

18 April 2006

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Dear Ms Bazell,

Review of Sunday Trading Law – Response from the British Council of Shopping Centres

Please find enclosed a response from BCSC to the Review of Sunday Trading Law launched earlier this year. The response takes into account a wide range of contributions received from BCSC members and was edited under the guidance of Peter Preddy, Director at DTZ Debenham Tie Leung and chair of BCSC's Asset and Centre Management Committee.

The British Council of Shopping Centres (BCSC) was established in 1983. It currently has 1,700 members involved in shopping centre development, management and retail. The BCSC supports the Government's objectives for sustainable development, including the policy set out in PPS6 for promoting town centre development. We welcome the opportunity to respond to this review of Sunday Trading Laws.

It is difficult to predict the effect of extended opening hours on large shops in the short term or the complete removal of Sunday Trading restrictions. However, these scenarios are not dissimilar. Having sought the views from its members, BCSC has received an extremely mixed response from its membership to these proposals, which mirrors the broad church it represents. These responses range from the support of the complete abolition of the existing regulations, to match Scotland; through to a considerable feeling that the existing arrangements should be retained.

As a consequence of the above BCSC consider that the DTI should seek specific responses from the bodies representing the various elements of the retail industry. The BCSC does feel that given its wider membership it can provide a more general 'over-view' of replies to the specific parameters of the current study as raised by the Consumer and Competition Policy Director of the DTI.

We hope that our response is a positive contribution in helping the DTI decide upon the appropriate future for Sunday Trading hours. If you should require any further information, or if we can be of further assistance, please do not hesitate to contact me.

Yours Sincerely

Michael Green
Chief Executive, BCSC

Summary of BCSC's response to the Review of Sunday Trading Laws

BCSC is a membership based organisation which aims to represent a broad range of views from across the retail industry. Our response to the DTi review of Sunday Trading laws reflects this background.

BCSC is not in a position as an organisation to comment on the social and moral implications of trading on Sundays. Our response provides information on the impact of further relaxation of Sunday Trading laws on both customers and retailers.

Given its broad membership the BCSC has provided a general 'over-view' of responses to the specific parameters of the current study as raised by the Consumer and Competition Policy Director of the DTI. These focus on the following areas:

General effect on retailers

Impact on Customers

Impact on small firms and companies

Impact on the labour market

Wider implications

As a summary the BCSC believe that relaxation of current Sunday Trading laws would have the following impact:

The opening of retail for full trading seven days a week is likely to increase operational costs in the short term.

There is likely to be an impact on access to shopping centres and city/town centres for deliveries and on the time and cost of building/maintenance work.

The Scottish experience of full Sunday trading hours has shown that transitional issues will be overcome in time.

The public are demanding more time to shop and many see relaxation of Sunday Trading laws as inevitable.

Full trading on Sundays will be of benefit the tourist industry and the continuing regeneration of town/city centres by extending a full retail offer 24/7..

The extension of Sunday Trading hours is likely to put all types of shopping outlets on a more level playing field to ensure fair competition.

Any legislation should incorporate a protection to those employees who genuinely object to working on their religious day, whether it be a Sunday or any other day.

Extended hours will assist traditional 'brick and mortar' retailing relative to ever increasing competition from Internet sales

The BCSC Response to the Review of Sunday Trading Laws

1. General Comments

i). The opening of retail for full trading seven days per week, similar to that in Scotland, is likely to increase operation costs in the short-term, probably disproportionately to the number of actual additional hours trading. This is likely to be caused by:-

- (a) re-rostering and holiday commitments;
- (b) energy costs and other consumables;
- (c) occupational costs, service charges, waste disposal.

ii). Alteration and maintenance works to specific retail properties and shopping centres, together with High Street improvements and alterations, are likely to be affected by full Sunday trading. At present the partial opening on Sundays provides one specific period per week, of a reasonable length, to enable such works to be undertaken, thus minimising disruption to customers. In addition, the loss of the above time may impact on individual retailers' works and also alterations to shopping centres. The resultant impact on building programmes and therefore costs, particularly with regard to health and safety implications may increase the financial burden of retailers. Were retailers forced to carry out works/improvements at night the impact on surrounding residents in terms of noise may be significant.

