

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

ENTERPRISE BILL [*LORDS*]

Eighth Sitting

Thursday 25 February 2016

(Afternoon)

CONTENTS

New clauses considered.
CLAUSE 36 agreed to.
New schedules considered.
CLAUSES 37 to 40 agreed to, some with amendments.
Title amended.
Bill, as amended, to be reported.
Written evidence reported to the House.

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IN GENERAL COMMITTEES

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The Committee consisted of the following Members:

Chairs: †SIR DAVID AMESS, MS KAREN BUCK

- | | |
|---|--|
| † Argar, Edward (<i>Charnwood</i>) (Con) | † Lewis, Brandon (<i>Minister for Housing and Planning</i>) |
| † Barclay, Stephen (<i>North East Cambridgeshire</i>) (Con) | † McKinnell, Catherine (<i>Newcastle upon Tyne North</i>) (Lab) |
| † Bardell, Hannah (<i>Livingston</i>) (SNP) | † Mackintosh, David (<i>Northampton South</i>) (Con) |
| † Brennan, Kevin (<i>Cardiff West</i>) (Lab) | † Morden, Jessica (<i>Newport East</i>) (Lab) |
| † Brown, Alan (<i>Kilmarnock and Loudoun</i>) (SNP) | † Pawsey, Mark (<i>Rugby</i>) (Con) |
| † Churchill, Jo (<i>Bury St Edmunds</i>) (Con) | † Solloway, Amanda (<i>Derby North</i>) (Con) |
| † Creagh, Mary (<i>Wakefield</i>) (Lab) | † Soubry, Anna (<i>Minister for Small Business, Industry and Enterprise</i>) |
| † Esterson, Bill (<i>Sefton Central</i>) (Lab) | Glenn McKee, <i>Committee Clerk</i> |
| † Flint, Caroline (<i>Don Valley</i>) (Lab) | † attended the Committee |
| † Frazer, Lucy (<i>South East Cambridgeshire</i>) (Con) | |
| † Howell, John (<i>Henley</i>) (Con) | |

Public Bill Committee

Thursday 25 February 2016

(Afternoon)

[SIR DAVID AMESS *in the Chair*]

Enterprise Bill [Lords]

The Chair: Welcome back to the final stage of our Committee proceedings.

New Clause 21

EXTENDED SUNDAY OPENING HOURS AND SUNDAY WORKING

“(1) The Sunday Trading Act 1994 is amended in accordance with subsections (2) to (4).

(2) In paragraph 2 of Schedule 1 (which restricts the opening hours of large shops on Sundays), after sub-paragraph (3) insert—

“(3A) Sub-paragraph (1) does not apply in relation to the opening of a large shop during any other period on a Sunday in accordance with a consent notice published under paragraph 2A (subject to sub-paragraph (4)).”

(3) After that paragraph insert—

“*Consent notices published by Sunday trading authorities*

2A (1) The Sunday trading authority for an area may publish a notice (a “consent notice”) in accordance with this paragraph providing for large shops in the authority’s area to be permitted to do either or both of the following—

- (a) to open on a Sunday for a continuous period of whatever number of hours is specified in the notice (in addition to the continuous period of six hours mentioned in paragraph 2(3));
- (b) to open on a Sunday at specified times beginning earlier than, or ending later than, the times mentioned in paragraph 2(3).

(2) A consent notice published by a Sunday trading authority may apply in relation to the whole or any part of the authority’s area.

(3) A Sunday trading authority may, by publishing a further notice, vary or revoke a consent notice that applies in relation to its area.

(4) Before varying or revoking a consent notice under sub-paragraph (3), a Sunday trading authority must give reasonable notice to occupiers of large shops whose opening hours on Sundays would be affected by the variation or revocation.

(5) Publication of a notice under this paragraph may take whatever form the authority publishing it thinks appropriate for the purpose of bringing the notice to the attention of occupiers of large shops in the area to which the notice relates.

(6) Subject to sub-paragraph (7), the Sunday trading authority for an area is the local authority for the area.

(7) In relation to the area of Greater London, the Sunday trading authority is the Mayor of London acting on behalf of the Greater London Authority.”

(4) Accordingly—

- (a) in paragraph 2 of Schedule 1 (restrictions on Sunday opening)—
 - (i) in sub-paragraph (1), for “and (3)” substitute “, (3) and (3A)”;

- (ii) in sub-paragraph (4), for “exemption conferred by sub-paragraph (3) above does” substitute “exemptions conferred by sub-paragraphs (3) and (3A) do”;
- (b) in paragraph 6 of that Schedule (duty to display notice), after “sub-paragraph (3)” insert “or (3A)”;
- (c) in paragraph 8 of that Schedule (defence to an offence of contravening opening restrictions), after “paragraph 2(3)” insert “or (3A)”;
- (d) in paragraph 1(a) of Schedule 3 (loading and unloading at large shops on Sunday morning: application), after “paragraph 2(3)” insert “or (3A)”.

(5) Schedule (Sunday opening hours: rights of shop workers), which contains amendments of employment legislation relating to the rights of shop workers to opt out of working on Sunday, has effect.”—(*Brandon Lewis.*)

This new Clause amends the Sunday Trading Act 1994, giving powers to local areas to extend Sunday trading hours for large shops (with a retail floor area greater than 280 square metres). The extended hours can apply to the whole or part of the local area. The new Clause also introduces a new Schedule to the Bill containing amendments to the Employment Rights Act 1996 and the Employment Act 2002 in relation to Sunday working.

Brought up, read the First time, and Question proposed (this day), That the clause be read a Second time.

2 pm

Question again proposed.

The Chair: I remind the Committee that with this we are discussing the following:

Government new schedule 1—*Sunday opening hours: rights of shop workers.*

“SCHEDULE

SUNDAY OPENING HOURS: RIGHTS OF SHOP WORKERS

Employment Rights Act 1996

1 The Employment Rights Act 1996 is amended as follows.

2 In section 41 (opted-out shop workers and betting workers), for subsection (3) substitute—

(3) In this Act “notice period”, in relation to an opted-out shop worker or an opted-out betting worker, means—

- (a) in the case of an opted-out shop worker who does shop work in or about a large shop, the period of one month beginning with the day on which the opting-out notice concerned was given;
- (b) in any other case, the period of three months beginning with that day.

This subsection is subject to sections 41D(2) and 42(2).”

3 After section 41 insert—

“41A Notice of objection by shop workers to working additional hours on Sunday

(1) A shop worker may at any time give to his or her employer a written notice, signed and dated by the shop worker, to the effect that he or she objects to doing shop work for additional hours on Sunday.

(2) In this Part—

“additional hours” means any number of hours of shop work that a shop worker is (or could be) required to work under a contract of employment on Sunday that are (or would be) in excess of the shop worker’s normal Sunday working hours;

“objection notice” means a notice given under subsection (1).

(3) The “normal Sunday working hours” of a shop worker are to be calculated in accordance with regulations.

(4) Regulations under this section may provide—

- (a) for the calculation to be determined (for example) by reference to the average number of hours that the shop worker has worked on Sundays during a period specified or described in the regulations;
- (b) for a calculation of the kind mentioned in paragraph (a) to be varied in special cases;
- (c) for the right to give an objection notice not to be exercisable in special cases (and subsection (1) is subject to provision made by virtue of this paragraph).

(5) Provision under subsection (4)(b) or (c) may, in particular, include provision—

- (a) about how the calculation of normal Sunday working hours is to be made in the case of a shop worker who has not been employed for a sufficient period of time to enable a calculation to be made as otherwise provided for in the regulations;
- (b) for the right to give an objection notice not to be exercisable by such a shop worker until he or she has completed a period of employment specified or described in the regulations.

(6) But regulations under this section may not include provision preventing a shop worker who has been continuously employed under a contract of employment for a period of one year or more from giving to the employer an objection notice.

(7) Regulations under this section may make different provision for different purposes.

41B Explanatory statement: persons who become shop workers

(1) This section applies where a person becomes a shop worker who, under a contract of employment, is or may be required to do shop work on Sundays.

(2) The employer must give to the shop worker a written statement informing the shop worker of the following rights—

- (a) the right to object to working on Sundays by giving the employer an opting-out notice (if section 40 applies to the shop worker);
- (b) the right to object to doing shop work for additional hours on Sundays by giving the employer an objection notice.

(3) The statement must be given before the end of the period of two months beginning with the day on which the person becomes a shop worker as mentioned in subsection (1).

(4) An employer does not fail to comply with subsections (2) and (3) in a case where, before the end of the period referred to in subsection (3), the shop worker has given to the employer an opting-out notice (and that notice has not been withdrawn).

(5) A statement under this section must comply with such requirements as to form and content as regulations may provide.

(6) Regulations under this section may make different provision for different purposes.

41C Explanatory statement: shop workers at commencement date

(1) This section applies where—

- (a) under a contract of employment a shop worker is or may be required to do shop work on Sundays, and
- (b) the shop worker was employed under that contract on the day before the commencement date.

(2) The shop worker’s employer must give to the shop worker a written statement informing the shop worker of the rights mentioned in section 41B(2).

(3) The statement must be given before the end of the period of two months beginning with the commencement date.

(4) An employer does not fail to comply with subsections (2) and (3) in a case where, before the end of the period referred to in subsection (3), the shop worker has given to the employer an opting-out notice (and that notice has not been withdrawn).

(5) A statement under this section must comply with such requirements as to form and content as regulations may provide.

(6) Regulations under this section may make different provision for different purposes.

(7) In this section “commencement date” means the date appointed by regulations under section 38 of the Enterprise Act 2016 for the coming into force of section (Extended Sunday opening hour and Sunday working)(5) of, and Schedule (Sunday opening hours: rights of shop workers) to, that Act.

41D Failure to give explanatory statement under section 41B or 41C

(1) This section applies if an employer fails to give to a shop worker a written statement in accordance with—

- (a) section 41B(2) and (3), or
- (b) section 41C(2) and (3).

(2) If the shop worker gives to the employer an opting-out notice, the notice period under section 41(3) that applies in relation to the shop worker is varied as follows—

- (a) if the notice period under that provision would have been one month, it becomes 7 days instead;
- (b) if the notice period under that provision would have been three months, it becomes one month instead.

(3) If the shop worker gives to the employer an objection notice, the relevant period under section 43ZA(2) that applies in relation to the shop worker is varied as follows—

- (a) if the relevant period under that provision would have been one month, it becomes 7 days instead;
- (b) if the relevant period under that provision would have been three months, it becomes one month instead.”

4 (1) Section 42 (explanatory statement) is amended as follows.

(2) In the heading, after “statement” insert “: betting workers”.

(3) In subsection (1) omit “shop worker or”.

(4) In subsection (2)—

- (a) in paragraph (a) omit “shop worker or”;
- (b) in paragraph (b)—
 - (i) after “the” omit “shop worker or”;
 - (ii) omit “an opted-out shop worker or”.

(5) In subsection (3) omit “shop worker or”.

(6) Omit subsection (4).

(7) In subsection (6)—

- (a) for “forms” substitute “form”;
- (b) for “subsections (4) and (5)” substitute “subsection (5)”.

5 In the heading of section 43, after “work” insert “: opting-out notices”.

6 After section 43 (in Part 4) insert—

“43ZA Contractual requirements relating to working additional hours on Sundays: objection notices

(1) Where a shop worker gives to his or her employer an objection notice, any agreement entered into between the shop worker and the employer becomes unenforceable to the extent that—

- (a) it requires the shop worker to do shop work for additional hours on Sunday after the end of the relevant period, or
- (b) it requires the employer to provide the shop worker with shop work for additional hours on Sunday after the end of that period.

(2) The “relevant period” is—

- (a) in the case of a shop worker who is or may be required to do shop work in or about a large shop, the period of one month beginning with the day on which the objection notice is given;
- (b) in any other case, the period of three months beginning with that day.

This subsection is subject to section 41D(3).

(3) A shop worker who has given an objection notice may revoke the notice by giving a further written notice to the employer.

(4) Where—

- (a) a shop worker gives to the employer a notice under subsection (3), and
- (b) after giving the notice the shop worker expressly agrees with the employer to do shop work for additional hours on Sunday (whether on Sundays generally or on a particular Sunday),

the contract of employment between the shop worker and the employer is to be taken to be varied to the extent necessary to give effect to the terms of the agreement.

(5) The reference in subsection (1) to any agreement—

- (a) includes the contract of employment under which the shop worker is employed immediately before giving the objection notice;
- (b) includes an agreement of a kind mentioned in subsection (4), or a contract of employment as taken to be varied under that subsection, only if an objection notice is given in relation to the working of additional hours under that agreement or contract as varied.

43ZB Interpretation

(1) In this Part—

- “additional hours” has the meaning given in section 41A(2);
- “large shop” means a shop which has a relevant floor area exceeding 280 square metres;
- “objection notice” has the meaning given in section 41A(2);
- “regulations” means regulations made by the Secretary of State.

(2) In the definition of “large shop” in subsection (1)—

- (a) “shop” means any premises where there is carried on a trade or business consisting wholly or mainly of the sale of goods;
- (b) “relevant floor area” means the internal floor area of so much of the large shop in question as consists of or is comprised in a building.

(3) For the purposes of subsection (2), any part of the shop which is not used for the serving of customers in connection with the sale or display of goods is to be disregarded.

(4) The references in subsections (2) and (3) to the sale of goods does not include—

- (a) the sale of meals, refreshments or alcohol (within the meaning of the Licensing Act 2003) for consumption on the premises on which they are sold, or
- (b) the sale of meals or refreshments prepared to order for immediate consumption off those premises.”

7 After section 45 insert—

“45ZA Sunday working for shop workers: additional hours

(1) Subsection (2) applies where a shop worker has given an objection notice to his or her employer and the notice has not been withdrawn.

(2) The shop worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by the employer done on the ground that the shop worker refused (or proposed to refuse) to do shop work for additional hours on Sunday or on a particular Sunday.

(3) Subsection (2) does not apply to anything done on the ground that the shop worker refused (or proposed to refuse) to do shop work for additional hours on any Sunday or Sundays falling before the end of the relevant period.

(4) A shop worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his or her employer on the ground that the shop worker gave (or proposed to give) an objection notice to the employer.

