

Consultation on devolving Sunday Trading Rules Response from the Local Government Association (LGA)



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About the LGA

We are a politically-led, cross party organisation which works on behalf of councils to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems.

Overview

The LGA welcomes the opportunity to respond to this consultation. We believe the Government is right in recognising the role of local government in driving local growth and that local people are best placed in shaping decisions that affect their well-being. However, we urge the Government to make the power to extend Sunday trading hours available to all areas and do so in a way that avoids central bureaucracy and prescription and gives local places the freedom to make their own choices.

LGA response

Question 1. Should local areas have the power to extend trading hours on Sunday?

We welcome the proposed flexibilities for councils on Sunday trading hours. The LGA sees this as further endorsement by central government of local government's central role in driving local growth, based on their accountability to local people and understanding of the needs of local communities, businesses and growth. However, it is vital that any changes are permissive and must not place a duty on local government. The proposals must allow councils to meet the needs of their communities and local businesses without undue restriction, pressure from central government or unnecessary bureaucracy.

Councils are committed to promoting local growth and such powers will give local areas greater control of their economies. We encourage the Government to continue to take a joined-up approach to devolution, working with councils to support local prosperity through a range of measures to suit local circumstances.

Submission

Question 2. If the power is devolved, who do you think should be given the power to change Sunday trading rules?

We strongly feel that the Sunday Trading proposals should be devolved to all areas and not just as measures as part of 'devolution deals'. The Government rightly recognises that local authorities are accountable to the local community and understand the needs of local people and businesses and are better placed to do so than central government. We see no reason why all businesses and communities should not benefit from Sunday trading flexibilities. In fact, delaying the spread of such measures through 'devolution deals' risks local businesses unnecessarily missing out on growth opportunities.

Where councils are members of a Combined Authority or any similar binding sub-regional governance arrangement it should be a matter of local deliberation whether or not the Sunday trading hours powers are to be delegated upwards at the sub-regional decision-making level.

Question 3. How would you be impacted by local changes to Sunday trading rules?

Councils will apply these powers as part of their decision-making process in the management of the well-being of their local communities and local economies, as they do already, for example through their planning, licensing, street trading and parking responsibilities. The impact will therefore vary from place to place. Some places may want to use the powers as part of their tourism and visitor economy strategies, others in response to attracting demand to specific localities as part of their growth strategies.

It is also important that these proposals offer value for money for local taxpayers. As long as there are no central prescriptions in how these powers are applied, councils should be able to manage the administration of Sunday trading powers within existing resources. Therefore any new legislation should:

- Be applied at the discretion of each local authority, based on local circumstances and consultation. Councils should be able to decide how and when to apply the proposed powers.
- Not place additional burdens on councils - for example there should be no central prescription or requirement to consult or requirement to place notices in newspapers. These are costly and councils already have cost-effective means in place to consult and publish information.
- Ensure that the responsibility for making this decision is as flexible as possible. For those councils with Cabinet structures, decisions are automatically the responsibility of the Executive unless specified otherwise, therefore any primary legislation will need to amend the Functions and Responsibilities Regulations. This amendment could make this power either a non-executive function, like a licensing or planning committee, or preferably a function to be determined by the council under Schedule 2 of the Regulations.

- Enable councils to easily make changes to other planning and trading conditions, such as licensing hours, loading/ delivery hours etc, as a result of designation of extended Sunday trading hours and without incurring additional cost burdens.
- Allow councils to recover all costs associated with any application process which involves individual businesses applying for permission to extend their business hours.
- Ensure that councils are free from any potential legal challenge if they have differential policies in different areas of the council e.g. supporting a town centre trading extension to revive a declining town centre but not an 'out of town' extension by the same store.

The LGA would be happy to work with councils and partner organisations on sharing learning and good practice as councils start to take up new powers.