



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:	20 April 2018
Reporting Officer	Suzanne Wylie, Chief Executive
Contact Officers:	John Walsh, City Solicitor

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"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

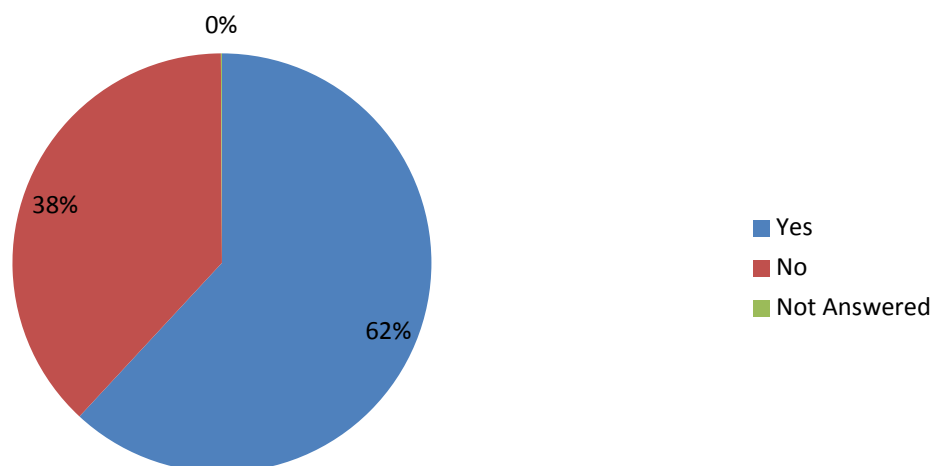
Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	PURPOSE OF THE REPORT
1.1	<p>The purpose of this report is to:</p> <ul style="list-style-type: none"> - update the Strategic Policy and Resources Committee on the updated findings from the public consultation as to whether Belfast City Council should designate the Belfast district (or the city centre) as a 'holiday resort' under Article 6 of the Shops (Sunday Trading &c.) (Northern Ireland) Order 1997 - to seek a decision from Members on whether to proceed with a 'holiday resort' designation <p>The effect of such a designation would be to 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.</p> <p>Such a designation may not come into effect until at least one month after the resolution of the Council.</p>

1.2	<p><u>Deputations</u></p> <p>Members will wish to note that officers have received requests from both the Union of Shop, Distributive and Allied Workers (Usdaw) and the Belfast Chamber of Trade and Commerce to give short presentations to the Committee on this issue. It will be a matter for the Committee to decide at the start of the meeting whether or not to receive the deputations from the aforementioned organisations (or indeed any other organisation who may make a similar request prior to the meeting).</p>
2.0	<p>RECOMMENDATIONS</p>
2.1	<p>The Committee is asked to:</p> <p>(i) advise whether to receive the deputations indicated at para 1.2</p> <p>(ii) note the contents of the report including the findings from the original public consultation which concluded on 5 May 2017 and the supplementary public consultation which ended on 2 April 2018.</p> <p>(iii) make a decision as to whether to provide approval for the Council to make a ‘holiday resort’ designation under Article 6 of the Shops (Sunday Trading &c.) (Northern Ireland) Order 1997</p> <p>(iv) if it is decided to make a designation, to then decide as to whether to apply the designation to either:</p> <p style="padding-left: 40px;">a) the entire Belfast City Council district area, or</p> <p style="padding-left: 40px;">b) Belfast City Centre only (based on the BMAP definition of the city centre in Appendix 2).</p>
3.0	<p>MAIN REPORT</p>
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 (copy attached at Appendix 1).</p> <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 number of councils in Northern Ireland have by resolution of the council designated cities and towns which receive tourists as holiday resorts including:</p> <ul style="list-style-type: none"> - Derry-Londonderry (Derry City and Strabane District Council) - Newry (Newry, Mourne and Down District Council) - Kilkeel (Newry, Mourne and Down District Council) - Portrush (Causeway Coast and Glens Borough Council) - Portstewart (Causeway Coast and Glens Borough Council) - Ballycastle (Causeway Coast and Glens Borough Council)