(5) Subsections (2) and (4) do not apply where the detriment in question amounts to dismissal (within the meaning of Part 10).

(6) For the purposes of this section, a shop worker who does not do shop work for additional hours on Sunday or on a particular Sunday is not to be regarded as having been subjected to any detriment by—

- (a) a failure to pay remuneration in respect of doing shop work for additional hours on Sunday which the shop worker has not done, or

(7) Subsections (8) and (9) apply where—

- (a) an employer offers to pay a sum specified in the offer to a shop worker if he or she agrees to do shop work for additional hours on Sunday or on a particular Sunday, and
- (b) the shop worker—
 - (i) has given an objection notice to the employer that has not been withdrawn, or
 - (ii) is not obliged under a contract of employment to do shop work for additional hours on Sunday.

(8) A shop worker to whom the offer is not made is not to be regarded for the purposes of this section as having been subjected to any detriment by any failure—

- (a) to make the offer to the shop worker, or
- (b) to pay the shop worker the sum specified in the offer.

(9) A shop worker who does not accept the offer is not to be regarded for the purposes of this section as having been subjected to any detriment by any failure to pay the shop worker the sum specified in the offer.

(10) In this section—

- “additional hours” and “objection notice” have the meanings given by section 41A(2);
- “relevant period” means the period determined by section 43ZA(2) (but subject to section 41D(3)).”

8 After section 101 insert—

“101ZA Shop workers who refuse to work additional hours on Sunday

(1) Subsection (2) applies where a shop worker has given an objection notice that has not been withdrawn and he or she is dismissed.

(2) The shop worker is to be regarded for the purposes of this Part as unfairly dismissed if the reason (or the principal reason) for the dismissal is that he or she refused, or proposed to refuse, to do shop work for additional hours on Sunday or on a particular Sunday.

(3) Subsection (2) does not apply where the reason (or principal reason) for the dismissal is that the shop worker refused (or proposed to refuse) to do shop work for additional hours on any Sunday or Sundays falling before the end of the relevant period.

(4) A shop worker who is dismissed is to be regarded for the purposes of this Part as unfairly dismissed if the reason (or principal reason) for the dismissal is that the worker gave (or proposed to give) an objection notice to the employer.

(5) In this section—

- “additional hours” and “objection notice” have the meanings given by section 41A(2);
- “relevant period” means the period determined by section 43ZA(2) (but subject to section 41D(3)).”

9 In section 236 (orders and regulations), in subsection (3) after “27B,” insert “41A that include provision under subsection (4)(c) of that section,”.

Employment Act 2002

10 In section 38 of the Employment Act 2002 (failure to give statement of employment particulars etc)—

- (a) in subsection (2)(b), after “change” insert “or under section 41B or 41C of that Act (duty to give a written statement in relation to rights not to work on Sunday)”;

(b) in subsection (3)(b), after “1996” insert “or under section 41B or 41C of that Act”.

This new Schedule contains amendments to employment legislation. The amendments: (a) shorten the notice period for opting out of Sunday work in the case of shop workers at large shops, (b) confer a new right to object to working additional hours on Sunday, (c) require employers to give statements explaining those rights, (d) confer protections against detriment and unfair dismissal for refusing to work additional hours on Sunday, and (e) provide for fines in tribunal proceedings if there is a failure to give explanatory statements.

Amendment (a) to new schedule 1, after paragraph 4(4)(b) insert—

“(c) in the words after paragraph (b), omit “shop worker or”.

This is a technical amendment of NS1 which removes a further reference to a shop worker from section 42 of the Employment Rights Act 1996 (as that section is to apply only to betting workers as a consequence of other amendments made by this New Schedule).

Amendment (b) to new schedule 1, in new section 43ZB(4)(a), after “2003” insert

“or, in relation to Scotland, the Licensing (Scotland) Act 2005 (asp 16)”.

This is a technical amendment that provides for a definition of “alcohol” in relation to Scotland by reference to the relevant legislation of the Scottish Parliament.

Government amendments 76 and 77.

The Chair: I call Mr Esterson to make a further speech. [HON. MEMBERS: “Hear, hear!”]

Bill Esterson (Sefton Central) (Lab): Thank you very much, Sir David. It is wonderful to hear Government Members welcoming me so warmly back to my feet this afternoon. We made early inroads into the topic of Sunday trading. I pointed out the Government’s failure to publish an impact assessment before we got to this stage. It is not the first time in our proceedings that we have been missing important information before discussing amendments or clauses. We are operating without some of the facts, which is regrettable on top of the delays that I referred to before lunch. Many Members were unaware that Sunday trading would be before us. It was first announced on Second Reading that it would be a part of the Bill.

What a way to proceed. We have to wonder what is behind a very late and fundamental change to the Bill. It is the most controversial part of the legislation. It has far-reaching consequences for the business practices and livelihoods of thousands of shopkeepers and their staff, the staff of large retailers, families, communities and faith groups across the country. I spoke on Tuesday about the suspicious neutering of the pub code, as Lord Mendelsohn described the consultation that the Government published on the code.

The way in which the Government have attempted to change Sunday trading is certainly suspicious, but it goes way beyond neutering when describing the impact on smaller retailers, shopkeepers and their families. I suspect that the Churches and others who want to keep Sunday special would say that abandoning the Sunday trading compromise agreed 22 years ago amounts to an all-out assault that goes way beyond the term “neutering”.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): My hon. Friend is making an important point. The Churches are very vocal in their campaign to keep Sunday special, but is he aware that a huge number of

people of no faith also want to keep Sunday special? They need to be highlighted as much as those who for religious reasons wish to keep the day special.

Bill Esterson: I completely agree. The matter concerns not only people of faith, but everybody in this country. It is important to have one day a week when the pace of life is less hectic so that we are not on a 24/7 treadmill of consumerism and taking every opportunity to buy goods in our high streets and shopping centres. I am sure the Minister will comment that online shopping is available 24/7, but that is another matter that I will return to later.

The Government’s consultation on changes to Sunday trading was held for just two weeks in the summer holiday, although they took five months to publish the results. In the publication, for some reason the Government omitted to tell us how many people were in favour of the changes and how many were not. They told us only that lots of big businesses were, perhaps unsurprisingly, in favour. We were not told the results of all 7,000 responses.

It is important to appreciate the scale of the impact of the proposals. Any regulatory changes to operations in the retail sector will have an enormous knock-on effect on the economy as a whole. A September 2015 report by Oxford Economics found that the sector accounts for 9.2% of all jobs in the UK—more than 3 million people—and that 50,000 small local convenience stores employ 386,000 people. Any regulatory changes will have significant ramifications for the sector as a whole, in particular for convenience stores, small shops, their staff and the local communities they serve.

For a significant proposal that generates such keen debate, a responsible approach would have been to undertake a robust economic analysis, a transparent consultation and honest engagement with interested parties, and to decide upon a dedicated legislative mechanism to deliver reforms on that basis. Sadly, that is not what the Government have done. Extended Sunday trading hours would not produce any more sales and would simply spread existing sales from small stores to large stores and over more hours. Unless the Government are advocating more consumer credit and an increase in the level of personal unsecured debt, how could it be otherwise?

The Oxford Economics study drew two clear conclusions: first, there would be no overall increase in retail spending; and secondly, there would be significant displacement of spending from smaller to larger retailers, damaging those 50,000 convenience stores. The report states that “devolving Sunday trading decisions to local authorities, and the subsequent liberalisation that can be expected to occur, will have only a small impact on the retail sector as a whole, whether positive or negative. However, the displacement of spending from small to large stores may have an impact on employment patterns within the sector that can be expected to manifest itself in job losses at a local level.”

There would be not only a change in spending, but an impact on employment, so there is no overall economic benefit to offset the significant harm caused by the proposal to employment, small business owners, and shop workers and their families.

I turn to the process that we went through to get to this point in Committee. No amendments, impact assessment or economic analysis were published and still no family test has been released either.

Catherine McKinnell: I am listening carefully to my hon. Friend, and I must say that I am a little baffled about the evidence on which the Government based their decision to change Sunday training hours and where they believe the economic benefit will come from. From any studies or information from the Government that my hon. Friend has read, does he know where the economic benefit will fall?

Bill Esterson: It is a very good question. Without an impact assessment, we are in the dark about where the evidence for the changes comes from and what the evidence is for the economic effect. As I mentioned before, the elements of the consultation that the Government have published mention only the responses from, we presume, a relatively small number of very large businesses, which favour the changes overall, and make no reference to the numbers of people who favoured or opposed the changes. We have limited evidence about what has happened. I have tried to look for some evidence and there are some studies, which I shall come to later.

Parliament should have the opportunity to digest and scrutinise the evidence, put forward by the Government. It is simply unacceptable that the new clauses were dropped in with no notice on Second Reading. The answers to parliamentary questions asking where the impact assessment is were published on Monday. The Minister said that an impact assessment had been carried out and that it would be published, but she did not say when. Perhaps either she or the Minister for Housing and Planning, who has moved the new clause, can tell us later when that impact assessment will be published, although it is bizarre that we are debating the Bill without sight of the results of the impact assessment.

The Minister mentioned Knightsbridge and I mentioned the Harrods clause earlier. There are two high streets that benefit, Oxford Street and Knightsbridge, if they can be described as high streets. They are represented by the New West End Company. However, they are very different from almost any other high street or main shopping area of a high street anywhere else in the country. To base a policy on what happens in Knightsbridge or in Oxford Street really is a very strange way to proceed.

Catherine McKinnell: The Minister for Small Business, Industry and Enterprise, who is not the Minister dealing with this new clause, is chuntering from a sedentary position that the provision is entirely discretionary. Perhaps she does not understand the nature of market forces.

Bill Esterson: The Minister certainly claims that she understands market forces; she does so often.

I have mentioned before that this could be described as a domino clause, because those local authorities that do not implement it may well be influenced by what goes on in neighbouring authorities that do implement it. I guess that is a form of market forces. Perhaps it is the forces between neighbouring local authorities around the country that will, in the end, force everybody to comply and to relax Sunday trading rules for all.

Sadly, the Government's consultation is an advocacy document for devolving Sunday trading rules. The Government have ducked and dived, parried all the

evidence that has been presented to them, and blindly focused on what they want to hear, as they have only quoted selectively from the consultation. We can assume that that is the case, because of the 7,000 responses to the consultation received by the Government, they have focused their analysis on just three groups: large and medium-sized businesses; business representative bodies; and local councils. In other words, they are focusing on the people who stand to gain the most.

Using a very small sample from the 7,000 responses, the Government found what was undoubtedly for them the palatable figure of 76% of respondents supporting devolution in order to make their case, but there was only 76% support among those three groups. The Government have ignored, and not published, the figures that show the concern among small business owners, high streets, shop workers, families and family groups, and, indeed, faith groups. The people who will be affected the most by the change are being completely ignored in this process.

Since the beginning of the year, the Department for Business, Innovation and Skills has published five consultation responses, all of which have included a breakdown of respondents and analysis of their position, and how many responses in total are in favour of a proposal and how many responses in total are opposed to it. That has happened on a range of issues. However, that has not occurred for the consultation on Sunday trading reform. Why is that? It is because the Government know that their proposals are not backed by the majority of the public and the majority of stakeholders.

In making their case for Sunday trading reform, the Government have also used evidence that is laughably out of date to support their case. I will focus on three key pieces of evidence that the Government have used to make their case and to deal with the question that my hon. Friend the Member for Newcastle upon Tyne North asked earlier, in order to outline why the Government are misguided.

The first is Swedish sales data. The BIS press release announcing the Government response to the consultation of last August proudly stated that a change in Sunday trading resulted in a 5% increase in turnover in Sweden. In order to get that figure and find that 5% increase, the Government went all the way back to Sweden in 1972, when ABBA were formed. I am sure that somebody will be able to think of a suitable ABBA song to describe the appropriateness or otherwise of the way the Government have used that data. [*Interruption.*] I feel an intervention is coming.

The Minister for Small Business, Industry and Enterprise (Anna Soubry): Dancing Queen?

Bill Esterson: Speak for yourself. The Government did that to find a 5% increase in turnover from changes to Sunday trading laws.

Sweden in 1972 is clearly not the same as the United Kingdom in 2016. The Government also fail to mention the wider impact after Sunday trading reform in Sweden. For example, small stores were decimated, with their market share dropping from 70% to 19%. That is an almost complete collapse in the sector.

2.15 pm

The second bit of evidence was the Indepen report from 2006. The Government frequently reference that piece of research. It is 10 years old and makes a series of questionable assumptions and inaccurate predictions about changes in the market after it was published. Even without going into the detail of the data—the Association of Convenience Stores and the Federation of Small Businesses have done that on a number of occasions—we have to question whether the Government should be basing their policies on a decade-old study, let alone one from Sweden that is 44 years old. Why have the Government not commissioned their own studies? If they have, why have they not published them? Those studies would offer an up-to-date analysis and take into account the views of all stakeholders, including shop workers, small businesses and the public.

The third piece of evidence that the Government cite is from a report by the Centre for Economic Performance, and this is where they most seriously misrepresent the data. They have suggested that the report indicates that liberalising Sunday trading will lead to a 12.5% increase in consumer spending. That figure was included in national newspaper reports when the consultation was announced. It is astonishing to cite that figure and using the report in that way demonstrates that the consultation process is flawed and misleading, rather than objective.

The report identifies five levels of regulation of Sunday trading and helpfully tracks movement between the levels of regulation across different European countries. The United Kingdom is already at the second most liberalised level, and the benefit accruing from moving to the most liberalised level of Sunday trading is actually a 0.14% sales increase, not the 12.5% figure that the Government have suggested. Incidentally, the 12.5% figure comes from a binary shift from regulation to no regulation, rather than where there is already very limited regulation, as we have in the UK. The figure also relates only to food spending.

To cite the 12.5% figure in the context of the research and the proposals in the consultation suggests one of two things: either it seriously calls into question the Government's ability to comprehend the report or it is a deliberate attempt to distort the report for the purposes of this debate. We must therefore use this opportunity to question whether the true impact of Sunday trading reform has been considered and whether the Government are acting in good faith in terms of parliamentary scrutiny and consultation with affected parties.

In contrast with the Government's garbled, incomplete and inconsistent case for change, there is a simple and coherent case for leaving the current popular compromise on Sunday trading as it is. It enables consumers to shop, businesses to trade and shop workers time off to spend with their families.

