

⁹⁰ Association of Convenience Stores, *Budget Reaction: Devastating for Local Shops*, 21 March 2012

Appendix 2 - The fast-tracking of legislation

As outlined above, a criticism of the Bill has been the speed with which it is being introduced without consultation.

There are a number of reasons why legislation is fast tracked through both Houses. There may be an urgent need to change the law to adjust or reflect a legal judgement. There may be a national security issue which needs to be dealt with, or a need to give effect to an agreement, such as the St Andrew's Agreement reached in Northern Ireland in 2006. Urgent action may be needed to deal with a serious economic situation.

There has been concern that fast-tracked bills do not receive sufficient in-depth parliamentary scrutiny. In the last Parliament, the House of Lords Constitution Committee recommended specific procedures when bills are fast-tracked, such as an oral statement justifying the need for expedition and consideration of sunset clauses. These themes are explored below.

Lords Constitution Committee proposals

The Constitution Committee of the House of Lords undertook an inquiry into fast-track legislation in the 2008-09 Session. The Committee described it as an inquiry into "*constitutional issues that may arise when there is resort to emergency legislation*", and in particular, "*situations where bills receive an expedited passage through Parliament*".⁹¹ In its inquiry, it used a definition of fast-track legislation based on the evidence provided by the Clerk of the House of Commons: "*bills ... which the Government of the day represents to Parliament must be enacted swiftly ... and then uses its power of legislative initiative and control of Parliamentary time to secure their passage*".⁹²

It identified eleven problems and issues that arose as a result of fast-tracking legislation, including constrained parliamentary scrutiny, and pressure on campaigners and interested organisations;⁹³ and considered some of them in more detail through case studies of particular pieces of legislation. It also reviewed the reasons why Northern Ireland legislation was fast-tracked; and briefly considered the subject of delegated legislation.

When a Bill was fast-tracked, the Committee recommended that, in the House of Lords, an oral ministerial statement should be made and its details set out in the explanatory notes of a bill to justify the fast-tracking of any primary legislation. It recommended that the statement outline why fast-tracking was necessary, the extent to which interested parties had been given an opportunity to influence the policy proposal, and the opportunities parliamentary committees had had to scrutinise the proposals.⁹⁴ The Committee also recommended that there should be a presumption in favour of sunset clauses appearing in fast-tracked legislation to ensure that it is subject to parliamentary review; and that there should be a presumption in favour of early post-legislative review of fast-tracked legislation.

Government Response

The House of Lords debated the report on 10 November 2009. Lord Goodlad, the chairman of the Constitution Committee, noted that the Committee had received a response from the

⁹¹ Select Committee on the Constitution, *Fast-track Legislation: Constitutional Implications and Safeguards*, 7 July 2009, HL 116-I 2008-09, para 3

⁹² *Ibid*, para 27

⁹³ *Ibid*, paras 32-63

⁹⁴ *Ibid*, paras 186-187

Government but at the time of the debate, had not had the opportunity to consider it.⁹⁵ The Committee published the Government's response on 7 December 2009.⁹⁶

In its written response, the Government made the following commitment on providing information on the need to expedite legislation:

The Government firmly believes that all members of both Houses are entitled to a full explanation of why a piece of legislation is being proposed for fast tracking; and we would expect to be held [to] account for its timetabling. Ministers remain prepared to justify the need for any expedition to the House, including covering those issues set out in the Committee's Report.⁹⁷

Baroness Royall of Blaisdon, the Chancellor of the Duchy of Lancaster and the Leader of the House of Lords, responded to the debate for the Government. She accepted that the Government should explain the case for fast-tracking, saying:

... The Government fully agree with the principle of the committee's recommendation, and the issues on which the House can expect an explanation. We welcome the greater openness and transparency that adherence to the principle should bring. We will ensure that Ministers make their case on each occasion that fast-tracking is proposed. The list of points set out in paragraph 186 of the committee's report offers an excellent template for how such explanations should be formulated.