	<p>Belfast, as a growing tourist destination in both Northern Ireland and wider afield may similarly wish to avail of this exemption.</p> <p>It is important to note that any decision to designate as a holiday resort will not result in any change in existing legislation or further 'deregulation' of Sunday trading law.</p> <p>Requirement to consult</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> <p>Previous Consultation 2017</p> <p>The Council consulted widely on this issue during 2017 finding that of the total 2471 people and organisations who responded some 1531 answered yes (62%) and 934 answered no (38%) as to whether the council should designate Belfast as a holiday resort. At its meeting on 19 May 2017, the Strategic Policy and Resources Committee decided not to designate Belfast as a 'holiday resort'.</p> <p>Supplementary Consultation 2018</p> <p>At its meeting on 16 February 2018, the Strategic Policy and Resources Committee agreed that the Council undertake an additional 6-week consultation between 19 February and 02 April 2018 on the key questions. The purpose of this supplementary consultation was 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>
3.2	<p>Responses to the 2017 Consultation</p> <p>A total of 2471 people responded to the initial consultation in 2017. A summary of the responses to the three main questions are included below.</p> <p>1. Should Belfast be designated as a holiday resort in order to provide large shops with the option to extend Sunday trading hours?</p> <ul style="list-style-type: none"> • 1531 answered yes (62%) • 934 answered no (38%)

2017 ALL RESPONSES - Should Belfast be designated as a holiday resort in order to provide large shops with the option to extend Sunday trading hours?



2. What area should the designation apply to? (Citizen space responses only)

Of the 2471 responses received, 1689 answered this question:

- 1398 indicated all of the Belfast City Council area (82.8%)
- 291 indicated Belfast City Centre only (17.2%)

3. 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?

Of the 2471 responses received, 1816 answered this question:

- 1515 agreed with this statement (83.4%)
- 294 disagreed with the statement (16.2%)
- 7 did not know (0.4%)

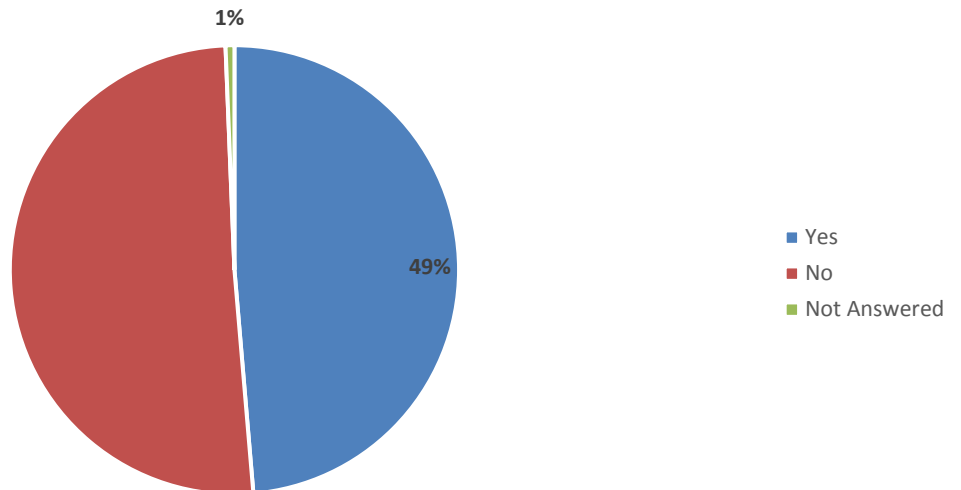
3.3 Responses to the 2018 Consultation

In total, **5196** people and organisations responded to the supplementary consultation. Some **2092** responses were collected via Citizen Space (the council’s online consultation tool), with the remaining **3104** responses being comprised mainly of hard copy surveys (**1695**), survey postcards (**1369**) written correspondence (**22**) and emails (**18**).

1. Should Belfast be designated as a holiday resort in order to provide large shops with the option to extend Sunday trading hours?