All the evidence indicates that the compromise is working, the proposals are damaging and the case for change is not stacking up. A Populus survey shows that two thirds of the public support current Sunday trading laws. A survey by the Union of Shop, Distributive and Allied Workers shows that 91% of shop workers do not want a change in the law. Many larger retailers, including Tesco, Sainsbury's and the Home Retail Group, have

called on the Government not to make a change, and the British Retail Consortium has not backed the Government's plans either.

The Social Market Foundation says that the proposals disregard the family test. Oxford Economics calculates net overall job losses as trade moves from small to large shops. A survey of local authority chief executives by the Association of Convenience Stores shows that most would use the new powers to give more opening hours to out-of-town shops and retail parks only because they feel that they would have no choice, because of the consequential impact of a loss of trade to neighbouring areas.

Another assertion made by the Government is that Sunday trading devolution will support high streets, increase footfall and help them compete with online retailers. That assertion is also entirely unfounded and no business group supports it. For example, the British Retail Consortium stated:

"These proposals are unlikely to give retailers and the communities they serve the boost the Government is hoping to deliver."

There is common agreement that an inconsistent approach to the plans, without safeguards, will be difficult for businesses to manage and confusing for consumers. Sainsbury's chief executive Mike Coupe said:

"There's no customer demand for it, or colleague demand for it as far as we are concerned"—

in direct contradiction of what the Minister said earlier. Mr Coupe added: "The current rules work."

Analysis of 50 large businesses' Christmas 2015 sales figures showed mixed results. Not a single company, industry analyst or media commentator mentioned Sunday trading as a reason for poor trading results in response to the publication of those sales figures. Increasing trading hours does not impact on consumer spending habits, but would spread sales over the week and reduce retailer productivity because of higher staffing, heating, lighting and operating costs. It is ironic that at the same time as the Government are citing support for high streets as their reason for implementing the plans, they are removing the £1,500 retail rate relief that is helping many stores to survive.

We are fortunate to have a test case to show that reform of Sunday trading laws provides no economic benefit to high streets. During the 2012 London Olympics, the Government used powers in emergency legislation—again circumventing the proper consultation process—to remove Sunday trading hours across the country. For the period that Sunday trading laws were removed, despite the country being awash with hundreds of thousands of foreign visitors and good weather, retail sales declined: the British Retail Consortium retail sales monitor showed a 0.2% decline and the Office for National Statistics showed a 0.4% decline.

Oxford Economics also provided sales analysis of 3,000 small businesses across the country during the eight-week Olympics period when Sunday trading was unrestricted. The findings of the location-based retail sales analysis are fundamental in showing the impact of Sunday trading reform. They show a clear displacement of trade from small shops to large shops. The closer that small shops were to supermarkets, the more likely they were to lose trade. Oxford Economics used those data to show how the devolution of Sunday trading

powers would result in a net loss of more than 3,000 jobs in the retail market, because of that displacement of trade.

Catherine McKinnell: Another concern about the impact of the changes on small convenience stores might be at a tangent to the debate, but what occurred to me because of the situation in my local area is that post offices are increasingly being located in convenience stores precisely because they are struggling to survive independently on the high street. By putting convenience stores at greater risk, we are also putting our post office services at greater risk. The Minister should bear that in mind.

Bill Esterson: So the Minister should. My hon. Friend must have been reading my speech over my shoulder—which would have been a remarkable achievement given that I am a little bit taller than she is—because I was about to say that the National Federation of SubPostmasters has also expressed its concerns about the impact of Sunday trading reforms on post offices.

We have a network of only 11,500 post offices because most of them are integrated into local convenience stores—the point that my hon. Friend was making—and those host businesses in effect subsidise the post office. A number of convenience stores and the National Federation of SubPostmasters have expressed concerns that as retail trade in their stores declines due to extended Sunday trading for large stores, those post offices will be put at risk.

Catherine McKinnell: To elaborate, I know from personal experience and local feedback that often Sundays out of hours are the only time at which many people use the convenience stores and so become aware that the post office services are available there. The Sunday footfall is important for those convenience stores.

Bill Esterson: That is right. The great British compromise that we have at the moment gives small retailers a one-day-a-week competitive advantage—it is a slight one, because they are not open for the whole day—and helps, as my hon. Friend said, to raise awareness that there is a post office in those convenience stores. Without that one-day advantage, there is bound to be less awareness of the post offices, which will have an impact on their ability to be successful.

I turn to online shopping. Extending Sunday trading hours will not help high streets to compete with online retailers. For some reason, the Government believe, as the Minister told us, that people shop online because of variations in trading hours on Sundays. There is no link in either consumers' minds or behaviour between early morning and evening restrictions in Sunday opening hours and their use of the internet for shopping. That is supported by polling completed by Populus of 2,008 members of the public. It asked respondents whether they had shopped online during the Christmas period, with two thirds stating they had. Those respondents were asked to say why they had chosen to shop online and, unsurprisingly, none of them referenced Sunday trading hours as a reason.

Ministers continue to remind us that they are not changing the Sunday trading laws but just devolving the decision to local authorities or, as the Minister said, to local leaders. It is not the whole community, but one person in each local authority.

The Minister for Housing and Planning (Brandon Lewis): Does the hon. Gentleman not trust his leaders—does he not trust his councillors?

Bill Esterson: We will come back to that point.

It is naive to believe that the devolution of the powers will not result in a blanket extension of Sunday trading hours across the country because of the domino effect I mentioned. Polling of local authority chief executives has shown that 45% of local authorities are heavily influenced by the action of neighbouring authorities' policies and procedures. We are therefore likely to see far longer Sunday opening hours in the majority of areas within a short period, because there will be a domino effect across the country as one council follows the other.

We also know from the planning system that large businesses have slick procedures for lobbying local authorities to secure favourable local policies and new developments. That has resulted in the widespread development of out-of-town stores, which have driven footfall away from traditional town centres and harmed high streets. It will no doubt be the same for Sunday trading policies. The Minister often says that he is serious about supporting high streets; I think he is supposed to be the Minister responsible for high streets.

Brandon Lewis *indicated dissent.*

Bill Esterson: No, that is the responsibility of one of the Minister's colleagues in the Department for Communities and Local Government.

Catherine McKinnell: My hon. Friend raises an important point in questioning whether the Minister is responsible for high streets. He shakes his head to show that he is not, but it would be interesting to know whether he has spoken to the Minister responsible for the issue about the impact it will have on high streets.

Bill Esterson: The CLG Ministers might not have consulted the rest of the country, published the impact assessment or told us how much opposition there is to the measure, but we can probably assume that they talk within their team.

Brandon Lewis: I will put the hon. Gentleman's mind at rest. He and the hon. Lady may be referring back to how the previous Labour Government used to work, but in this Conservative Government we do talk together. I used to be the Minister responsible for high streets. The Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Nuneaton (Mr Jones), is now that Minister. Not only have I consulted him, but he has consulted widely, including members of the Future High Streets Forum, who, like him, are positive about this measure for the future of our high streets.

Bill Esterson: Unfortunately, the Minister's team has not published the results of that wider consultation, which is one point I have been making. If they are serious about giving local people a choice and this not being the decision of just one local leader, why have they not made provisions for local referendums, publication of local impact assessments or extensions to specific areas in their new clause? The current proposal does not

provide a real choice for local people—a point supported by Gary Morris, a director at property consultancy WYG, who told *Property Week*:

“I believe there will be pressure from the out-of-town retailers and supermarkets to open longer. And that won’t necessarily be because they want to; it’ll be because they feel they need to just compete”—

as with local authorities. He goes on:

“I can envisage a scenario whereby out-of-town operators might look for regional disparities to make a case that they should be allowed to open to compete with centres further away with longer hours”.

We know from polling local authority chief executives that that is true: 52% have indicated that they would use the devolution of Sunday trading powers to support out-of-town retailers and supermarkets, not town centres and high streets. Such a change to Sunday trading can only displace trade and harm high streets. The Minister has chosen to ignore those important facts.

2.30 pm

Catherine McKinnell: My hon. Friend is making a brilliant speech. I must go back to his reference to Sweden, ABBA and 1972 and put on the record my concern that decision making will become all about money, money, money rather than the wider community concerns on which all planning decisions should be made.

Bill Esterson: I thank my hon. Friend, because that was worth the half-hour wait. That was very good and she is quite right, of course. I will not try to improve on it.

Catherine McKinnell: It was a serious point.

Bill Esterson: And my hon. Friend makes the point brilliantly. It is a very serious point. Of course, the Government would say that what might be called trivial points about local decision making—I do not think that they are at all trivial—mean nothing because, at the end of the day, consumers want change and shop workers want the opportunity to work more hours and earn more money. In fact, the Minister did say that.

Again, the Government are ignoring the facts. In September, research from Populus showed overwhelming support for the existing Sunday trading compromise, with two thirds of the public supporting the existing measures. The majority—61%—agree that Sunday is different from the rest of the week as it enables shared time with family and friends. Only one in eight people thinks that there is not enough time to shop under the current Sunday trading hours. One in eight. We are changing the law to ignore the views of seven in eight. That is remarkable.

Sunday trading laws work for the country. They are an important part of the fabric of our society. Sunday is a communal day of rest when people of faith or no faith can spend time with their family and friends and recharge their batteries for the rest of the week. The same is true for shop workers, the most important stakeholders in this debate whose views are completely ignored by the Government.

Some 91% of shop workers do not want a change in Sunday trading laws. They support the current compromise that allows them to spend a couple of hours a week with their families. Let us not underestimate how important

that is for shop workers who already work more weekend hours. Some 63% of people employed in retail are already working overtime, compared with an average of 57% across all sectors. Barely half the people who work in retail report being satisfied with the amount of leisure time they have, suggesting that many experience a squeeze on the time they have available to spend with their partners and children.

Shop workers already face significant pressure to work on Sundays. They currently have the right to opt out of Sunday working if they give written notice to their employer with a notice period of three months. As the Minister told us, the Government have proposed to enhance the opt-out for shop workers in larger stores by reducing the notice period to one month. Staff will be able to opt out of working hours that are additional to their normal Sunday hours, which are averaged over a 12-week period. There is simply no evidence that the existing opt-out rules help to protect Sundays for shop workers, so it is clearly questionable for the Government to suggest that extending the opt-out rules will alleviate pressure on staff in the sector, if and when the legislation is passed and implemented.

The fact is that many shop workers are unable to use the Sunday working opt-out because of pressure from management. To ensure that they can cover all shifts whenever necessary, retail managers request seven-day flexibility from staff. Those who apply for a job invariably have to complete an availability schedule as part of their application. If they do not include availability on Sundays, they are not offered an interview. Employment contracts in retail then stipulate that staff have to give availability across the days and times that they have indicated. If staff ask to opt out of Sunday working, they can be told that they are not fulfilling their contract.

One USDAW member described it as follows:

“Sundays used to be a day of rest. Now my contract says 5 over 7”—

that is, they have to work for any five days in a week. Another said:

“My employer now only takes on part-timers willing to work every weekend.”

In fact, an independent survey in September 2015 of more than 10,000 USDAW members working in large stores found that 58% are already under pressure to work on Sundays when they do not want to. One member responding to the survey said:

“I’ve been told I’d be letting the team down if I don’t work extra on a Sunday. If we refuse a request to work extra then they are extremely unlikely to honour a request for an appointment or for time off”.

Mary Creagh (Wakefield) (Lab): It is a pleasure to serve under your chairmanship this afternoon, Sir David. I am not sure how many members of the Committee have done shop work, but I certainly remember my two years as a Saturday girl in British Home Stores. That was 30 years ago. Those were the days when there was no Sunday opening, but in the run-up to Christmas there were four Sundays. As a young woman living in recession-hit Coventry in the early ’80s, I certainly relished the chance to work on a Sunday—but that was also because I was getting double pay on a Sunday. On the rare occasions when I worked on a bank holiday, I was getting treble pay.

[Mary Creagh]

I think it is a real shame that over the past 30 years the retail industry has gradually eroded workers' rights and pay and conditions, and is relying ever more on a temporary and part-time workforce, partly so as not to pay the employers' national insurance contributions. Employers would find that people would be more likely to volunteer to work on Sundays if the pay and incentives were correct.

Bill Esterson: I am grateful to my hon. Friend for making that point and reminding us that there was a time when workers received overtime payments for unsocial hours. Bank holidays were triple time. I have similar experience, so long ago that I cannot quite remember, but I know that overtime payments were as my hon. Friend described, and there has been a fundamental change. I think that my hon. Friend the Member for Cardiff West will deal with some of those points a bit later.

Lucy Frazer (South East Cambridgeshire) (Con): It is, again, a pleasure to serve under your chairmanship, Sir David. Is there not a flaw in the hon. Gentleman's argument? If he is suggesting that currently 60% of shop workers complain about working on Sundays, a significant number are already working on Sundays.

Bill Esterson: Okay. I thank the hon. and learned Lady—

Jo Churchill (Bury St Edmunds) (Con): Will the hon. Gentleman give way?

Bill Esterson: I have not answered the first intervention yet; I am not entirely sure how to, as it was a statement of the obvious that staff work on Saturdays—and, yes, staff work on Sundays. That is certainly true, but people want the chance to have at least some time on a Sunday. That is the argument, and that is the point being made by shop workers who feel under huge pressure already. That pressure can only grow if the number of hours is increased by the larger stores.

Jo Churchill: It is a pleasure to serve under your chairmanship, Sir David. I want to make two points: I started my career in retail, not in the illustrious universities that many here went to. I was manager of the year for the retail group that I started with and then manager of the year for a company called the Body Shop International, in the mid-'80s. That gave me many years of working seven days a week.

People have two choices when they are in business: to make profit, and sustain, or not to make profit. The reason why people do not get paid triple or even double time is that society has changed and businesses could no longer afford to give choice on the high street if they chose to do that. We are beyond the time when that was possible. If the hon. Gentleman truly wants to do what he has argued—sustain the high street—payment must work across the seven days of a week. Fundamentally his argument is flawed, on the basis that if one predicates—

The Chair: Order. I thought this was an intervention, not a separate speech.

