

STATES OF JERSEY



DRAFT SHOPS (REGULATION OF OPENING) (AMENDMENT) (JERSEY) REGULATIONS 201- (P.93/2019): COMMENTS

**Presented to the States on 15th October 2019
by the Comité des Connétables**

STATES GREFFE

COMMENTS

Prior to requesting the drafting of the Regulations to further deregulate Sunday trading, the Minister for Economic Development, Tourism, Sport and Culture consulted with the Comité des Connétables.

The previous change to Sunday trading legislation was in 2015, with the addition of 2 extra Sundays to the 'special occasions' under the [Shops \(Regulation of Opening\) \(Special Occasions\) \(Jersey\) Order 2015](#). The reasons for making that change were the strong support from the industry bodies for such a change, and that it would particularly help the retail sector to compete with Internet shopping in the run-up to Christmas.

At that time, the Comité asked the Minister for an assessment to be made to determine whether the change did, in fact, lead to a reduction in online shopping and an increase in local retail trade; the Comité had also noted that the opening on Sundays of larger supermarkets situated in densely populated areas caused nuisance for residents.

The Comité was informed by the Minister that the Statistics Unit did not have information relating to Internet shopping, and there had been further proliferation in this sector since 2015. The most recent data which could be relied upon was the '4insight' survey and, whilst not providing definitive answers to these questions, the data was statistically significant, and it did provide a reasonable indication of the views of Island residents.

The Comité made a number of comments about further deregulation, including the following, which are addressed in part in the Minister's report within [P.93/2019](#) –

- Concern that if the larger supermarkets were permitted to open on Sundays, the smaller convenience stores would suffer from loss of business and, as a result, were likely to close. Whilst larger companies pushed for additional trading to gain an increased market share, the smaller traders were faced with having to compete or to close.
- The increasing pressure on staff to work, and whether any work had been done on staffing implications and projections.

In relation to staffing implications, we understand from speaking with the Minister that shop workers have not been surveyed – the surveys to date have been targeted at consumers rather than workers, although those retailers who had contacted his Department had not perceived any staffing difficulties if permitted to open on a Sunday. The Minister, in his report, explains that consideration has been given to the concept of a retail worker opt-out, but explains the reasons why this is not thought to be the right approach at this time.

The Comité also expressed the view that, should there be deregulation to permit all large stores to open for a limited period every Sunday, there should continue to be a regulatory framework so that a Connétable might impose conditions to control deliveries, given the impact this could have on residents in the vicinity.

Similar comments were made by the Comité in relation to the proposition for a trial deregulation in 2015 (see [P.76/2014 Amd.](#)).

The Comité is supportive of the proposals, which –

- ensure that a regulatory framework has been retained, and that there is specific provision for a shop seeking a ‘restricted hours permit’ to be required to submit an operating statement as part of their application to explain how the occupier of the shop intends to mitigate the risk of nuisance or disturbance being caused
- repeal the requirement in the 2011 Regulations that an application for a general permit in respect of the supply of goods be accompanied by a certified plan of the shop’s retail sales area (though a Connétable will still be able to request such a plan, should there be a query as to the size of the shop)
- clarify the rules affecting shops that sell road fuel, and make provision for a potential increase in electric charging-point provision and, potentially, other more environmentally sustainable road fuel options in future years
- increase the fees for a permit.

Whilst the personal views of individual Connétables may differ on trading on Sundays, Good Friday, Liberation Day and 26th December, the Comité is agreed that, should a restricted hours scheme be approved, it should not be introduced before 1st January 2020. An administrative process will need to be put in place, and the Comité does not see that it is practical to make these arrangements which will only apply to 3 Sundays (3rd, 10th and 17th November 2019) prior to the blanket permit commencing on 24th November 2019.

The Comité has considered making an amendment to the commencement date, but recognises that some businesses may wish to plan in advance for 2020 and make early application.