- 2528 answered yes (48.7%)
- 2635 answered no (50.7%)
- 33 did not answer

2018 ALL RESPONSES - Should Belfast be designated as a holiday resort in order to provide large shops with the option to extend Sunday trading hours?



2. What area should the designation apply to?

Of the 5196 responses received, 2674 answered this question:

- 2344 indicated all of the Belfast City Council area (87.7%)
- 330 indicated Belfast City Centre only (12.3%)

3. 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?

Of the 5196 responses received, 3768 answered this question:

- 2498 agreed with this statement (66.3%)
- 1213 disagreed with the statement (32.2%)
- 57 did not know (1.5%)

Analysis of overall findings (2017 and 2018 combined)

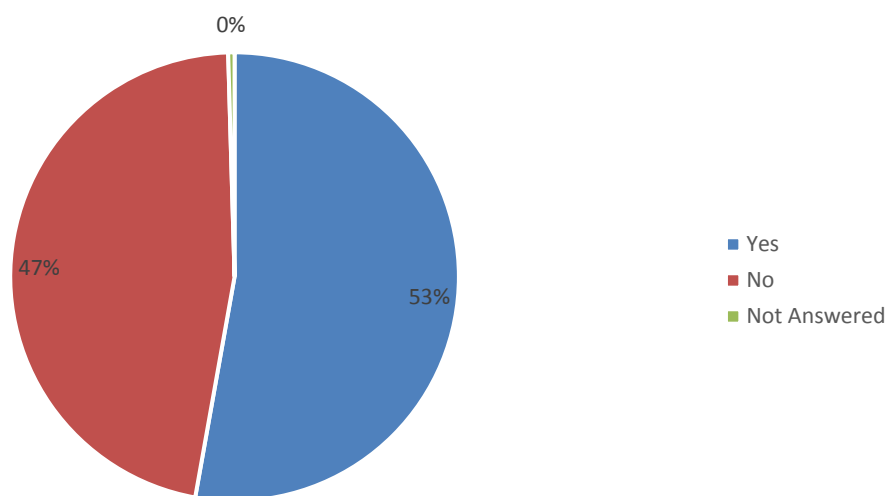
Taking the initial consultation and the supplementary consultation together, some **7667** people and organisations responded to the consultation in total.

With regards to the priority question in the consultation –

1. Should Belfast be designated as a holiday resort in order to provide large shops with the option to extend Sunday trading hours?

- 4049 answered yes (52.8%)
- 3583 answered no (46.7%)
- 35 did not answer

COMBINED - Should Belfast be designated as a holiday resort in order to provide large shops with the option to extend Sunday trading hours?



2. What area should the designation apply to?

Of the 7667 responses received, 4363 answered this question:

- 3742 indicated all of the Belfast City Council area (85.8%)
- 621 indicated Belfast City Centre only (14.2%)