Bill Esterson: I do not think any of us were suggesting going back to the 1980s and the deindustrialisation and destruction of industry that happened under the Thatcher Government. [HON. MEMBERS: "Oh!"] In the current environment, we have an agreed compromise. That is what the Opposition are trying to protect. It is an agreed compromise between small businesses, staff, families and faith groups. It has widespread public support and the only people who seem to want to change it are those with interests in large businesses and those who feel they will have no choice other than to support it because of the domino effect around the country.

USDAW's research has found that, even in workplaces with trade union reps to support members, many staff are pressured into not using the Sunday opt-out. The argument being made by Opposition Members, trade unions and shop workers is that it is about a level playing field and fairness. The survey by USDAW found that 28% of those who tried to opt out of Sunday working in large stores had been unable to. In small stores, the figure rose to 38%, reflecting the longer opening hours and greater pressure to work. The hon. Member for Bury St Edmunds was referring to smaller stores. That is a difficult reality for the staff as well as for the business owners. The point is to try to balance those two as much as possible.

Overall, for every two staff who are able to use the opt-out, only one is successful. In the vast majority of retail workplaces where there is no union organisation or support, the proportion of staff unable to use the opt-out will be far higher. There is immense pressure on retail staff to work on Sundays. Even in workplaces with trade union reps to support members, over a third of those who try to opt out of Sunday working are unable to, and even more are prevented by pressure from even trying to use the opt-out. Longer Sundays will make the pressure worse, and the changes in the opt-out will not prevent staff from being pressured into working more on Sundays, making them lose even more precious family time.

John Hannett, the general secretary of USDAW, says:

"Many shopworkers find they are unable to use the current Sunday opt-out due to pressure from management and the possible loss of working hours, which most cannot afford. For these reasons the Government's so-called protections will mean little or nothing in practice."

The protections for shop workers are not enough to prevent businesses from abusing their dominance to force shop workers to work for longer, and that will be exacerbated under the Government's proposals.

Church and faith groups are strongly opposed to the Government's reforms and are equally frustrated by the Government's consultation process. The Bishop of St Albans, the right reverend Dr Alan Smith, recently said:

"The Government response makes no compelling case for improved economic or social benefits and will do nothing to dissuade those who are concerned that the policy will damage family and community life...Most fundamentally the consultation response neglects to recognise the social value of a shared day for community and family life. In a world of increasing commodification, the space for shared time and activities, central to human flourishing is becoming ever more rare. Increased Sunday opening hours will only exacerbate this trend. I hope the Government will reflect and think again."

I am sure the strength of feeling from church and faith groups will be replicated in the other place, where the Enterprise Bill started without the Sunday trading

proposals included. It was the Enterprise Bill. It was not the Enterprise and Sunday Trading Bill, which it will become after the amendment goes through. The Lords did not have time to discuss Sunday trading or to examine it in detail in Grand Committee or on Report. This is the first time it is being debated. It is important to remember that this is a Lords Bill and the first time we are debating this matter is in the Commons.

The Government have not made a credible case, economically or socially, for a change to Sunday trading laws, so much so that the Government consultation process has used outdated and misrepresented data to form a credible case for reform. Consumers, small businesses, large businesses, high streets, shop workers and faith groups support the compromise we have now. A change is not wanted or needed. The Government's own Back Benchers are divided on the issue and, as such, the Government have chosen to award the Bill the smallest amount of time for scrutiny in Parliament. The Government are running scared from debating Sunday trading, which is why it was left so late. They are hiding behind the false devolution argument to deliver complete liberalisation by the back door and pursue their ideological ambitions over workable public policy. I hope that on Report, Government Members can persuade Ministers that it is a mistake and that they should rethink, go back to the drawing board and withdraw the proposal.

2.45 pm

Catherine McKinnell: It is a pleasure to serve under your chairmanship, Sir David. I am keen to add my voice to those who share deep concern about both the substance of the changes and how they have been introduced by the Government. I do so on behalf of shop workers in my constituency and across the country who are interested in the issue, small businesses and convenience stores in my constituency and across the country and the large number of people who, whether due to religious faith or otherwise, feel strongly that Sunday should be kept as a special day for faith, community or cultural reasons.

It is important to put it on record that although I speak on behalf of a wide range of people, I have a personal interest in the issue in that my husband works in retail, and the changes will have a direct impact on my family. I wanted to declare that interest. It is clearly not financial, but although I am not speaking about my personal experience, it informs my understanding of the impact that the changes will have, particularly on shop workers and communities throughout the country. I hope that it helps inform the debate as well.

There is a big question remaining in my mind, having heard the Minister introduce the proposals and my hon. Friend the shadow Minister make a strong speech setting out clearly why the Government have not made the case for the changes. I genuinely cannot understand why the Government are introducing them, why they are necessary and why they think that they are a good idea. We have a more than 20-year-old compromise on the issue, and the overwhelming consensus is that the public support the current arrangements. A recent Populus poll showed that 67% of the public, or two thirds, support the current rules about trading hours on a Sunday. Another poll by Ipsos MORI back in 2012 found that more than half the public actively oppose any extension to the Sunday trading hours. There is a clear level of consensus about the trading hours that the balance is about right.

The Government argue that this is about localism and giving local areas the opportunity to grow, create more jobs, be more competitive in an increasingly online world and reinvigorate high streets, but the truth is that without any proper consultation or results from that consultation published by the Government, the evidence available to us on whether those claims and intentions stack up shows that it will achieve quite the opposite.

Even large retailers, which the Government claim will benefit from the changes, share many of the concerns. Asda, for example, has admitted that it hopes that the changes to the Sunday trading hours will be dropped altogether, because it has concerns about the workability of the proposals. Other retailers worry whether there will be enough of an uplift in demand to justify the extra costs incurred through longer opening hours. My hon. Friend the shadow Minister clearly outlined the question about the cost-benefit analysis of extending hours for the same amount of trade.

Perhaps the biggest worry for large retailers is how they will cope with the complexity of hundreds of different rules for different stores throughout the country about when and for how long they can open on Sundays. One big supermarket group recently told *The Times*:

“This is all becoming more and more opaque. The government says it is trying to cut red tape but now it wants to give local councils this subjective ability to pick and choose which areas can have extended trading, and who will benefit from that. It all seems a bit of a shambles...and the data the government is using to support its argument is from 2006 before the recession.”

Surely the new clause flies in the face of the Government's deregulation agenda, which we considered earlier. Will the Minister clarify whether the Government have undertaken an impact assessment, and whether they will publish it, on how the new clause will affect the Government's business impact target, which requires Ministers to consider the economic impact of statutory provisions on businesses?

The Government claimed that this change will boost high street footfall, but what of the economic impact on businesses that will have to comply with tens, if not hundreds, of different regulations and Sunday trading restrictions? Far from cutting red tape for businesses, devolving powers over Sunday trading will do the opposite. Businesses large and small agree, and have expressed their concerns about that.

As my hon. Friend the Member for Sefton Central said, the best and only test we have of the effect of extending Sunday trading hours is their temporary relaxation during the 2012 Olympics. He talked about the difference between the retail sales in July, August and September, when that temporary relaxation was in force, and those of the earlier months of May and June, when the restrictions remained in place. ONS figures show that the level across all of those months was the same as the previous year, which calls into question the claim that extending Sunday trading hours will bring an increase in trade. It will, however, increase retailers' costs.

Although the case for extending Sunday trading hours based on the economic impact on businesses is far from certain, it will have a big impact on small shops and convenience stores. The London Olympics give a useful indication of the impact that a permanent relaxation might have on small businesses and convenience stores, which play a vital role in all of our communities not

[Catherine McKinnell]

only by providing post office services, which we have discussed, but by being available as a convenience—hence the name.

My hon. Friend referred to the Oxford Economics study that found that, as a result of the temporary relaxation during the Olympics, convenience stores within 1 mile of a supermarket lost £1,300, or 3.4% of their weekly sales. That evidence is very different to anything the Government have cited in support of the changes. I would be surprised if hon. Members on both sides of the House are willing to support their wish and hope—I have a dream, to go back to the Abba bingo—over the clear evidence from past experience that shows that the change will damage convenience stores and could cost the sector up to 6,500 jobs, far outweighing any projections for the jobs that may be created in the larger stores.

Mary Creagh: My hon. Friend made an interesting point earlier—I have been reflecting on it during her speech—about the risks to the retail sector, and in particular to the large stores. The sector does not have a unanimous opinion on this issue. A risk that has been raised is that if one store opens, causing every other store to feel that they have to do the same, they will end up becoming less profitable because there will not be enough footfall. Perhaps people in Wakefield do not want to go shopping or whatever else at 9 o'clock on a Sunday morning. They might be having a well-deserved lie-in or taking the dog for a walk.

Catherine McKinnell: Indeed. My hon. Friend makes an important point. [Interruption.] The Minister from a sedentary position keeps repeating the mantra that it is not obligatory. Is that what she is saying?

Anna Soubry: It is not compulsory.

Catherine McKinnell: The Minister says that it is not compulsory, but she seems to misunderstand completely the nature of market forces and retail competition.

Bill Esterson: She has never played dominoes.

Catherine McKinnell: As my hon. Friend says, perhaps the Minister has never played dominoes.

Jo Churchill: Will the hon. Lady give way?

Catherine McKinnell: I will happily give way to the hon. Lady, who has already given us a lecture on market forces. That would be very helpful.

Jo Churchill: Yes, I suppose it is about market forces again. Tesco convenience stores in places where there has been a lack of demand have dropped their hours back down, which indicates that, actually, it is not compulsory; it is up to the business to ensure that it optimises—[HON. MEMBERS: “So why change the system?”] So larger ones have the choice. It is about choice.

Catherine McKinnell: I appreciate what the hon. Lady says, but the Government have a role and a responsibility to balance the interests of communities, the business community, local authorities and local planning decisions,

which is where the debate was had 22 years ago when a compromise was struck. That compromise has worked and is sensible, and she has pointed out that some retailers have decided to drop back their hours where there is not enough demand. The difficulty with fully liberalising the retail legislation in this way is that it removes all of the current compromise that allows for that flexibility. Indeed, she makes the point that the current laws are working, and the Government have not submitted any evidence to justify why they need to change the system.

The Federation of Small Businesses and the Association of Convenience Stores, both significant voices for small businesses, are opposed to the measures. Small businesses are the backbone of the UK's economy, making up 99% of the 5.2 million businesses in the country and employing more than 14 million people. Their voice should be heard, and the restrictions on Sunday trading play a vital role in supporting and sustaining our small businesses. Frankly, I am shocked that the Government seem to dismiss the concerns of small businesses so out of hand when they claim to be champions of small business, but we know that is not the case, and this proves it.

My final point is on the tens of thousands of people who work in the retail sector on Sundays for large retailers and who take comfort from the current arrangements, which enable them to go out to earn a living while still getting some time off with their family on a Sunday and retaining a semblance of a work-life balance. Surely the Minister can recognise that the new clause merely risks heaping more pressure on low-paid retail workers, for whom the Sunday restrictions are considered a fundamental right and protection. It is telling that his contribution to the debate so far was entirely focused on those workers being able to enforce those rights. A measure proposed by the Government that is focused entirely on how individuals and workers can enforce those rights highlights the issue and the difficult situation in which the Government are deliberately putting those workers.

Kevin Brennan (Cardiff West) (Lab): Would it be useful if the Minister clarified that point? We know the measure is controversial, and we will be returning to it on Report; lots of Government Members are also not happy with it. Even if the measures do not go ahead, will the enhanced workers' rights be delivered by the Government because they think it is the right thing to do?

Catherine McKinnell: My hon. Friend makes an important point, and it would be useful to hear from the Minister that, even if the Sunday trading laws do not go ahead—the Minister should take on board the deep concerns on both sides of the House about the Sunday trading restrictions—he will still commit to the additional rights for workers to enforce the Sunday trading restrictions in their workplace.

Does the Minister recognise the concerns raised about work-life balance? He should address that issue, because it is a well-known aspiration of the Prime Minister to make the UK the most family-friendly country in Europe. Indeed, in 2014 he announced, to much fanfare, his family test, which says that

“every single domestic policy that government comes up with will be examined for its impact on the family... The reality is that in the past the family just hasn't been central to the way government

thinks. So you get a whole load of policy decisions which take no account of the family and sometimes make...things worse."

I could not agree more. This has just come into my head, and I cannot resist sharing it with the Committee: in the light of the exchange at Prime Minister's questions yesterday between the Prime Minister and the Leader of the Opposition, does your mother know?

Given new clause 21, under which thousands of retail staff face working longer hours on Sunday—a day when their children are not at school and that is often reserved for family and friends—what will happen to the Prime Minister's aspiration? Has the family test been carried out and, if so, why has the result not been published?

3 pm

A recent answer to a written question tabled by the hon. Member for Enfield, Southgate (Mr Burrowes), who is on the Government Benches, suggests that the Minister is "carefully considering" the issues raised in the consultation, and the Minister has promised to publish the family test result shortly. Once again, we are debating an issue without the Government coming forward with any of the information on which a decision should be made. If the Minister can enlighten the Committee now about the result of the family test and enlighten us on what the Government's deliberations have been and the conclusions they have come to, that will help to inform the Committee—and, indeed, members of the public, who I know take a keen interest in these issues.

It is fundamental that we should be in possession of the facts before we make decisions on these issues. Members of the public who are watching will be astounded not only that this Bill, which started in the House of Lords, did not include Sunday trading in its title, but that the Lords have not been given an opportunity to consider that. We are now debating it in the Commons, still without any impact assessment or information from the Government on the evidential basis for why they are bringing these measures forward. I question whether this is sound policy making at all.

In the absence of a Government family test, we are left to rely on others to inform us about this policy. There is information from the Social Market Foundation. It has done some work on this issue and has found that Sunday working encroaches the most on couple and family time together; fathers who work on Sundays miss out on time with their children not just on Sundays, but throughout the week; and children whose parents have to work on Sundays often spend less time doing activities such as reading or undertaking hobbies. I remind hon. Members that the Government's family test requires the Government to consider the following:

"What impacts will the policy will have on all family members' ability to play a full role in family life, including with respect to parenting and other caring responsibilities?"

