



**RetailNI**  
Standing up for  
Independent Retailers

**ACS** | the voice of  
local shops

## **Retail NI and ACS Submission: Extension of Sunday Trading Hours in Belfast**

Retail NI and ACS (the Association of Convenience Stores) welcome the opportunity to respond to the Belfast City Council (BCC) consultation on extending Sunday trading hours. ACS represents 33,500 local shops across the UK, including Spar UK, Nisa Retail, Costcutter Supermarkets and thousands of independent retailers. Retail NI represents over 1600 members in Northern Ireland.

We believe the existing regulatory framework for Sunday trading in Belfast provides a valued compromise by allowing businesses to trade and consumers to shop. We do not believe that invoking Article 6 of The Shops Order to extend Sunday trading hours will strengthen the tourism sector in Belfast. Experiences from other local authorities in Northern Ireland show that businesses in the tourism sector have not applied for extended trading hours. The primary impact of 'holiday resort' designations has been for supermarkets to extend their hours to the detriment of small independent businesses.

Becoming a 'holiday resort' and extending Sunday trading hours would not support the Belfast Tourism Strategy, but would allow large businesses to trade for longer hours at the expense of small retail businesses and local high streets. We urge BCC to drop its proposal to allow extended Sunday trading hours across Belfast. Any plans to change established Sunday trading laws should be informed by a full economic and equalities impact assessment.

### **Belfast Tourism Strategy**

We disagree that allowing businesses to extend their Sunday trading hours would benefit tourism in Belfast and support the regeneration of the city centre<sup>1</sup>. The 2015 – 2020 Belfast Tourism Strategy was developed "following extensive consultation with tourism partners", which included interviews with over 120 stakeholders face to face and 70 people in workshop settings<sup>2</sup>.

The Strategy does not directly reference shop opening hours as a barrier to developing tourism<sup>3</sup>. The Tourism Strategy instead focusses on four key areas; "Cultural and Creative Vibe; Unique Outdoors; Living Legends; and Coast and Lakes"<sup>4</sup>. There is no direct recommendation on reviewing Sunday trading laws. The latest available data on tourism in Belfast shows that only 5% of day trippers visiting the city are doing so to shop<sup>5</sup>. The main

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<sup>1</sup> [Minutes: Meeting of Strategic Policy and Resources Committee, Friday, 21st October \(Item 4b\)](#)

<sup>2</sup> [Belfast Tourism Strategy 2015 - 2020](#)

<sup>3</sup> [Belfast Tourism Strategy 2015 - 2020](#)

<sup>4</sup> [Belfast Tourism Strategy 2015-2020](#) page 9

<sup>5</sup> [Belfast Tourism; Facts and Figures](#), Belfast City Council

drivers for people to visit Belfast are visiting specific tourist attractions or visiting family members.

The Strategy does not call for the extension of Sunday trading hours or link retail trading hours with tourism spend. Therefore, we believe BCC's consultation to designate the whole of Belfast as a 'holiday resort' to promote tourism is unfounded. The Tourism Strategy contains a plethora of policy recommendations which BCC should consider to promote visitor numbers, instead of changing Sunday trading laws that in many ways represent the "cultural and creative vibe" of Belfast.

### **Sunday Trading in 'Holiday Resort' Areas**

Article 6 of The Shops Order allows District Councils to extend Sunday trading hours by designating themselves as a 'holiday resort'. The intention of these regulations was to give large stores in holiday areas "a sufficient economic basis for their operations" but very few businesses in Belfast City have been calling for a change to the law<sup>6</sup>. The use of Article 6 of The Shops Order has been questionable in other areas of Northern Ireland due to the non-specific drafting of the legislation. In these areas, it has been used to support large businesses that have little impact on tourism. BCC should therefore reflect on whether it is appropriate and necessary to invoke the Order for both any part of or the entirety of the city.

We have secured copies of the public registers of District Councils that have designated themselves as a 'holiday resort' to understand which businesses are extending their trading hours in 2017. We believe that the businesses on the registers are not motivated by increasing the tourism trade in the area, but are instead attempting to gain a competitive advantage. This has a damaging impact on surrounding small businesses by displacing trade from town centres and local high streets.

Only three Poundland stores applied to Derry and Strabane District Council for extended trading hours, whereas Newry, Mourne and Down District Council has received applications from; five Lidl stores, Iceland Foods, B&Q and the Buttercrane Shopping Centre<sup>7</sup>. This clearly shows that it is predominantly supermarkets or large retail businesses that are using the regulations to open for longer hours on a Sunday.

Businesses serving the tourism sector in 'holiday resort' areas have failed to apply for extended Sunday trading hours, suggesting that trading hours are not perceived as a barrier to tourism spend. District Councils designating themselves as a 'holiday resort' has therefore had negligible impact on tourism. Although Belfast receives more visitors and tourists per annum than other District in Northern Ireland, using the 'holiday resort' clause to allow extended shopping hours for supermarkets and other large businesses across Belfast is against the spirit of the regulations.