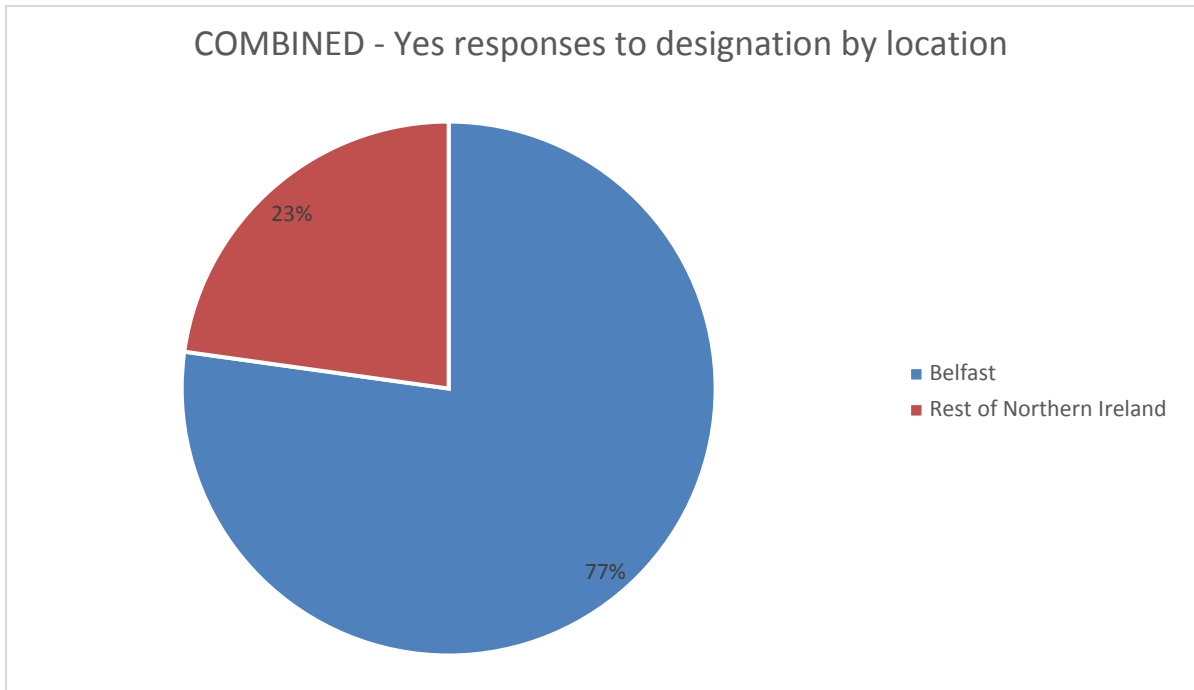
3. Do you think Belfast would be more attractive as a tourist and/or shopping and leisure destination if the restrictions on Sunday opening times for larger shops were removed?

Of the 7667 responses received, 5584 answered this question:

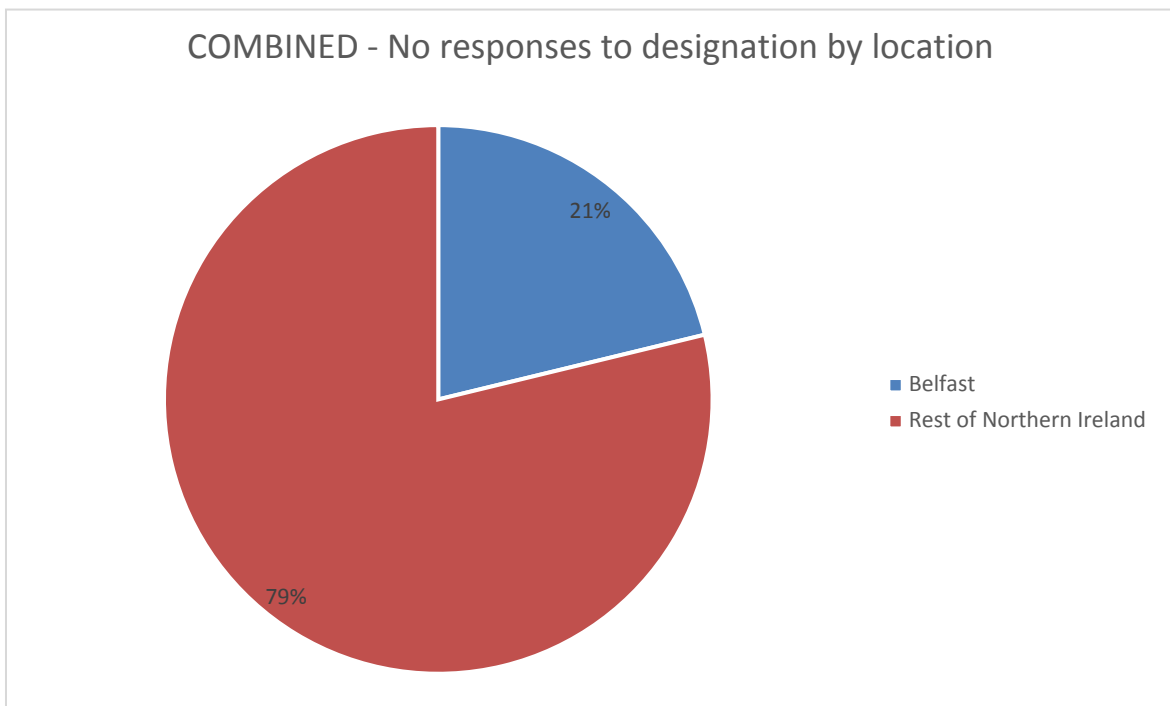
- 4013 agreed with this statement (71.9%)
- 1507 disagreed with the statement (27%)
- 64 did not know (1.1%)