On the basis of the Social Market Foundation's findings—the only evidence that we have—new clause 21 clearly does not meet that test, so I wonder whether, as well as speaking to the Minister with responsibility for high streets, the Minister has spoken to the Prime Minister about his failure to take into consideration the Prime Minister's much-heralded family test when bringing forward this policy.

The Minister will no doubt point out, as he already has, that new clause 21 will strengthen the rights of workers in the retail sector and specifically their rights

to opt out of Sunday working hours. It is very important that the shadow Minister has put on record a request for the Minister to confirm that, whether or not these Sunday trading laws go ahead, those rights will be enshrined in law. However, as the general secretary of USDAW has pointed out, the protections will mean nothing to many retail staff. He says:

"Many shopworkers find they are unable to use the current Sunday opt-out due to pressure from management and the possible loss of working hours, which most cannot afford. For these reasons the...so-called protections will mean little or nothing in practice."

Although we are fighting for those protections to remain on the statute book for those few people who can take advantage of them, the message is clear that the majority of workers will not be able to take advantage of them, whether they are on the statute book or not, and therefore the change in the legislation should not go ahead. USDAW found in its survey of retail workers that 58% say that they are already under pressure to work on Sundays and they are not usually or never allowed a Sunday off, so although there is little comfort to be found in those measures, we would like to see them on the statute book none the less.

Sunday is a special day. It is often the only day of the week when families can be together and parents can spend time with their children. Thanks to the restrictions that have been in place for 20 years or so and that are broadly accepted by the public, even parents who work in retail on Sundays—I speak from experience—are able to enjoy the uniqueness of Sundays.

The measures in the new clause put all that at risk. It is far from certain that Sunday trading will create jobs and reinvigorate the high street. Indeed, the evidence shows it will have the opposite effect and will impact detrimentally on small businesses and convenience stores. It will unravel the Government's deregulation agenda, heaping yet more bureaucracy on businesses, and it will impact on the ability of retail workers to enjoy a semblance of work-life balance, which we know so many families struggle with already.

I fully support the campaign to keep Sunday special, because I believe that the status quo, which has worked well for more than 20 years and gives everyone a little bit of what they want, should be retained. I will therefore vote against the new clause.

Caroline Flint (Don Valley) (Lab): It is a pleasure to speak under your chairmanship, Sir David. This debate saddens and disappoints me. I remember when the previous Government came to the Commons to seek support for extending the opening hours during the Olympics. I, along with others, listened in good faith to the arguments presented by the Government. Like Members of all parties, I was concerned that giving the green light to the extension would be the start of something much wider in England and Wales.

I am also saddened by the fact that in April 2015 USDAW received a letter written on behalf of David Cameron stating that the Government had no plans to relax the current legislation. The letter was written on behalf of the Prime Minister in 2015, and we have the same Prime Minister in 2016. However, a review was subsequently announced in June 2015 after the election. On two occasions, senior figures in our political system—the Chancellor of the Exchequer and the Prime Minister—have

[*Caroline Flint*]

seemed to say one thing to get the support of the House and the electorate, and then down the road it seems they have changed their view. Perhaps that was already their plan. As my hon. Friends have already outlined, we have what it is fair to call a great British compromise. It is not the case—

Anna Soubry: It is not “British”; the Scots have a different system.

Caroline Flint: I will come on to Scotland shortly. I am proud of being English; in England we do not have to do everything that they do in Scotland, and vice versa. That is the beauty of devolution. Sometimes we are right and they are wrong—and, to be fair to Scottish National party Committee members, sometimes Scotland gets it right and we get it wrong. I pay tribute to the fact that the Scots chose to go ahead with the ban on smoking in enclosed public spaces before England did. As public health Minister, I went to Scotland to learn from its success. It was a good example of seeing where things could be done differently and how we could learn from them.

I think England is very different from Scotland when it comes to the retail sector. No offence, but England is a much bigger country with a much larger population. The density of our cities and their proximity to each other—putting aside Glasgow and Edinburgh—means that the changes the Government are suggesting could end up, as my hon. Friends have outlined, having a mushrooming effect as one city makes one decision under one local authority and that leads to pressure on others. I worry about that.

According to a survey by USDAW of more than 10,000 shop workers, the vast majority work at least some Sundays. Most work every Saturday. Perhaps there is a reason why the Government want the changes. My hon. Friend the Member for Sefton Central made an interesting point: he said we need to tighten up the protection of workers’ rights in this area because 35% of staff in large stores would like to work fewer hours on a Sunday. That indicates, along with other evidence, that undue pressure is already being put on workers in retail today. Regardless of whether our Parliament decides to go ahead with the Government’s proposals, I hope that the Government will extend the protections under the existing arrangements to retail workers who work on Sundays.

I happen to think that not every day of the week should be the same. It is good to have something a bit different and a bit British. I am old enough to remember the halcyon days when we had half-day closing on a Wednesday. My grandparents were publicans. My parents worked in pubs, and I have worked in pubs. I remember when we opened at 12 o’clock on a Sunday and closed at 2 o’clock, then did not open until 7 o’clock that night. There are some issues around the opening hours of that sector as well.

I also remember when banks were first allowed to open on a Saturday. In fact, it was on a new Saturday opening of the NatWest branch in Richmond when my husband and I happened to go in with our children to get some pocket money for them and we managed to foil an armed bank robbery. Having done that and the

robber having been apprehended by the police, my husband and I were put on alert that we might have to give evidence in court; on that particular Saturday, staff had been brought from another branch and had forgotten to put the cameras on inside the branch. As a result, there was no evidence, so my husband and I were the only persons who could put the armed robber in the bank and outside the bank at the relevant time.

There is often confusion about what the opening up of these arrangements means for staff. How ironic it is that all these years later, after all that extension of banks’ opening hours, we are now seeing bank closures. Throughout the villages in my constituency, I see banks closing from Monday to Friday, when consumers would like to see them open.

According to a statement from the Department for Business, Innovation and Skills:

“The current Sunday trading rules are restrictive, stifling business efficiency and competitiveness and inhibiting consumer choice and reducing the ability of our major cities to compete for international tourism.”

In the words of Victor Meldrew, “I don’t believe it!” I happen to have in my constituency the excellent Yorkshire Wildlife Park, which is one of the fastest growing tourist attractions in Yorkshire. You are very welcome to visit, Sir David, if you happen to be in south Yorkshire on a weekend.

Mary Creagh: I thank my right hon. Friend for enlivening our afternoon deliberations with her armed robbery-foiling story, which I have heard many times. I heartily recommend the full version; I am sure we can all adjourn to Strangers’ at the close of the Committee to hear the unexpurgated version. However, she neglected to mention the meerkats at the Yorkshire Wildlife Park, which is a gross injustice to that excellent tourist attraction.

Caroline Flint: I thank my hon. Friend for that added promotion of the park. May I return the favour by mentioning the excellent Yorkshire Sculpture Park in her constituency of Wakefield?

The BIS statement says that these measures will somehow improve international tourism, but do you know what? I want people to come to the Yorkshire Wildlife Park on a Sunday. I want them to go to the Yorkshire Sculpture Park on a Sunday. I want proper measures to support international tourism outside London and the south-east, and we can do that by ensuring we have good transport links, good support and promotion and marketing of those wonderful assets and jewels in our tourism crown. In a few months’ time, we will have the Tour de Yorkshire, which will come through my constituency and is a major event to raise money and create jobs. What is this shabby deal we are being offered? Nobody is asking for this.

3.15 pm

Jo Churchill: I am just wondering: do these wonderful tourist attractions have any souvenir shops?

Caroline Flint: Yes. To be clear, we all acknowledge that there is provision for Sunday opening. In England and Wales, stores that are larger than 280 square metres are allowed to open for six continuous hours between

the hours of 10 am and 6 pm. Small stores—those under 280 square metres—do not have any restrictions on Sunday opening.

Mary Creagh: In her enunciation of the highlights of Wakefield, my right hon. Friend unforgivably neglected to mention the Hepworth Wakefield gallery, which is open on Sundays. It has an excellent café/restaurant and a shop. Both the shop at the Hepworth and the shop at Yorkshire Sculpture Park are open on Sundays because they are classified as small shops.

Caroline Flint: I thank my hon. Friend for that intervention. I am happy to take other interventions on how we support the UK tourism industry and do not undermine it by further encouraging people to shop even longer in the major shops in our cities and towns. I really do not think we need that.

David Mackintosh (Northampton South) (Con): Will the right hon. Lady give way?

Caroline Flint: No. I am going to finish my point before I take another intervention. I do not think a change to Sunday hours is necessary, and there is no evidence for it. We certainly do not have the impact assessment with the evidence to support it. What is shabby about this whole debate is that none of this stuff was in the Bill on Second Reading. Nevertheless, Ministers spent an inordinate amount of time trying to explain what the proposal was all about and why it should go ahead. [*Interruption.*]

Catherine McKinnell: My right hon. Friend is making an excellent speech. From a sedentary position, in response to the important point she makes about small shops and other businesses that can take advantage of the existing Sunday arrangements, the Minister asks why that should not be available for larger stores. Does she share my concern that the Government just do not get it?

Caroline Flint: I do not think that they get it. We already have a flexible system that gives ample time for people to shop on a Sunday if they so wish, but within a framework that tries to make Sunday different from every other day of the week. Further extension of Sunday trading will not only put huge pressure on people who are currently working in large stores, 35% of whom would like to work shorter hours than they currently are, but undermine the fabric of what a Sunday should be about and the opportunity for families to be together.

I am a vice chair of the all-party group on women and work. Earlier this week we were discussing the big problems of childcare—and that was just from Monday to Friday, let alone the impact of having to find more childcare support on a Sunday. In the UK there are already too many families, some of whom I know and have met, in which the parents are working shifts to cover their own childcare because they cannot afford to pay for it or get it at a time that suits them. I do not want to be part of adding to the problems of those families.

David Mackintosh: We have heard a lot about interesting tourist attractions. Do people work at them on a Sunday?

Caroline Flint: Honestly, with the greatest respect to the hon. Gentleman, that is stupid. Nobody is not acknowledging the changes there have been in the working hours of the retail sector. In some cases, the arrangements make common sense, and compromise has happened. Nevertheless, to further extend the possibility of workers in the retail sector working ever-increasing hours from Monday to Sunday is a mistake. It is not just about the money; it is about how we see things and a way of life that is threatened by the Government's proposals.

It concerns me that promises have been broken. It concerns me that we could see the domino effect, to which my colleagues have referred, whereby one city feels that it has to move in this direction and others follow suit. I hope that we would all agree that our high streets face major challenges in terms of internet shopping and how they can keep ahead. One of the biggest problems for the shops on my constituency's high streets is that the landlords who own the properties that retailers rent are not keeping them up to standard, which has a massive effect on communities in the many villages and towns that I represent in Don Valley.

I also want to say—I was thinking about this during an earlier speech—that if we are to have longer retail hours on Sundays, what will the impact be on policing? How much more will the police have to deal with antisocial behaviour and crime in busy retail areas during opening hours? It happens too often and shop workers are often the victims. What impact will the change have on the amount of litter that accumulates during the longer opening hours? Has any thought been given to all the service areas that are so important to successful businesses and retail outlets? Will there be any knock-on effect on their responsibilities and duties?

I hope that the Government will reconsider the matter. There is cross-party opposition to the proposals. If something is not broken, why try to fix it? I was going to say that we have a British compromise, but it is a very English compromise, and I am going to stand up for England—and Wales.

Hannah Bardell (Livingston) (SNP): It is a pleasure to serve under your chairmanship for the last time in this Committee, Sir David. I appreciate that this is a hotly debated topic and that time is marching on, so I will be brief.

Our concern has always primarily focused on Scottish workers and, as the right hon. Member for Don Valley identified and as was mentioned before, we do Sunday trading differently in Scotland. The SNP welcomes the Government's provision of additional employee protections in new schedule 1. Indeed, without the strong and principled action of the SNP, such protections may never have materialised. We welcome the Government's withdrawal of their initial proposals, which has allowed for more debate and engagement between now and Report. On behalf of the SNP, I have had the opportunity to engage with a number of interested stakeholders, large supermarkets and retailers, smaller retailers and trade organisations, and I will continue to do so. We particularly look forward to the enhanced scrutiny on Report.

Kevin Brennan: The hon. Lady mentioned trade associations, but not trade unions. There are 46,000 USDAW members in Scotland, so will she confirm that she will consult that union between now and Report?

Hannah Bardell: Yes, we have previously consulted USDAW and had significant discussions. I pay tribute to its work, and we will absolutely consult it again.

Brandon Lewis: We have had a long debate and some interesting contributions. It has been interesting to hear Opposition Members complain that the rules they put in place to protect workers are not working. That is one of the reasons why there is a package of options. I wonder whether they fully understand how the high street works, let alone whether they have actually fully read the new clause and schedule and understand how they knit together. The extra protections improve accessibility and are an integral part of the package. They would not be needed if we were not going forward. However, I appreciate Opposition Members' recognition that the way things were done under Labour simply was not good enough.

In some instances, hon. Members, and particularly the hon. Member for Sefton Central, were missing the point. We are looking at devolving power to local areas. Just to correct him, I do not know how the Labour party works but certainly in Conservative councils, I would not think we have many leaders who believe that they are the sole decision maker. They work on a democratic basis where all councillors have their say, but that might be why we also have Labour councils asking for this power. As well as Manchester and Nottingham, more than 150 council leaders are calling for this devolved power. As I have said in other places around this House when discussing other legislation, I trust local people to make the right decisions for their areas, and I hope that Labour Members would as well.

Catherine McKinnell: It is incredibly frustrating to listen to the Minister talk about empowering local communities when he knows full well that he is putting local authorities up and down the country in an invidious position over central Government funding cuts. It is therefore no surprise that local authorities will do anything to try to mitigate the impact on their communities, but it is no excuse for the change in this legislation that the Government are ramming through.

Brandon Lewis: The hon. Lady tempts me to digress, but I will not go too far and test the Chair's patience. However, I gently say to her that putting aside the fact that this is about local authorities making decisions about what is good for their local community, she might want to bear in mind, on her point about local government funding, that over the past few years, local authorities have managed to increase their reserves from about £13 billion to more than £22 billion. The revenue support grant that she referred to is actually a very small part of the income that local authorities get from a whole range of different areas.

