



Subject:	Designation of Belfast district (or the city centre) as a 'Holiday Resort' providing large shops with an option to extend Sunday trading hours between the months of March and October
Date:	16 th February 2018
Reporting Officer	Suzanne Wylie, Chief Executive
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Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
1.1	<p>The purpose of this report is to:</p> <ul style="list-style-type: none"> - seek approval from the Strategic Policy and Resources Committee to further consult the public on their attitudes to Sunday Trading in the city and to gauge public opinion as to whether the Council should designate Belfast as a 'holiday resort' under Article 6 of the Shops (Sunday Trading &c.) (Northern Ireland) Order 1997 - A holiday resort designation would provide 'large shops' with an option to extend their Sunday trading hours in the city centre on up to 18 Sundays (other than Easter Sunday) between 1 March and 30 September in any calendar year. Such a designation may not come into effect until at least one month after the resolution of the Council. - Small shops are already permitted to open at any time on Sunday's throughout the year.

2.0	Recommendations
2.1	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> • note the contents of the report, including the findings from the original public consultation which concluded on 5th May 2017; and • provide approval for officers to consult the public on their present attitudes to Sunday Trading and to ask the public whether the Council should make a 'holiday resort' designation under Article 6 of the Shops (Sunday Trading &c.) (Northern Ireland) Order 1997.
3.0	Main Report
3.1	<p><u>Background</u></p> <p>The initial proposal was made in response to a strong lobby within the city to designate Belfast as a 'holiday resort' area in order to improve the tourism offering in Belfast (particularly on a Sunday morning), to boost the local economy and to support the overall regeneration of the city centre. The principle of additional Sunday opening hours for large shops in 'holiday resort' areas was established under Article 6 of the Shops (Sunday Trading &c.) (Northern Ireland) Order 1997 (a copy is attached).</p>
3.2	<p>Article 6 was included in the 1997 Order as an additional exemption to allow large shops in tourist areas to avail of the additional tourist trade over the summer months. A range of areas and towns in Northern Ireland have been designated and remain as "holiday resorts" for this purpose including Derry-Londonderry, Newry, Kilkeel, Portrush, Portstewart and Ballycastle. It was felt that Belfast, as a growing tourist destination in both Northern Ireland and wider afield may similarly wish to avail of this exemption.</p>
3.3	<p>There is nothing in this proposal which will result in any change in existing legislation or further 'deregulation' of Sunday trading law.</p>
3.4	<p><u>Requirement to consult</u></p> <p>Any designation as a 'holiday resort' must be done by resolution of the Council. The legislation states that before making a designation the Council must first consult persons likely to be affected by the proposed designation.</p>
3.5	<p>The Council has already consulted widely on this issue during 2017 and the findings from that consultation have been summarised at paragraphs 3.6 – 3.11. It is proposed that the Council undertake an additional 6-week consultation between 16 February and 31 March 2018 on the key questions to allow consultees to further contribute to the existing evidence base and to provide Members with up to date information upon which to make any decision to designate Belfast as a holiday resort or otherwise.</p>

3.6	<p>2017 Consultation</p> <p>In January / February 2017 the Council undertook a four-week pre-consultation exercise (which included one to one meetings with a range of stakeholders), before commencing a formal public consultation between 10 March and 5 May 2017 on Citizen Space, the Council’s online consultation platform. In total, 2471 people and organisations responded to the consultation.</p>
3.7	<p>Key findings</p> <p>With regards to the priority question in the consultation –</p> <p>Should Belfast be designated as a holiday resort in order to provide large shops with the option to extend Sunday trading hours?</p> <p>Of the total 2471 people and organisations who responded to the consultation:</p> <p>1531 answered yes (62%)</p> <p>934 answered no (38%)</p> <p>5 did not answer</p>
3.8	<p>With regards to the second question in the consultation –</p> <p>What area should the designation apply to?</p> <p>Of the total 1858 people and organisations who responded via the Citizen Space online tool:</p> <p>1398 indicated all of the Belfast City Council area (75.2%)</p> <p>291 indicated Belfast City Centre only (15.7%)</p> <p>169 did not answer (9.1%)</p>
3.9	<p>The third question in the consultation asked –</p> <p>Do you think Belfast would be more attractive as a tourist and/or shopping and leisure destination if the restrictions on Sunday opening times for larger shops were removed?</p> <p>Of the total 1858 people and organisations who responded via the Citizen Space online tool:</p> <p>1515 agreed with this statement (81.4%)</p> <p>294 disagreed with the statement (15.8%)</p> <p>49 did not answer (2.6%)</p> <p>Consultees were offered the opportunity to provide reasons for their answer.</p>
3.10	<p>Those agreeing with the statement cited reasons such as this would boost tourism, would provide tourists with an activity to do, the current restrictions are outdated and it would make Belfast feel like a modern international city.</p>