Postcode Analysis (2017 and 2018 Combined)

An analysis of the postcodes of the respondents (7667 responses received, 7196 answered this question) who provided this information reveals that of approx. 80% of the “yes” responses were from postcodes within the Belfast District.



Similarly, approx. 80% of the “no” responses were from outside Belfast.



Respondents location	Yes	No	Not answered	Total	% Total
Antrim and Newtownabbey	191	197		388	5.1%
Ards and North Down	108	235	4	347	4.5%
Armagh City, Banbridge and Craigavon	45	260		305	4.0%
Belfast	2476	594	11	3081	40.2%
Causeway Coast and Glens	12	141	1	154	2.0%
Derry City and Strabane	3	70		73	1.0%
Fermanagh and Omagh	8	245		253	3.3%
Lisburn and Castlereagh	238	281	6	525	6.8%
Mid and East Antrim	50	283		333	4.3%
Mid Ulster	14	368	4	386	5.0%
Newry, Mourne and Down	62	127		189	2.5%
UK	12	1		13	0.2%
International	3	1		4	0.1%
Council Area/ Location Unknown	840	331	445	1616	21.1%
Grand Total	4062	3134	471	7667	100.0%

3.6	<p>NEXT STEPS</p> <p>Making the Designation</p> <p>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.</p> <p>Therefore, if the council made a resolution at the 1 May Council meeting then the designation could not take effect until 1 June 2018.</p>
3.8	<p>How would the Exemption be Applied</p> <p>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.</p> <p>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.</p> <p>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.</p>
3.9	<p>A co-ordinated approach</p> <p>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</p>

	<p>animation due to the additional visitors to the city on that day.</p> <p>For example, if a major event is taking place in the city over a particular weekend during the summer months, 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. 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>
3.10	<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.</p> <p>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. 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> <p>Charter on extended working hours</p> <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>
3.11	<p>Review of Holiday Resort Designation</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> <p>To inform such a review the Council will carry out continuous monitoring and evaluation throughout the designation period with a view to bringing a report back to Members in April 2019 outlining the impact that the designation has had over the holiday period.</p>

3.12	<p>FINANCIAL AND RESOURCE IMPLICATIONS</p> <p>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.</p> <p>The Building Control Service currently perform 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.</p> <p>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.</p>
3.13	<p>EQUALITY OR GOOD RELATIONS IMPLICATIONS</p> <p>A draft Equality Screening exercise was undertaken. Information elicited from the first consultation was used to inform and update the Equality Screening document.</p> <p>The Equality Screening document was shared with respondents to the online survey and hard copy questionnaire survey to help elicit their views. As part of the 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.</p> <p>There were 144 responses made to this question via the online consultation and in hard copy questionnaire format. Some respondents made more than one point. For comparison purposes to the previous consultation, the same thematic areas were applied. Respondents said:</p> <ol style="list-style-type: none"> 1. 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. (44) 2. Extended Sunday opening during the summer will provide economic opportunities and conveys a positive cosmopolitan image to visitors/tourists. (17) 3. 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. (2) 4. Religious beliefs/current laws should not restrict those who wish to shop on a Sunday (1) 5. Family life will be affected if Sunday trading is implemented. There will be a negative impact on retail workers who are carers/have children. (51) 6. Extended Sunday trading conflicts with personal Christian religious views/faith beliefs (70) <p>Information elicited from the consultation will be used to inform and update the Equality Screening document in line with members' decision.</p>
4.0	<p>Documents attached</p>

Appendix 1 – Shops (Sunday Trading &c.) (Northern Ireland) Order 1997

Appendix 2 – BMAP definition of city centre area

Appendix 3 – list of those organisations making written submissions