I also find it slightly ironic that Labour Members, on listening to some of the things that we say about devolution, talk about closing post offices. Having seen how many post offices Labour closed, that is a slightly odd thing to hear.

David Mackintosh: I remind the Minister of times when I spoke to him in a previous capacity, when I was a local authority leader before being elected to this place. I was asking on behalf of my local authority for more powers and for the retention of business rates, all of which will be helped by the measures outlined in the Bill.

Brandon Lewis: My hon. Friend makes a very good point, which highlights the difference as regards our genuine belief in devolving power and delivering on that, whether it is through the Localism Act 2011, the Housing and Planning Bill or indeed, through this Bill.

To put the Committee's mind at rest, I do not intend to accept the very tempting offer from Labour Members and run through a whole list of all the fabulous tourism offers around Great Yarmouth. I just encourage them to come and see for themselves, and hopefully, after the Bill gets Royal Assent, they will be able to do some shopping and spend their money there as well. I will also not break into song and sing "Mamma Mia" to reflect what my mother would think about the Bill—I would not dare to put the Committee through that, but I am sure my mother will be looking forward to shopping for longer on a Sunday.

The hon. Member for Newcastle upon Tyne North was absolutely right in one thing she said at least: the rules on which we are discussing devolving a new power are more than 20 years old. They predate the internet, and there is now a whole different world of retail. The hon. Member for Sefton Central talked in his opening remarks about devolution and other Members have talked particularly about convenience stores, which I value. I met some in my constituency just a few weeks ago, and some of them were talking about how this could actually increase their trade, because people get used to being able to shop for longer through the day. That mirrors what we have seen elsewhere—those convenience stores have managed to have growth of about 5% over the last year—and it is worth noting that the number of convenience stores in Scotland, where there is that free trade opportunity, is higher per head than it is here in England. That is a really good example from very close to home of how convenience stores can thrive.

Hon. Members have made a few comments today about people's desire for their religious views to be recognised and that even those who are not religious might wish to keep Sunday special. I remind hon. Members, as my right hon. Friend the Member for Broxtowe has rightly said a few times, that this is not compulsory. People do not have to shop on a Sunday. What this does is give an opportunity to people who want to take advantage of the wider flexibilities to be able to do so. That can play quite an important part in enhancing family life and, as I said, in creating more jobs for young people, women and others who want to take advantage of companies that decide that Sunday trading is in their interest and their customers' interest.

Catherine McKinnell *rose*—

Brandon Lewis: I will just make a bit more progress. The point has been made a few times about larger businesses and the differentials that we could see as local authorities make decisions locally around the country. It is right, as hon. Members have said, that local authorities

could make different decisions on whether they take and use the powers, the format, how long they extend them for or how they choose to zone in their area. Council leaders have given me very different examples of what they want to do, and I encourage that, because it recognises the differences across the country for local communities.

3.30 pm

I will go further: it is not that big a jump to expect larger companies to get used to the variation and to deal with it. They already deal with such differences, whether that means the different valuations for business rates in different parts of the country or the fact that a council might have a business improvement district giving a different levy and structure if they trade there. There might also be an enterprise zone nearby. A range of such things already differ around the country and retail businesses are used to dealing with that. I am confident that they will continue to be able to do so in future.

I want to underline a few of the specific issues raised by hon. Members—it is important to be clear. Convenience store sales have risen in the past few years and the responses to the consultation by larger shops and shopping centres, as well as garden centres—let us not forget that many garden centres are small businesses—have been clear about how they frequently have to turn customers away as they close their doors. They also have customers looking around before they spend their money, which highlights the customer demand to be able to shop. Otherwise we would not also find that Sunday is the largest online shopping day of the week. High street shops will instead get the opportunity to compete. They will make a choice about whether they want to take advantage of that, and in what format—we are giving them a local choice.

A couple of Opposition Members mentioned the Olympics and the extrapolation from the data on what happened then. They might want to have a deeper look at that, because the ONS has said that over such a short period it is not possible to extrapolate such an inference from the data available.

On workers' rights, the changes and the improvements that we want to make are clear: if shop workers opt out or propose to do so, they will have legal protection. I suspect that too few workers fully understand that, so we want to ensure that it is clearer, more prevalent, easier to access and fully understood.

The hon. Member for Sefton Central referred to figures from the London School of Economics, which has done some research. I gently point out to him that the figure he used is not one that the Government have used—it is a headline from the London School of Economics.

Catherine McKinnell: The Minister appears to have dispensed with the Opposition queries, but he has skimmed over my question about the family-friendly test. Will he comment, or has it gone the way of hugging huskies?

Brandon Lewis: If the hon. Lady looks at *Hansard* this evening, she will find that I have been responding to a lot of the queries of Opposition Members, specifically hers. Only a few seconds ago I said specifically on the family-friendly test that the Bill will give families more

flexibility and opportunity on how they choose to spend their time on a Sunday. It will be a big advantage for families. I am sure that if it were not, we would have had hon. Members from Scotland jumping up to explain how Sunday trading has ruined family life in Scotland, a religious and family-focused country. I love spending time there and I have not heard that. I suspect that we will find that Scotland is a very good place to bring up a family, despite the fact that Scottish communities have freedom on Sunday trading. We want to give the opportunity to enjoy that same freedom to communities in this country.

Bill Esterson: In a similar vein, a number of us have mentioned the Prime Minister's 20 April promise through his spokeswoman, before the general election, that there were no plans to change the Sunday trading laws in England and Wales. Will the Minister tell us when the Prime Minister changed his mind, or was it only a meaningless pre-election promise intended to get him through the last two weeks of the general election campaign?

Brandon Lewis: The hon. Gentleman is choosing to ignore the fact that since then there has been a general election, an entirely new Parliament and a Conservative Government, which is a good thing for our country. In 2015 the Prime Minister made it very clear at the Dispatch Box in this very House during Prime Minister's Question Time that he felt it was time to review Sunday trading laws on the basis that they are outdated and were passed pre-internet.

Devolving the powers will enable local leaders, who are locally accountable, to decide for themselves what the right approach is to extending Sunday trading hours, reflecting local preferences, shopping habits and local economic conditions. It will provide consumers, businesses and shop workers with greater choice, opportunity and convenience. It will empower local leaders to support bricks and mortar shops in their local high streets and town centres, helping them to compete with the internet retailers that operate 24 hours a day, seven days a week and deliver on Sundays, too.

Kevin Brennan: As I understand it, the Minister's explanation for the Prime Minister's damascene conversion between April and June is that he discovered the internet. Is that correct?

Brandon Lewis: The hon. Gentleman is stretching it a little far to make a joke. If he looks back at Prime Minister's questions, he will find that, as I outlined, the Prime Minister made the point that it was right to review Sunday trading laws in light of the fact that the current rules date from before the internet existed. I was very clear about that.

The change will also ensure that we get a bigger opportunity to drive competition and productivity, reducing prices and improving convenience for consumers. I am sorry that the hon. Gentleman does not appreciate that we have a Prime Minister who cares about our economy and local communities having not only power, but local choice. We want to support our towns and cities to create jobs and have greater prosperity and to enable them to compete for lucrative international tourism, too. Larger shops opening for longer can benefit smaller shops, food establishments and tourism attractions by

[Brandon Lewis]

bringing footfall in. The larger shops draw footfall into our town centres and having them open is good for our town centres.

Catherine McKinnell: The Minister is making an eloquent speech, but it appears to be completely evidence-free. The evidence available to us appears to say the absolute opposite to him. Will he please provide some evidence base for what he is saying?

Brandon Lewis: I outlined the logic behind what we are doing earlier today. The hon. Lady can also have a look at the Government response to the consultation, which is clear on these matters. We are determined to ensure that we deliver the amendments, which provide choice for local areas on what suits their local preferences and their local economic conditions, choice for retailers to open at times that better suit the needs of their customers and choice for consumers on where and when to shop for a wider range of goods and services.

The strengthened rights for shop workers mean that the benefits of the proposals can be delivered while protecting those shop workers who do not want to work at all on a Sunday or who do not want to work longer hours on a Sunday. They deliver flexibility at a local level, which is crucial in ensuring that local communities and local economies can play to their local strengths. Whether it is by capitalising on tourist spend or catering for shoppers later in the day, the amendments will help those local economies, and by extension our UK economy, to grow. That is why the amendments represent an essential modernisation of a piece of law that in reality is no longer fit for purpose in our modern consumer world.

Kevin Brennan: Welcome back, Sir David. We have heard about people's experiences. My first job was in Fine Fare, which is probably defunct now, stacking shelves and cleaning the toilets for 48.5p an hour. When I graduated to Marks and Spencer, my mother said it was the happiest day of her life. I have that grassroots experience of the retail industry, although it is not the considerable experience of the hon. Member for Bury St Edmunds.

I will not detain the Committee for a long, because of the time. We have had an extensive debate. Most of the issues have been aired pretty well, and I will not repeat all the points. The Minister, the right hon. Member for Broxtowe, often chunters about us talking about process, but there is a fundamental objection about the process and the manner in which the Government have gone about introducing these things. The Prime Minister made commitments in April and suddenly changed his mind upon discovering the internet a few months later and decided that something needed to be done desperately and urgently. In the meantime, the convenience of a general election had intervened, meaning he would not have to face the electorate for another five years.

Mary Creagh: Does my hon. Friend agree that the invention of the internet is an argument against Sunday trading, because it gives busy working parents the opportunity to buy online from supermarkets and department stores and to have things delivered at their leisure and convenience, rather than dragging the kids

around the shops at the weekend? Frankly, that is something that most families detest and despise—certainly my family do.

Kevin Brennan: The other growing trend is ordering things on the internet and picking them up in the shop at another time. That is increasingly how people shop these days; certainly my own wife does it frequently. [HON. MEMBERS: "Ooh!"] Wait for it. I have yet to do that myself, because as a former Marks and Spencer Saturday boy, I like to try my suits on before I buy them. There are also, of course, different consumer rights for those who order online.

The changes have been introduced halfway through the Bill's life, conveniently swerving around the Bishops in the House of Lords, who might have had something to say, as might other Members of that House, about keeping Sunday special. It is a highly controversial measure, and there is concern about it across this House, on the Conservative Benches as well as in other parties. That is why we properly have an extra half-day of time carved out on Report to discuss the Bill.

I was going to suggest that if working on a Sunday is nothing to be concerned about, perhaps that debate should take place on a Sunday here in Parliament, and we should all come back—I see the hon. Member for Bury St Edmunds nodding in approval. I would be certainly happy to do so if the Government want to table it on a Sunday, because I am sure it is no inconvenience whatever to anyone to come to work on a Sunday. [Interruption.] I do not sense universal assent to my proposal, but the hon. Lady was in favour of it.

As a result of that extra time, we will have an opportunity to test the opinion of the whole House on this subject. As this is a House of Lords Bill, it is not enactable in this House, so constitutionally, in this instance it is the Lords who have a significant say, and no Salisbury convention applies, because it was not included in the governing party's manifesto. Indeed, the Prime Minister said that he would do the opposite, and had no plans to do anything about Sunday trading until his sudden discovery of the internet.

Therefore, if the Bill survives Report in the House of Commons and their lordships get it back, I am sure they will want to spend extensive time on the measure, given that they were not allowed to consider it because the Government did not have the courtesy to introduce it at the beginning of the Bill. As one of my hon. Friends pointed out, the consultation was extremely short and was then sat on for months after the Bill had gone through its stages in the House of Lords before the Government announced, on the cusp of Second Reading, that they had had another sudden revelation and decided that they needed to put the measure into this Bill, even though it was halfway through its parliamentary journey.

We need time to cogitate further on the measure, but in doing so, I have certainly been convinced by the arguments made by my right hon. and hon. Friends that we are likely to oppose it on Report. I enjoyed all their speeches. My hon. Friend the Member for Newcastle upon Tyne North spoke with a great deal of knowledge, not least, as she pointed out, because of her family interest, in the form of her partner's occupation. My right hon. Friend the Member for Don Valley entertained

us hugely by telling us that she had foiled a bank robbery. The only disappointing thing was that apparently no video survives of that day; I am sure that we would all have liked to see it. We look forward to hearing the full story outside this room. She also made some vital points about why the measure should not be adopted. We also heard contributions in the form of interventions by my hon. Friend the Member for Wakefield, and my hon. Friend the Member for Sefton Central set out an extensive case for why the measure is wrong.

I say to our colleagues from the Scottish National party that when people were debating a British compromise or an English compromise, I was feeling slightly forgotten over here in the corner, as a constituency Member representing a Welsh seat, because of course these measures also apply to Wales. However, they will affect Scotland and Northern Ireland. I know that USDAW has communicated with Scottish MPs on behalf of its 46,000 members in Scotland to say that its view is that the sort of premium pay that is available to workers in Scotland, England, Wales and Northern Ireland for working on Sundays is already under severe threat as a result of the nature of the market and the prospect of these measures being introduced.

3.45 pm

There is already a diminution in the availability of Sunday premium pay in the retail sector. I should tell my colleagues in Scotland that although this measure will apply directly only in England and Wales, I am afraid it will have a ripple effect on other parts of the United Kingdom. That is the point USDAW is making on behalf of its members. I encourage my Scottish colleagues to think about that seriously, as I know they will, when deciding their position on this measure.

I remind all hon. Members present that many retail workers in their constituencies will be listening carefully to this debate. I was looking at the figures and, to take some at random, I see that the hon. Member for Derby North has 3,300 retail workers in her constituency and that there are 5,000 in the constituency of my hon. Friend the Member for Wakefield. They form an important part of our constituencies. We should consider them and consult them on their opinions.

The Government have made some bold statements on what retail workers want and think, and I hope they will listen to the lobby in Parliament on Monday when retail workers from around the country come to Parliament to talk to their MPs. I am sure colleagues will want to meet them and to hear their opinions before the matter comes back on Report. In sympathy with my friend, the hon. Member for Rugby, who is unfortunately not well, I will cut short my comments and simply say that we are against these proposals, but we will not vote against them at this stage because we want the opportunity to test the opinion of the whole House on Report.

Question put and agreed to.

New clause 21 accordingly read a Second time, and added to the Bill

New Clause 15

REVIEW OF THE GROCERIES CODE ADJUDICATOR

(1) The Secretary of State shall carry out a review of the Groceries Code Adjudicator.