2. Impact on Consumers

i). It is not considered that BCSC is in a position as a body to comment on the social and moral implications of trading on Sundays. However, taking an overview of the Scottish experience, any transitional issues would soon resolve themselves.

ii). Undoubtedly, the retail market is becoming ever more competitive, both nationally and internationally, with different sales mediums, including competition between Internet shopping and more traditional "bricks and mortar" shopping. The latter must ensure that it provides its customers with the type of personal service and experience they require. Undoubtedly, the vast majority of the shopping public are available on Saturdays and Sundays and this is an important consideration in favour of extended hours.

iii). Sunday trade is now an important trading day in many venues, particularly the larger schemes and city/town centres where it was first to be piloted. In the high street and secondary trading locations where Sunday trading is a newer venture it still has the opportunity to develop further, which increased Sunday shopping hours becoming the 'norm' may provide.

iv). Reports from some retailers reveal that Sunday has retained its tradition as a family day and thus families are more likely to shop together on a Sunday than a Saturday. This is an often forgotten element in the Sunday trading 'scene' and therefore could have a benefit, if hours on a Sunday were extended, particular in the family purchase market.

v). In a number of towns, which enjoy a leisure tourist industry, the potential for Sunday retailing has improved with the relaxation of the Licensing Laws on a Sundays. However the retail element of such town centres can often appear "dead" to visitors due to the closure of the principal shops; extended hours would overcome this.

vi). Since the ability for retailers to trade on Sundays was extended some 10 years ago, town/city centres themselves have undergone substantial regeneration, evident in such city's as Manchester, Birmingham and current regeneration schemes in Liverpool and Bristol. Ten years ago, a number of these city centres had very few residential units and those that did exist were fairly poor and tended to house lower income families. This position has changed drastically, with major city centres now having thousands of high specification units targeted at the high earning young professional market. The latter changes the dynamics and thus the vitality of town/city centres. It must be considered that the newer city centre residents are more likely to prefer/expect the relaxation of current trading laws on Sunday's in such locations and may otherwise shop online.

vii). In summary, albeit not a universal view, a significant number of BCSC members who contributed on this subject, felt that the public are demanding more time to shop and it would be a missed opportunity to serve the public if extended Sunday trading is not provided and change was simply 'bowing to the inevitable'!

3. Impact on Small Firms and Competition

i). Concern has been expressed that the relaxation of Sunday hours will favour the large supermarkets, enabling them to extend their market share into grocery and convenience goods. Outside of the Sunday hours this is an area where the smaller retailer dominates at present. This could lead to a less varied and vibrant tenant mix and thus retail offer, in the future.

ii). The counter-view to the above has also been expressed, in that it is feared that certain small unit tenants and mall traders, together with market and kiosk operators who do not trade currently on Sundays, may feel obliged to do so. They may as a result encounter disproportionate initial staffing and stocking problems, particularly if they have few members of staff available.

iii). It is also felt by some of our members that the current Sunday arrangements may disadvantage the more traditional shopping town centres and smaller retailers. Members of the shopping public currently tend to err towards the larger shopping centres, as they know those retailers will be open on Sundays. If Sunday trading was like any other day, all types of shopping outlets would be on a more level playing field.

4. Impact on Labour Market

i). Whilst the BCSC is not in a position to offer religious or moral views, it is appreciated that some members of the public hold Sundays as a special day, albeit other religions hold other days as sacred. It is considered that any legislation should incorporate a protection to those employees who genuinely object to working on their religious day, whether it is a Sunday or another day. However, any administrative procedures necessary to allow this, could be difficult to enforce and open to abuse. It was also felt by some members that consideration should be given to replacing Easter day with Christmas Day as the date large-scale retailing is prohibited.

ii). It was felt by some members that Shopping Centre Management/Town Centre Management would experience pressure to ensure that there is a management presence on Saturdays and Sundays. Obviously such staff would require time off in lieu, as happens on Saturdays. Problems may therefore arise in terms of cover particularly in the case of smaller centres.

iii). There is a perception in the market that temporary, often younger staff, are employed more usually on Sundays than any other day of the week. It may be that this is equally the case on Saturdays or evening trade, but we have no statistics. If the latter is the case and there is currently a higher

proportion of younger staff employed on Sundays, this could lead to increased costs, if these are replaced by more permanent staff on rostering and also raises questions of training and service delivery issues.

5. Wider implications

During weekdays and Saturdays, there is generally a greater flow of merchandise and deliveries to shopping centres together with contract works, with little such traffic on Sundays. If Sunday trading became the same as other days, this could impact on the immediate areas surrounding shopping centres, particularly if they are residential.

As an adjunct to the above, it is believed that there could be an effect on the distribution industry and road traffic generally, with some balancing-out of delivery times and consumer traffic.