3.11	<p>The reasons given by respondents who disagreed with the statement included those who felt that there are enough other attractions available for tourists, shopping is not a tourist consideration and the current trading hours are sufficient or changes would be unlikely to have an impact.</p>
3.12	<p>Potential Benefits</p> <p>Tourism - Tourism NI have indicated that they would position Sunday trading within the context of meeting visitor expectations and providing a range of things to do and see. They acknowledge that flexibility around trading hours sits within a broader debate about what other initiatives are required to make our city centres more attractive and vibrant so that they both help position Northern Ireland competitively on the international stage and encourage local residents to come to them.</p>
3.13	<p>Visitor surveys regularly indicate that a lack of range of things to do in the evenings and on Sundays is a weakness with a negative impact on the overall visitor experience. Keeping the issue of flexibility on trading hours to the forefront is important not least for any future major tourism events. Visit Belfast is open from 11am on Sunday and the organisation reports high user numbers from opening time, meaning the tourists are in the City Centre but there is a limited retail offer for them to avail of.</p>
3.14	<p>Economy – New footfall statistics from the Belfast one Business Improvement District (BID) demonstrate that the footfall profile on a Monday-Saturday is broadly similar. However, on a Sunday, there is a “lag” in footfall until the opening time of 1pm. This suggests that visitors are currently not coming into the city centre due to the limited retail offering and this could be considered a missed opportunity for retailers that are currently under financial pressure, given the competition from online trading.</p>
3.15	<p>One of main activities available for access on a Sunday morning is St Georges’ Market. Footfall counters at the market indicate that Sunday is regularly the busiest of the three days that the market is opening. Trading is brisk right from opening and this demonstrates the demand from tourists and local users for activities in the city centre earlier on a Sunday.</p>
3.16	<p>Next Steps</p> <p>Six-week Consultation</p> <p>It is proposed that the Council go out to consultation for six weeks using the Council consultation hub, Citizen Space to record the public’s current attitudes towards Sunday Trading in order to inform any subsequent decision by the Council as to whether to designate Belfast as a ‘holiday resort’ under the Shops Sunday Trading legislation.</p>

3.17 This follow up consultation would be viewed as a supplementary exercise to the formal consultation which ended in May 2017 and its purpose is to give consultees an opportunity to contribute further to the existing evidence base.

Making the Designation

3.18 Should the Council decide to make the designation, they must do so by resolution of the Council and the designation cannot take effect until at least one month after the date on which the resolution is passed. Therefore, if the resolution was passed at the 1 May Council meeting then the designation could take effect from 1 June 2018.

How would the Exemption be applied?

3.19 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.

3.20 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.

3.21 The Council may not dictate which Sunday's the large shop may open on (within the designated dates) nor the opening or closing times. Having made the 'holiday resort' designation the council's role according to the legislation will be keep a register of the large shops making use of the exemption in addition to their existing enforcement role in respect of Sunday trading.

A co-ordinated approach

3.22 If the Council decides to proceed with the designation, the Council will work with key partners including the Belfast Chamber of Trade and Commerce, Belfast One and Visit Belfast to ensure the effective promotion of the additional hours and to consider the potential impact on city animation due to the additional visitors to the city on that day.

3.23 For example, if a major event is taking place in the city over a particular weekend during the summer months, then the Council would aim to ensure that the event would be promoted alongside a programme of supporting activities. The city would effectively be 'open for business' across the entire weekend thereby maximising the tourism offering in the city and providing the option for both small and large retail stores to avail of the additional visitors into the city whilst the event is taking place.