(2) The review shall cover—

- (a) requests from the Groceries Code Adjudicator to extend her remit, and
- (b) extension of the powers given to the Groceries Code Adjudicator since the introduction of the post.

(3) The Secretary of State shall place this review before both Houses within 12 months of the appointment of the Small Business Commissioner.”—(*Bill Esterson.*)

This new Clause would require the Secretary of State to review remit and powers of the Groceries Code Adjudicator.

Brought up, and read the First time.

Bill Esterson: I beg to move, That the clause be read a Second time.

We debated some elements of the Groceries Code Adjudicator as part of our lengthy discussions about the creation of the small business commissioner a long time ago—two and a bit weeks ago, at the start of our proceedings. There is a great deal of overlap in the nature and aims of the adjudicator and the commissioner. Both were created to give a voice to smaller suppliers in their dealings with larger companies and both were designed to address the imbalance in those relationships.

New clause 15 seeks to acknowledge that there will be considerable concern about the Groceries Code Adjudicator, which was set up in 2013, and the small business commissioner, when it is established, presumably later this year, and the extent of their powers, the breadth of their remit and the teeth they have to deliver in their sectors. I appreciate that the general review of the Groceries Code Adjudicator is expected this year. We are asking in the new clause for a specific investigation of the adjudicator’s role, which is particularly relevant to the Bill because of the relationship with the small business commissioner. The review we are asking for is to learn from the first years of the Groceries Code Adjudicator so that we can apply those lessons to the post of the small business commissioner. The new clause is a simple way of saying that we did not get it quite right in 2013 and that we have an opportunity to learn valuable lessons now. We ought to ensure that those lessons are taken on board at the appropriate stage, which is in this Bill.

On confidentiality, we have said repeatedly, here and in the Lords, that if small businesses complain about big businesses that are their customers, they risk damaging their business relationships. Now, the Groceries Code Adjudicator has said that a lack of trust is a barrier to suppliers who might have complaints. Lord Mendelsohn cited that as a key area of concern. Without robust provisions for confidentiality and without learning from the experience of the Groceries Code Adjudicator, we will be doomed to repeat those deficiencies with the small business commissioner.

When it comes to providing greater powers for the commissioner, we can learn lessons from the Groceries Code Adjudicator. In January 2015, the then coalition Government announced that they would give the Groceries Code Adjudicator the ability to fine supermarkets 1% of their annual turnover for serious breaches of the grocery code. This was a recognition that the adjudicator needed to back up their influence with greater powers, but it took almost two years after the creation of the post to ensure that those powers were available. The new clause would avoid repeating that delay as we create the post of the small business commissioner. It would

[Bill Esterson]

ensure that the commissioner's office has the powers needed to do the job from day one by learning from the experience of the Groceries Code Adjudicator.

When the position of Groceries Code Adjudicator was created, concerns were raised about its ability to fulfil the Government's ambitions for it, because it was given too few staff and resources to deliver effective change. Let us remember that the Groceries Code Adjudicator works only three days a week and has only five staff, who are responsible for 7,000 direct suppliers and a further 300,000 indirect suppliers. As we have pointed out, it is clear from the Australian model that this could well be a cause of problems in the UK. The Groceries Code Adjudicator is another reference point from which we can learn, as she is an adjudicator working part-time with five staff responsible for so many suppliers. With the small business commissioner, we are looking at a similarly small team taking responsibility for an estimated 390,000 disputes from 70,000 businesses.

We had an impact assessment for the creation of the small business commissioner. It is a shame, is it not, that we did not have one for Sunday trading. The impact assessment for the small business commissioner estimated that the commissioner's team would deal with only 500 complaints out of the estimated 390,000 disputes every year. From the experience and comments of the Groceries Code Adjudicator, we know that she is understaffed. She has made it clear that she was given a small office and spends much of her time just explaining what she can and cannot do, and is left with little time to actually deliver. That is why there has been only one investigation in two years, as good as that investigation clearly was. She has made it clear that she cannot cover the suppliers in the supply chain.

As it stands, we will be putting more pressure on the small business commissioner, because the volume of potential activity is even greater. We need to learn the lessons and that is what the new clause is about. If the Government will not change the Bill, we should at least try to speed up the process of evolving the role to meet the challenges that the small business commissioner will face. I hope the Government will learn and apply the lessons from the first years of the Groceries Code Adjudicator. Throughout the process, we have called for the remit of the small business commissioner to be broadened and for the commissioner to have the resources at his or her disposal to fulfil the ambitions that we all have for the post. We want the commissioner to be given the powers to deliver real change to the crippling culture of late payments and poor business practice.

We have repeatedly used the example of the Australian small business commissioner, because it is a good model and we stand to learn a good deal from it. New clause 15 is an attempt to make sure that the powers that we believe ought to be put in place now are at least fast-tracked for the small business commissioner, by keeping a weather eye on and learning from the experience of the Groceries Code Adjudicator.

Alan Brown (Kilmarnock and Loudoun) (SNP): It is a pleasure to serve under your chairmanship, Sir David, in this last sitting.

My thoughts are broadly in line with those of the hon. Member for Sefton Central. As we know, this Bill introduces the small business commissioner, which obviously

has cross-party support. Amendments have been tabled that we thought might give the office of the small business commissioner more teeth, to allow it to work more efficiently on behalf of those it will represent. Obviously the amendments have not been accepted today, but hopefully the Government will consider that in future.

In thinking about the office of the small business commissioner, it certainly makes sense to think about the office of the Groceries Code Adjudicator. Given that this is a wide-ranging Bill anyway, it makes sense to use it as an opportunity to review the powers and purpose of the GCA and to learn from its short history.

When the GCA was created in 2013, my SNP colleagues gave their support at that time, but my hon. Friend the Member for Banff and Buchan (Dr Whiteford) urged the Government to give the GCA enough power to address two key issues that she raised then. First, she highlighted the underlying problems caused by the concentration of power in the grocery supply chain due to the dominance of a handful of large supermarkets. We are well aware of the recent issue of Tesco breaking the code of practice and abusing its market position to prioritise its cash flow and finances over those of their suppliers. It was often excessively late with its payments. Tesco did that, but what was the outcome of the case? Yes, Tesco was named and shamed, which was good—the matter has been highlighted and Tesco has said it will not do it again—but the GCA, Christine Tacon, was unable to impose a fine, because she was only given the power to impose fines in 2015, two years after the establishment of her office.

The second issue that my hon. Friend highlighted was about sustainable food production and the ability of non-direct suppliers to supermarkets to make complaints that the GCA can investigate and follow through on. Recently we have seen evidence that this issue is rearing its head again, with the dairy farmers and the price they receive for milk. A stronger GCA may have been able to intervene and take greater action in support of the farmers or those at the end of a supply chain, who we need to survive in order to get the end product, provide local employment and have a greener product as a result of a smaller carbon footprint. Also, my hon. Friend the Member for Berwickshire, Roxburgh and Selkirk (Calum Kerr) has called for the GCA to have greater powers over labelling, to make the supply chain from source to product much clearer.

Overall, the position of the GCA is welcome, but there are still imperfections. The new clause could allow some of them to be smoothed out. I support the new clause and certainly agree with the principle behind it.

Anna Soubry: It is obviously a pleasure, Sir David, to serve under your chairmanship in our final sitting.

In short, the Government are already committed to reviewing the GCA after next month. That commitment is in the Groceries Code Adjudicator Act 2013, so this very review is going to happen; it is in statute. Yes, we are looking at the terms of reference. We are preparing them to make sure they include all the things we want the review to look at, so we are looking at consideration of the remit and the powers of the GCA being part of that review.

The review will cover the period up to 31 March, so we will begin the public consultation shortly after that date, as part of the review, providing an opportunity for everyone to input their views. As I say, it is all there already in the 2013 Act. The new clause is just not necessary, because all these points are covered already.

Bill Esterson: I am grateful to the hon. Member for Kilmarnock and Loudoun for his reminder of some of the issues, challenges and experiences of those who have sought help from the GCA in the last two years, and of the need for greater support and resource for the office of the GCA.

The reason for the new clause was to draw the parallels between the adjudicator and the commissioner. I acknowledged in my opening remarks that the review was already taking place, but it is important to have debates such as this to get the Minister on the record, as we have done a few times in Committee, and she has now made clear what will happen.

4 pm

I want to pick up on the point the Minister made about public consultation, not least given the debate we had about Sunday trading and the role of consultation. I seek her assurance that the results of the consultation will be properly evaluated and shared, and analysed far more fully than the Sunday trading consultation that we will discuss. Opposition Members raised concerns about the nature of that consultation and its results. If consultation is done properly, the problems raised by the hon. Member for Kilmarnock and Loudoun, which were raised by Members from all parties in a Westminster Hall debate that the Minister and I attended, will be analysed and dealt with properly both in the consultation and in the Government's response. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 24

PROVISION OF BROADBAND: PUBLIC COMMUNICATIONS TO SMALL BUSINESSES

“(1) The Secretary of State shall by regulations regulate the content of broadband providers' public communications relating to the broadband speeds offered to small businesses.

(2) The regulations under subsection (1) shall require that in their communications with small businesses, broadband providers shall communicate the minimum speeds offered as part of their service as well as the range of speeds offered.

(3) The regulations under subsection (1) shall require broadband providers to offer a break clause in contracts should speeds not meet reasonable expectations.

(4) The Secretary of State shall direct Ofcom to define reasonable expectations for the purpose of subsection (3).”—
(*Kevin Brennan.*)

Brought up, and read the First time.

Kevin Brennan: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss the following:

New clause 25—*Broadband: rollout*—

“(1) The Secretary of State may by regulations set targets for electronic communications bodies to roll out, to businesses and commercial organisations, more than 95% coverage of—

- (a) basic broadband,
- (b) superfast broadband, and
- (c) mobile phone coverage

by the end of 2016.

(2) The Secretary of State must prepare and publish an annual report assessing the progress that has been made on the targets provided for by subsection (1), and the impact of—

- (a) basic broadband,
- (b) superfast broadband and
- (c) mobile coverage technology

on enterprise and growth in the rural economy.

(3) The report provided for in subsection (2) should be laid before both Houses of Parliament.”

New clause 26—*Broadband: rollout to business parks*—

“The Secretary of State shall direct Broadband Delivery UK to include business parks and industrial estates, including those in non-residential areas, in their plans for roll out of universal superfast broadband.”

Kevin Brennan: I will be extremely brief. We rehearsed a lot of what I wanted to say on these new clauses, which are to do with digital roll-out, earlier in stand part debates on such matters. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 31

BUSINESS RATE: EXEMPTIONS

“Agricultural land and buildings used for cultural events and festivals are exempt from business rates and the provisions outlined in sections 25 and 26.”—(*Kevin Brennan.*)

Brought up, and read the First time.

Kevin Brennan: I beg to move, That the clause be read a Second time.

Subject to hon. Members, this might be the final substantial matter we discuss in Committee, certainly on the bits that I intend to cover. I hope we will have time at the end for the traditional points of order and it looks like we will, so I will not make such remarks at this point.

The new clause deals with festivals. The British farming industry is still under threat from a number of directions and the advice that all of us, under different Governments, have given farmers is to diversify, think laterally and be innovative. Many have done so and some have decided to use their assets such as land, barns and so on for occasional festivals and cultural events.

I know you are an MP4 fan, Sir David, so you will not be surprised to hear that my band—perhaps I should declare an interest, although we do not get paid—MP4 has performed at festivals in hon. Members' constituencies from across the House, being a cross-party venture. The group includes the hon. Member for Perth and North Perthshire (Pete Wishart), the right hon. Member for East Yorkshire (Sir Greg Knight) and the former Member for Brigg and Goole. We have an interest because we have direct experience of participating as performers and of being in the audience at such events. I know that many right hon. and hon. Members enjoy festivals in their constituencies and right across the country.

[Kevin Brennan]

The Valuation Office Agency—we are back on that subject again—is now pursuing those farmers for additional rates and in some cases it is making that retrospective by turning up at farmers' houses and presenting them with bills that go back several years if they have held festivals on their land. In some cases, the rate demands have been as high as £60,000. That was discussed in the Lords, and Lord Stevenson asked for derogation to be offered for short-lived and one-off festivals. Such festivals, as we have heard, are often in rural areas and bring much-needed economic activity to many suppliers in the locality, even on a Sunday. The cultural benefits that can accrue should also be taken into consideration. Imposing steep business rates for occasional events may lead to the events not taking place.

In replying to the debate in the other place, Baroness Neville-Rolfe said:

“I can assure noble Lords that if there are no permanent physical adaptations to the land to facilitate, for example, festival use, and the duration...is only a matter of a few days, it is unlikely to attract a rating assessment in its own right, and any festival operator or land owner who is unsure of when they may incur a rates bill should contact the Valuation Office Agency... I also know that the Valuation Office Agency recognises the need for clarity and consistency in this sector and is working with the industry to draw up guidance to help event organisers. It hopes to have guidance ready...for the festival season next year.”—[*Official Report, House of Lords*, 2 November 2015; Vol. 765, c. GC314.]

She said that last year. From previous exchanges in Committee, I thought that we were not encouraging people to go to the Valuation Office Agency and to start clogging up the system with even more requests for information and even more appeals against ratings, but that is the Minister's advice. She seems to indicate that she anticipates that festivals such as the ones I am talking about, where farmers try to make innovative use of their land but where it is not the mainstay of their business in any way, shape or form—they are effectively hiring out their land; they are not building major infrastructure on their land—should not be attracting rates in the way that the Valuation Office Agency seems to be pursuing.

The festival season will soon be upon us. It is hard to believe it sometimes, looking at the weather, but spring is on its way—I think spring officially starts on Tuesday, St David's day, and we may see the odd daffodil poking through soon. Will the Minister for Small Business, Industry and Enterprise inform the Committee—[*Interruption.*] I am pausing so that she can hear what I am saying to her.

Anna Soubry: I am listening; don't worry.

Kevin Brennan: She says she is listening. She is remarkable, because she can speak and listen at the same time. That is one of her many remarkable talents.

Will the Minister inform the Committee of what progress has been made on this issue since it was discussed in the House of Lords in November? Can she clarify some of Baroness Neville-Rolfe's comments? Baroness Neville-Rolfe said that

“if there are no permanent physical adaptations...it is unlikely to attract a rating assessment in its own right”.