However, she requested that there should be further discussion on the procedure used to put the case. She continued that:

I very much agree that the Explanatory Memorandum to the Bill could—perhaps should—include a statement about the need for fast-tracking. I will certainly pursue this further.⁹⁸

In its response to the Committee, the Government argued that the use of a sunset clause would be approached on a case-by-case basis. On post-legislative scrutiny it re-affirmed the commitment it had given in *Post-legislative scrutiny – The Government's Approach*⁹⁹ to conduct a review within three to five years. In the debate, Baroness Royall reiterated the Government's response on the sunset clauses and on post-legislative scrutiny.¹⁰⁰

Further information on the Constitution Committee's proposals is given in the Library Standard Note, *Fast-track legislation*.¹⁰¹

Use of the procedure for fast-tracked legislation since 2009

Since the Government response to the Lords Constitution Committee, a number of Bills have been fast-tracked.

The *Video Recordings Bill 2009-10* was the first bill. On 15 December 2009, the day the Bill was introduced into the House of Commons, the Government announced in a written ministerial statement that a full explanation of the reasons for the expedition of the Bill, in line

⁹⁵ [HL Deb 10 November 2009 c724](#)

⁹⁶ Select Committee on the Constitution, [Government Response to Fast-track Legislation: Constitutional Implications and Safeguards](#), 7 December 2009, HL 11 2009-10

⁹⁷ *Ibid*

⁹⁸ [HL Deb 10 November 2009 c748](#)

⁹⁹ Office of the Leader of the House of Commons, [Post-legislative scrutiny – The Government's Approach](#), March 2008, Cm 7320; 17 HC Deb 20 March 2008 c74WS

¹⁰⁰ [HL Deb 10 November 2009 cc748-749](#)

¹⁰¹ House of Commons Library Standard Note, [Fast-track legislation](#), SN/PC/5256, 22 December 2009

with a recommendation from the Committee, would be given in the explanatory notes. The Government also announced that such a practice would be followed whenever legislation was expedited in future.¹⁰² The explanatory notes also set out the necessity of fast-track legislation in paragraphs 11-20.

The Coalition Government continued the practice of explaining why bills have been expedited in the Explanatory Notes and by making an oral statement in the House of Lords:

- The *Loans to Ireland Bill 2010-12* was fast-tracked. The Explanatory Notes to the Bill outlined its reasons for fast-tracking the Bill.¹⁰³ Lord Sassoon, the Commercial Secretary to the Treasury, made a statement to the House of Lords on the reasons for fast-tracking but he noted that the Bill had been certified a money bill, and that after second reading its passage through the Lords would be purely formal:

At the completion of stages in another place yesterday, the Bill was certified as a money Bill by Mr Speaker because its sole purpose is to authorise financial expenditure. The usual channels have agreed that the Second Reading of the Bill will be taken next Tuesday, 21 December, before Committee stage of the Public Bodies Bill resumes, and that remaining stages will be taken formally immediately after Second Reading, as is usual practice for money Bills.¹⁰⁴

- The *Police (Detention and Bail) Bill 2010-12* was fast-tracked. The Explanatory Notes to the Bill outlined its reasons for fast-tracking the Bill.¹⁰⁵ Baroness Anelay of St Johns, the Government Lords Chief Whip, made a statement to the House of Lords on the reasons for fast-tracking.¹⁰⁶
- The *Sovereign Grant Bill 2010-12* had an expedited passage, but was not classified as fast-track. All Commons stages of the Bill, after first reading, were on the same day, 14 July 2011. The Lords undertook to agree to the Bill as a financial bill and debated it only at second reading on 3 October 2011.

¹⁰² [HC Deb 15 December 2009 cc117WS-118WS](#). The same written ministerial statement was made in the House of Lords, by the Leader of the House of Lords, Baroness Royall of Blaisdon [HL Deb 15 December 2009 cWS238]

¹⁰³ [Loans to Ireland Bill \[Bill 125 of 2010-12\] – Explanatory Notes](#), 9 December 2010, paras 7-15

¹⁰⁴ [HL Deb 16 December 2010 cc730-731](#)

¹⁰⁵ [Police \(Detention and Bail\) Bill 2010-12 \[Bill 216 of 2010-12\] – Explanatory Notes](#), paras 6-15

¹⁰⁶ [HL Deb 5 July 2011 c131](#)