### **Economic Impact Assessment**

If BCC is intent on changing Sunday trading laws in the city, a full economic impact assessment is needed. This economic impact assessment should be independently commissioned and must consider the knock-on effects that the changes will have on existing small business owners and small format businesses in the city. We recommend that survey

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<sup>6</sup> [HANSARD HL Deb 20 November 1997 vol 583 cc670-81](#)

<sup>7</sup> We are awaiting access to the other public register from the Causeway Coast and Glens Borough Council.

work is commissioned directly with existing retailers and an assessment of footfall levels into the BCC area on Sunday mornings.

### *Displacement of Trade*

We urge BCC to explore what impact reforming the laws may have on small businesses because of displacement of trade from small to large stores and the potential job losses this would cause. ACS conducted analysis of the impact of the temporary liberalisation of Sunday trading hours during the 2012 Olympics and Paralympics on small shops<sup>8</sup>. This found a marked displacement of trade from smaller to larger stores, and this is shown by the differing results from stores which have more large stores close by.

The range of impact for stores with one or more large stores close by was 4% to 7%<sup>9</sup>. Changing sales patterns in 2012 are likely to underestimate the impact of these changes if they became permanent, because engrained shopping habits evolve over time and are not fully established over a twelve-week period. Although this data does not relate directly to Belfast City centre the principle impact of extending Sunday trading laws is the same; displacement of trade from small businesses to large businesses.

### *Loss of Jobs*

Research by Oxford Economics suggests that removal of Sunday trading laws in England and Wales would lead to a 1.9% net decline in jobs in the grocery (or non-specialised retail) sector<sup>10</sup>. This is based on the shift in sales from small to large stores during the temporary suspension of Sunday trading restrictions for the 2012 Olympics. Oxford Economics have forecast that deregulating Sunday trading hours would cause a net loss of 3,270 jobs to the grocery sector in England and Wales and a total loss of 8,800 jobs in the convenience sector<sup>11</sup>. BCC needs to thoroughly assess what impact the deregulation of Sunday trading laws will have on the Belfast labour market.

### *Confusion for Consumers*

The Shops Order 1997 states that stores in 'holiday resort' areas must apply to the Council to extend their Sunday trading hours and specify on which Sundays between September and March they wish to open for longer. This application process would introduce inconsistent Sunday trading hours in stores across Belfast, causing confusion for consumers and tourists. Many consumers will also be unaware of the exact boundaries of BCC and may not know whether specific retail establishments may or may not be eligible at all to apply for extended hours.

BCC must think carefully about how they would communicate any changes in the regulations to consumers and businesses. For example, which businesses could apply for extended hours, how long could they open for, and what area(s) would the designation cover? The recent debate on Sunday trading laws in England and Wales showed there were mixed

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<sup>8</sup> [The Impact of Olympic Sunday Trading Liberalisation on Convenience Store Turnover](#), Oxford Economics, November 2012

<sup>9</sup> [The Impact of Olympic Sunday Trading Liberalisation on Convenience Store Turnover](#), Oxford Economics, November 2012

<sup>10</sup> Oxford Economics. [Economic Impact of Deregulating Sunday Trading](#). September 2015.

<sup>11</sup> Oxford Economics. [Economic Impact of Deregulating Sunday Trading](#). September 2015.

views from the retail community about the extension of trading hours, suggesting that some stores would not elect to extend their opening hours.

### **Draft Equality Screening**

The Equality Commission for Northern Ireland recommends that local authorities screen all new policy proposals for equality implications and then consider undertaking a full equality impact assessment. However, the Draft Equality Screening accompanying this consultation does not accurately reflect the whole impact of extending Sunday trading on a number of key groups and repeats an unproven assertion that all groups will benefit from supposed economic benefits of the policy to the city's economy and tourism offer (see Economic Impact Assessment).

The Screening does not reflect that the impact of the policy on those with religious beliefs is not mitigated by their opt-out rights, due to informal pressure in the workplace and financial pressures arising from losing working hours. The Screening also fails to recognise that the retail sector employs more women, or the difficulty for workers in finding childcare on a Sunday. Furthermore, the Screening says that "residents may also need to shop at convenient times including on Sundays", but does not acknowledge that convenience stores can trade with unrestricted Sunday hours. We encourage BCC to engage further with USDAW on the impact of extending Sunday trading hours for retail workers in large shops and to ensure that the guidelines of the Equality Commission are followed.

### **Consumer and Worker Opinion**

Consumers and shop workers value existing Sunday trading laws. A Populus survey of 2,000 members of the public in September 2016 finds that two-in-five (39%) support trading laws, and only 25% oppose the current rules. 14% strongly support existing Sunday trading laws, while 9% are strongly opposed<sup>12</sup>.

An USDAW survey of over 10,000 retail staff working in large shops shows that the vast majority (91%) are against the extension of Sunday trading hours. Most (58%) already feel pressured to work more hours on a Sunday, despite existing workers' rights to opt-out of Sunday working. This is because shop workers who opt-out of Sunday working are not guaranteed replacement working hours on another day of the week and would therefore lose income by using this right. The survey also finds that 35% of shop workers want to work fewer Sunday hours, compared to only 6% who want more hours, showing that extending Sunday trading hours would have a minimal impact on combating underemployment<sup>13</sup>.

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<sup>12</sup> Public attitudes towards Sunday trading regulations. Populus. September 2016. England and Wales

<sup>13</sup> Sunday working in retail: Is Sunday working working for retail staff? USDAW. September 2015.