3.24	<p>Likewise, the retail and business partners have been working on the proposals for increased marketing and promotion in order to raise awareness of the change in opening hours, if agreed. It is likely that the majority of retailers will want to open from 11am. The closing hours are likely to remain unchanged.</p>
3.25	<p>Employment provisions</p> <p>Concerns about the impact of additional Sunday trading on the rights of shop workers was a major issue during the drafting of the original legislation in 1997. To counter these concerns Article 11 and Schedule 2 of the Shops (Sunday Trading &c.) (Northern Ireland) Order 1997 was included to provide employment rights for shop workers, except those contracted to work only on Sundays. They aim to ensure that shop workers are not compelled to work on Sundays against their wishes. The rights apply irrespective of age, length of service or hours of work. The Schedule provides that dismissal of a shop worker (including dismissal for reasons of redundancy) is unfair if the reason for it was the worker's refusal to work on Sundays. It also provides the right not to suffer any other detriment (such as denial of normal promotion or training opportunities, or refusal to pay seniority bonuses, etc.) for refusing to work on Sundays.</p>
3.26	<p>All shop workers who enter into a contract of employment requiring Sunday working are able to 'opt out' of Sunday working subject to giving the employer three months' notice. Enforcement of the employment rights is by way of complaint to an industrial tribunal.</p>
3.27	<p>Before any designation is made the Council will seek assurances from the various retail representative groupings including the Belfast Chamber and Retail NI that their Members (including all large shops wishing to avail of the extended opening hours) are fully aware of their obligations under the legislation to protect the rights of workers. This assurance could take the form of an agreed Charter which all large shops planning on operating extended working hours on designated Sunday's would sign up to.</p>
3.28	<p>Review</p> <p>It is proposed that any decision to designate Belfast (or the City Centre) as a 'holiday resort' will be subject to a full review at the end of the designated 'holiday resort' period.</p>
3.29	<p>A full and thorough review could therefore be undertaken between 31 September 2018 and March 2019 in order to inform Members of the impacts that the designation has had over the holiday period.</p>

Financial and Resource Implications

- 3.30 There will be financial and resource implications for both the Development Department and the Planning and Place Department should the Council designate the council area as a holiday resort under Article 6 of the 1997 Order.
- 3.31 The Building Control Service currently performs the enforcement role in relation to Sunday trading under the 1997 Order and the designation of the Belfast district as a 'holiday resort' would require an additional level of resource to manage the registration of participating shops and enforcement of same.
- 3.32 The Development Department may need to consider how existing resources are re-focused to promote change in opening hours. This may include additional city animation or promotional activities. There may also be a request for additional financial support to supplement planned marketing activity. This will have to be found from existing resources.

Equality or Good Relations Implications

- 3.33 A draft Equality Screening exercise was undertaken during pre-consultation process. This document was shared on Citizens Space to help elicit views from respondents. The screening exercise highlighted minor impacts on the Religious Beliefs and Dependents categories. As part of the online consultation, respondents were asked if they were aware of any equality and / or good relations implications that should be considered around potentially extending Sunday trading.
- 3.34 There were 454 responses to this question via the online consultation. Some respondents made more than one point. The most frequently cited thematic areas are listed below:

Some people can't work on a Sunday due to religious commitments /going to church/family commitments but will feel obliged/pressured to do so if changes are implemented.	159
Extended Sunday opening during the summer will provide economic opportunities and conveys a positive cosmopolitan image to visitors/tourists.	97
If implemented, extending Sunday trading hours during summer months will provide additional choice for residents and tourists that want to shop on Sundays, for businesses that wish to open and people that want to work on Sundays.	70
Religious beliefs/current laws should not restrict those who wish to shop on a Sunday	51
Family life will be affected if Sunday trading is implemented. There will be a negative impact on retail workers who are carers/have children.	36
Extended Sunday trading conflicts with personal Christian religious views/faith beliefs	34

3.35	The information obtained during the first consultation will be used to inform and update the Equality Screening document in line with members' decision.
4.0	Document attached
	Shops (Sunday Trading &c.) (Northern Ireland) Order 1997