

Strategic Policy and Resources Committee
Friday, 21st October, 2016

Extension of Sunday Trading Hours

The Committee considered the undernoted report:

“1.0 Purpose of Report or Summary of main Issues

1.1 The purpose of this report is to brief the Strategic Policy and Resources Committee on the powers contained within the Shops (Sunday Trading & c) (Northern Ireland) Order 1997 and to seek Committee approval to consult on a proposal to designate the entire Belfast City Council area (or specific parts of the area) as a ‘holiday resort’.

1.2 The effect of this designation would be to extend the Sunday trading hours for large shops on up to 18 Sundays (other than Easter Sunday) between 1 March and 30 September in any calendar year.

2.1 Recommendations

2.2 The Committee is asked to:

- note the contents of the report and the key issues outlined within
- provide approval for the Council to consult (by way of a public notice) on designating the entire area of Belfast City Council or specific part(s) of the area as a holiday resort under Article 6 of the Shops (Sunday Trading & c) (Northern Ireland) Order 1997

3.1 Main Report

Background

3.2 During a recent meeting with the Minister for Communities, Members and Chief Officers indicated that there is a strong lobby within the city (e.g. Belfast Chamber of Commerce) for a review of the current Sunday trading laws which have been in place since 1997. Such a review would be in the context of boosting the local economy, benefiting the tourism industry and supporting the regeneration of towns and city centres.

3.3 The Minister had to leave the meeting before this item was raised but Departmental officials indicated that there may not be any appetite amongst politicians to amend existing legislation on Sunday trading.

3.4 Members will wish to note however that a provision exists under Article 6 of the current legislation which allows District Councils to designate any area within the district as a ‘holiday resort’ and that large shops in designated holiday resort areas may open at any time on Sunday on up to 18 Sundays (other than Easter Sunday) between 1 March and 30 September.

- 3.5 The following towns - Portrush, Portstewart, Ballycastle, Newry and Kilkeel - and the entire former Derry City Council area have all been designated as 'holiday resorts' for this purpose over the past number of years.**

Key Issues

Legislation

- 3.6 The Shops (Sunday Trading &c.) (Northern Ireland) Order 1997 replaced the Shops Act (NI) 1946 and brought the Northern Ireland shops law broadly into line with the corresponding law in England and Wales (the Sunday Trading Act 1994).**

The 1997 Order (copy attached at Appendix 1):

- removes the 1946 Acts restrictions on the goods which may be sold in shops on Sunday**
 - allows small shops (floor area not more than 280 sq m) to open at any time on a Sunday**
 - allows most large shops (floor area greater than 280 sq m) to open between the hours of 1pm and 6pm on a Sunday (except for Easter Sunday or when a Christmas Day falls on a Sunday)**
 - allows District Councils to designate any areas as holiday resorts; large shops in designated holiday resorts may open at any time on Sunday on up to 18 Sundays (other than Easter Sunday) between 1 March and 30 September in any calendar year.**
 - allows certain large shops to trade without restrictions on Sunday**
 - gives District Councils powers to prevent undue annoyance to local residents from deliveries to certain large shops early on Sunday mornings; and**
 - provides employment protection measures for shop employees in relation to Sunday working**
- 3.7 The provision to allow District Councils to designate any areas as holiday resorts is outlined in Article 6 – Additional permitted Sunday opening hours for large shops in holiday resorts.**
- Large shops within a designated holiday resort may open for retail trade at any time on up to 18 Sundays (other than Easter Sunday) between 1 March and 30 September in any calendar year.**
 - Any designation as a 'holiday resort' must be done by resolution of the Council.**
 - Before making a designation the Council must first consult persons likely to be affected by the proposed designation.**
 - The Council must publish notice of any such designation in such manner as it deems appropriate.**
 - To make use of the exemption, the occupier or proposed occupier of a large shop must notify the**

local District Council of the dates of the Sundays involved. The notification does not take effect until 14 days from the date it is given, unless the Council agrees that it should come into effect earlier.

- A Council must maintain a register of shops in its district making use of this exemption and make the register available to the public at all reasonable times.

Use by other Councils

- 3.8 A number of Councils have already designated areas within their district as 'holiday resorts' for the purpose of extending Sunday trading hours. Notably, Causeway Coast and Glens have designated Portrush, Portstewart and Ballycastle and Newry Mourne and Down have designated Newry and Kilkeel as 'holiday resorts' for this purpose. The former Derry City Council designated the entire Derry district area as a 'holiday resort' back in 1998. Whilst no applications for additional opening were received until 2013, during that year some 17 notifications were received coinciding with a city of culture event. It appears that Derry City and Strabane have received four notifications this year for additional permitted opening hours, three from the same business which has two shops in Derry City and one large store in Strabane town centre. In light of these applications Derry City and Strabane Council are considering whether to designate the entire council area as a holiday resort and have agreed to go out to consultation in the form of a public notice. There is no indication as to whether this has taken place.

Next steps – Belfast City Council

- 3.9 The Council may wish to examine in more detail the impact and benefits of designating the Belfast district area as a 'holiday resort' and extending Sunday trading hours during the months of March to October.
- 3.10 The baseline tourist / visitor figures show that Belfast is by far the most visited district of the 11 local government districts in Northern Ireland. It may be difficult to argue against such a designation given that a number of other councils have already designated their own areas as holiday resorts and others are looking into doing so.
- 3.11 Any proposal to designate the Belfast district as a 'holiday resort' in order to extend Sunday trading hours would be subject to consultation with such persons as may be affected by the designation. It is proposed that Members grant permission for officers to proceed to an initial consultation (by public notice) before a formal proposal is brought back to Committee for resolution or otherwise.

3.12 Financial & Resource Implications

There are no Financial and Human Resource implications attached to this report.

3.13 Equality or Good Relations Implications

As with any other policy development, any such proposal to designate the district as a holiday resort will require formal Equality Screening. Any good relations issues will need to be addressed following the consultation on any such proposal.”

The Committee adopted the recommendations.