
Report To:	Policy & Resources Committee	Date:	10 August 2021
Report By:	Head of Organisational Development, Policy & Communications	Report No:	HR/23/21/SM
Contact Officer:	Steven McNab	Contact No:	01475 712015
Subject:	Consultation - Retail Shops Opening on New Year's Day		

1.0 PURPOSE

- 1.1 The purpose of this report is for the Policy and Resources Committee to consider a response to the Scottish Government's consultation which seeks the views of shop workers, retail businesses and others on whether the current law should change so that large retail businesses must close on New Year's Day.

2.0 SUMMARY

- 2.1 The Scottish Government are consulting with employees and retail businesses on whether the law should be changed to close large retail businesses on New Year's Day. The Christmas Day and New Year's Day Trading (Scotland) Act 2007 makes it possible for the law that closes large retailers on Christmas Day to also apply to New Year's Day. The Scottish Government agreed to hold a consultation on whether to enact this legislation.
- 2.2 In January 2020, a petition was put before the Scottish Parliament by the trade union Usdaw (Union of Shop, Distributive and Allied Workers). The petition asked the Scottish Parliament to urge the Scottish Government to launch a consultation on implementing legislation to ban large shops from opening on New Year's Day.
- 2.3 Shortly after the petition was lodged, the retail sector was facing significant challenges due to the COVID-19 pandemic. With retailers working on maintaining the supply of food and other essential items and no clear end to the pandemic in sight, the Scottish Government wrote to the Parliament's Public Petitions Committee in April 2020 to confirm its view that it was not the right time to hold a consultation.
- 2.4 However, with the country moving towards recovery, the easing of restrictions and the progress being made through the vaccination programme, the Minister for Business, Fair Work and Skills again wrote to the Public Petitions Committee on 24 March 2021 and set out his intention to take forward a consultation on New Year's Day Trading this year.
- 2.5 The consultation has now been launched with a closing date of 24 August 2021 and local authorities have been invited to respond to the consultation. Usdaw have written to local authority Leaders asking that councils respond to the consultation supporting their call for large stores to be required to close on New Year's Day.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Policy and Resources Committee consider whether to respond to the consultation supporting Usdaw's call for large stores to be required to close on New Year's Day, as outlined in section 5 of the report.

Steven McNab
Head of Organisational Development, Policy and Communications

4.0 BACKGROUND

- 4.1 The Scottish Government are consulting with employees and retail businesses on whether the law should be changed to close large retail businesses on New Year's Day. A large shop is defined as one with a relevant floor area over 280 square metres (for comparison purposes a tennis court is 260 square metres). The relevant area is defined as the area being used for making retail sales or displaying goods in connection with such sales and which is available to the public. The definition of "retail sale" makes clear that it is opening for the purpose of retailing goods to the general public. The Christmas Day and New Year's Day Trading (Scotland) Act 2007 makes it possible for the law that closes large retailers on Christmas Day to also apply to New Year's Day. The Scottish Government agreed to hold a consultation on whether to enact this legislation.
- 4.2 In January 2020, a petition was put before the Scottish Parliament by the trade union Usdaw. The petition asked the Scottish Parliament to urge the Scottish Government to launch a consultation on implementing legislation to ban large shops from opening on New Year's Day.
- 4.3 Shortly after the petition was lodged, the retail sector was facing significant challenges due to the COVID-19 pandemic. With retailers working on maintaining the supply of food and other essential items and no clear end to the pandemic in sight, the Scottish Government wrote to the Parliament's Public Petitions Committee in April 2020 to confirm its view that it was not the right time to hold a consultation
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- 4.5 The consultation has now been launched with a closing date of 24 August 2021 and local authorities have been invited to respond to the consultation. Usdaw have written to local authority Leaders asking that councils respond to the consultation supporting their call for large stores to be required to close on New Year's Day.
- 4.6 Usdaw have indicated in their communication that they believe it is more important than ever that, where possible, employees get a well-deserved break over the New Year period. They highlight that retail workers have served their local communities well throughout the pandemic, and they believe that it would be appropriate that they are able to take a break over the New Year following the busy Christmas trading period.

5.0 RESPONSE TO CONSULTATION

- 5.1 The consultation document recognised that not all consultees will wish or feel able to answer all of the questions. Consultees are encouraged to answer questions they feel it appropriate to do so.
- 5.2 The vast majority of the consultation questions are aimed at employers and employees in the large retailers sector. However, should the Committee wish to respond then there are two questions where it would be appropriate for the Council to provide feedback. These are set out below:
 1. It is currently the law that large stores close on Christmas day. Do you think the law should change so that they close on New Year's Day too?

Yes / No
 2. Is there anything else you would wish to comment about this consultation?

- 5.3 Should the Committee agree a Council response, arrangements will be made to submit this to the Scottish Governments consultation on new year's day trading for large retailers by 24th August 2021.

6.0 IMPLICATIONS

6.1 Financial Implications - One off Costs

Depending on proposal being developed there could be significant financial implications.

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
n/a					

Financial Implications - Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (if applicable)	Other Comments
n/a					

6.2 **Human Resources:** There are no human resources issues associated with this report.

6.3 **Legal:** There are no legal issues associated with this report.

6.4 Equalities

(a) Has an Equality Impact Assessment been carried out?

<input type="checkbox"/>	YES (see attached appendix)
<input checked="" type="checkbox"/>	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

<input type="checkbox"/>	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
<input checked="" type="checkbox"/>	NO

(c) Data Protection

Has a Data Protection Impact Assessment been carried out?

<input type="checkbox"/>	YES – This report involves data processing which may result in a high risk to the
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	rights and freedoms of individuals.
	NO

6.5 **Repopulation:** There are no repopulation issues associated with this report.

7.0 CONSULTATION

7.1 The Corporate Management Team has been consulted regarding this report.

8.0 LIST OF BACKGROUND PAPERS

8.1 None