When she said that, she talked about “a few days”, and I would like some clarity. Are we talking about two days, three days, four days? Will a week count as a few

days, or is it less than a week? Some clarity would help people who are holding festivals, as would clarity on what constitutes a “permanent physical adaptation”. If someone builds a bridge over a stream, is that a permanent physical adaptation, or are we talking about the building of hard standing or something of that kind? If a farmer improves health and safety on their farm to accommodate lots of festivalgoers, is that the sort of thing that means the Valuation Office Agency will immediately start taking an interest?

Can the Minister assure us that the Valuation Office Agency's advice will be uniform across the country? Has there been an attempt to provide clarity and consistency in ministerial advice to Valuation Office Agency officers? We have heard about the backlog of 300,000 rate appeals, so clarity and consistency of advice would help to prevent unnecessary appeals. I hope the Minister can say something positive about that, given what Baroness Neville-Rolfe said in the Lords about looking at the matter further.

Lord Stevenson informed the Grand Committee that Valuation Office Agency officers had begun to raise invoices against landowners for the use of their land for festivals. How did that start to come about? Has there been a central instruction to do it? What is the Minister's view of the Valuation Office Agency pursuing such things retrospectively, sometimes going back several years? Does the Department have a position on whether that should happen or whether, if the Valuation Office Agency is going to start levying rates on festivals, it should not be done retrospectively?

This is a probing new clause. If the Minister can provide some information about the progress that the Government have made since this was discussed in the Lords, I will withdraw it at the end of her response.

Anna Soubry: If there is no permanent physical adaptation to the land to facilitate festival use, and the duration of the festival is a matter of only a few days, it is very unlikely to attract a rating assessment in its own right. That is true whether the festival is on agricultural land or anywhere else. We do not dispute that some event organisers struggle with the rules, so the Valuation Office Agency is working with the industry to help event organisers understand the rules and how to comply.

In many instances, the people organising that sort of event work hand in glove with their local authority. These are all local matters. I am of the view, perhaps unlike Labour Members, that we can trust local authorities to work with people, come to the right decisions and exercise bucketloads of good common sense so the rules are not misinterpreted or over-interpreted.

I have helpfully been told that the Valuation Office Agency's review of festivals is now complete, and that rate payers should now be clear about any potential ratings liability. They are encouraged to contact the agency if they are in any way unclear about them. That review has taken place.

We have given local authorities wide powers to grant rate relief in such circumstances. Where they do so, central Government will pick up half the cost. We are looking at reliefs and exemptions in any event as part of the business rate review, which is due to report in the Budget next month. We do not want to pre-empt the result of it. I hope that answers the hon. Gentleman's questions and satisfies him.

Kevin Brennan: I am grateful to the Minister for her response. I will get into some more detail later, while giving it further consideration.

I said that my band played at festivals in several right hon. and hon. Members' constituencies, one of which was the constituency of the Secretary of State for Work and Pensions. After this debate, I will check with him about whether that festival attracted any ratings. As a charitable local event, it does not have a permanent structure in place on the farmer's field in which it is held.

It is right that we trust local authorities, but it is also right that parliamentarians respond to concerns brought to us from around the country by local people who have been affected by decisions taken at a local level. It is our duty to raise them in Parliament, debate them and compare what is going on around the country to see whether in some places very different interpretations are being made, and to ensure fairness and consistency. It is our job to do that, so it is entirely appropriate that we debate this issue, as they did in their Lordships' House. I am grateful to the Minister for her response. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Schedule 1

SUNDAY OPENING HOURS: RIGHTS OF SHOP WORKERS

Employment Rights Act 1996

1 The Employment Rights Act 1996 is amended as follows.

2 In section 41 (opted-out shop workers and betting workers), for subsection (3) substitute—

(3) In this Act “notice period”, in relation to an opted-out shop worker or an opted-out betting worker, means—

- (a) in the case of an opted-out shop worker who does shop work in or about a large shop, the period of one month beginning with the day on which the opting-out notice concerned was given;
- (b) in any other case, the period of three months beginning with that day.

This subsection is subject to sections 41D(2) and 42(2).”

3 After section 41 insert—

“41A Notice of objection by shop workers to working additional hours on Sunday

(1) A shop worker may at any time give to his or her employer a written notice, signed and dated by the shop worker, to the effect that he or she objects to doing shop work for additional hours on Sunday.

(2) In this Part—

“additional hours” means any number of hours of shop work that a shop worker is (or could be) required to work under a contract of employment on Sunday that are (or would be) in excess of the shop worker's normal Sunday working hours;

“objection notice” means a notice given under subsection (1).

(3) The “normal Sunday working hours” of a shop worker are to be calculated in accordance with regulations.

(4) Regulations under this section may provide—

- (a) for the calculation to be determined (for example) by reference to the average number of hours that the shop worker has worked on Sundays during a period specified or described in the regulations;
- (b) for a calculation of the kind mentioned in paragraph (a) to be varied in special cases;
- (c) for the right to give an objection notice not to be exercisable in special cases (and subsection (1) is subject to provision made by virtue of this paragraph).

(5) Provision under subsection (4)(b) or (c) may, in particular, include provision—

(a) about how the calculation of normal Sunday working hours is to be made in the case of a shop worker who has not been employed for a sufficient period of time to enable a calculation to be made as otherwise provided for in the regulations;

(b) for the right to give an objection notice not to be exercisable by such a shop worker until he or she has completed a period of employment specified or described in the regulations.

(6) But regulations under this section may not include provision preventing a shop worker who has been continuously employed under a contract of employment for a period of one year or more from giving to the employer an objection notice.

(7) Regulations under this section may make different provision for different purposes.

41B Explanatory statement: persons who become shop workers

(1) This section applies where a person becomes a shop worker who, under a contract of employment, is or may be required to do shop work on Sundays.

(2) The employer must give to the shop worker a written statement informing the shop worker of the following rights—

- (a) the right to object to working on Sundays by giving the employer an opting-out notice (if section 40 applies to the shop worker);
- (b) the right to object to doing shop work for additional hours on Sundays by giving the employer an objection notice.

(3) The statement must be given before the end of the period of two months beginning with the day on which the person becomes a shop worker as mentioned in subsection (1).

(4) An employer does not fail to comply with subsections (2) and (3) in a case where, before the end of the period referred to in subsection (3), the shop worker has given to the employer an opting-out notice (and that notice has not been withdrawn).

(5) A statement under this section must comply with such requirements as to form and content as regulations may provide.

(6) Regulations under this section may make different provision for different purposes.

41C Explanatory statement: shop workers at commencement date

(1) This section applies where—

- (a) under a contract of employment a shop worker is or may be required to do shop work on Sundays, and
- (b) the shop worker was employed under that contract on the day before the commencement date.

(2) The shop worker's employer must give to the shop worker a written statement informing the shop worker of the rights mentioned in section 41B(2).

(3) The statement must be given before the end of the period of two months beginning with the commencement date.

(4) An employer does not fail to comply with subsections (2) and (3) in a case where, before the end of the period referred to in subsection (3), the shop worker has given to the employer an opting-out notice (and that notice has not been withdrawn).

(5) A statement under this section must comply with such requirements as to form and content as regulations may provide.

(6) Regulations under this section may make different provision for different purposes.

(7) In this section “commencement date” means the date appointed by regulations under section 38 of the Enterprise Act 2016 for the coming into force of section (Extended Sunday opening hour and Sunday working)(5) of, and Schedule (Sunday opening hours: rights of shop workers) to, that Act.

41D Failure to give explanatory statement under section 41B or 41C

(1) This section applies if an employer fails to give to a shop worker a written statement in accordance with—

- (a) section 41B(2) and (3), or
- (b) section 41C(2) and (3).

(2) If the shop worker gives to the employer an opting-out notice, the notice period under section 41(3) that applies in relation to the shop worker is varied as follows—

- (a) if the notice period under that provision would have been one month, it becomes 7 days instead;
- (b) if the notice period under that provision would have been three months, it becomes one month instead.

(3) If the shop worker gives to the employer an objection notice, the relevant period under section 43ZA(2) that applies in relation to the shop worker is varied as follows—

- (a) if the relevant period under that provision would have been one month, it becomes 7 days instead;
- (b) if the relevant period under that provision would have been three months, it becomes one month instead.”

4 (1) Section 42 (explanatory statement) is amended as follows.

(2) In the heading, after “statement” insert “: betting workers”.

(3) In subsection (1) omit “shop worker or”.

(4) In subsection (2)—

- (a) in paragraph (a) omit “shop worker or”;
- (b) in paragraph (b)—
 - (i) after “the” omit “shop worker or”;
 - (ii) omit “an opted-out shop worker or”.

(5) In subsection (3) omit “shop worker or”.

(6) Omit subsection (4).

(7) In subsection (6)—

- (a) for “forms” substitute “form”;
- (b) for “subsections (4) and (5)” substitute “subsection (5)”.

5 In the heading of section 43, after “work” insert “: opting-out notices”.

6 After section 43 (in Part 4) insert—

“43ZA Contractual requirements relating to working additional hours on Sundays: objection notices

(1) Where a shop worker gives to his or her employer an objection notice, any agreement entered into between the shop worker and the employer becomes unenforceable to the extent that—

- (a) it requires the shop worker to do shop work for additional hours on Sunday after the end of the relevant period, or
- (b) it requires the employer to provide the shop worker with shop work for additional hours on Sunday after the end of that period.

(2) The “relevant period” is—

- (a) in the case of a shop worker who is or may be required to do shop work in or about a large shop, the period of one month beginning with the day on which the objection notice is given;
- (b) in any other case, the period of three months beginning with that day.

This subsection is subject to section 41D(3).

(3) A shop worker who has given an objection notice may revoke the notice by giving a further written notice to the employer.

(4) Where—

- (a) a shop worker gives to the employer a notice under subsection (3), and
- (b) after giving the notice the shop worker expressly agrees with the employer to do shop work for additional hours on Sunday (whether on Sundays generally or on a particular Sunday),

the contract of employment between the shop worker and the employer is to be taken to be varied to the extent necessary to give effect to the terms of the agreement.

(5) The reference in subsection (1) to any agreement—

- (a) includes the contract of employment under which the shop worker is employed immediately before giving the objection notice;
- (b) includes an agreement of a kind mentioned in subsection (4), or a contract of employment as taken to be varied under that subsection, only if an objection notice is given in relation to the working of additional hours under that agreement or contract as varied.

43ZB Interpretation

(1) In this Part—

“additional hours” has the meaning given in section 41A(2);

“large shop” means a shop which has a relevant floor area exceeding 280 square metres;

“objection notice” has the meaning given in section 41A(2);

“regulations” means regulations made by the Secretary of State.

(2) In the definition of “large shop” in subsection (1)—

(a) “shop” means any premises where there is carried on a trade or business consisting wholly or mainly of the sale of goods;

(b) “relevant floor area” means the internal floor area of so much of the large shop in question as consists of or is comprised in a building.

(3) For the purposes of subsection (2), any part of the shop which is not used for the serving of customers in connection with the sale or display of goods is to be disregarded.

(4) The references in subsections (2) and (3) to the sale of goods does not include—

(a) the sale of meals, refreshments or alcohol (within the meaning of the Licensing Act 2003) for consumption on the premises on which they are sold, or

(b) the sale of meals or refreshments prepared to order for immediate consumption off those premises.”

7 After section 45 insert—

“45ZA Sunday working for shop workers: additional hours

(1) Subsection (2) applies where a shop worker has given an objection notice to his or her employer and the notice has not been withdrawn.

(2) The shop worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by the employer done on the ground that the shop worker refused (or proposed to refuse) to do shop work for additional hours on Sunday or on a particular Sunday.

(3) Subsection (2) does not apply to anything done on the ground that the shop worker refused (or proposed to refuse) to do shop work for additional hours on any Sunday or Sundays falling before the end of the relevant period.

(4) A shop worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his or her employer on the ground that the shop worker gave (or proposed to give) an objection notice to the employer.

(5) Subsections (2) and (4) do not apply where the detriment in question amounts to dismissal (within the meaning of Part 10).

(6) For the purposes of this section, a shop worker who does not do shop work for additional hours on Sunday or on a particular Sunday is not to be regarded as having been subjected to any detriment by—

(a) a failure to pay remuneration in respect of doing shop work for additional hours on Sunday which the shop worker has not done, or

(7) Subsections (8) and (9) apply where—

(a) an employer offers to pay a sum specified in the offer to a shop worker if he or she agrees to do shop work

for additional hours on Sunday or on a particular Sunday, and

- (b) the shop worker—
- (i) has given an objection notice to the employer that has not been withdrawn, or
 - (ii) is not obliged under a contract of employment to do shop work for additional hours on Sunday.

(8) A shop worker to whom the offer is not made is not to be regarded for the purposes of this section as having been subjected to any detriment by any failure—

- (a) to make the offer to the shop worker, or
- (b) to pay the shop worker the sum specified in the offer.

(9) A shop worker who does not accept the offer is not to be regarded for the purposes of this section as having been subjected to any detriment by any failure to pay the shop worker the sum specified in the offer.

(10) In this section—

“additional hours” and “objection notice” have the meanings given by section 41A(2);

“relevant period” means the period determined by section 43ZA(2) (but subject to section 41D(3)).”

8 After section 101 insert—

“101ZA Shop workers who refuse to work additional hours on Sunday

(1) Subsection (2) applies where a shop worker has given an objection notice that has not been withdrawn and he or she is dismissed.

(2) The shop worker is to be regarded for the purposes of this Part as unfairly dismissed if the reason (or the principal reason) for the dismissal is that he or she refused, or proposed to refuse, to do shop work for additional hours on Sunday or on a particular Sunday.

(3) Subsection (2) does not apply where the reason (or principal reason) for the dismissal is that the shop worker refused (or proposed to refuse) to do shop work for additional hours on any Sunday or Sundays falling before the end of the relevant period.

(4) A shop worker who is dismissed is to be regarded for the purposes of this Part as unfairly dismissed if the reason (or principal reason) for the dismissal is that the worker gave (or proposed to give) an objection notice to the employer.

(5) In this section—

“additional hours” and “objection notice” have the meanings given by section 41A(2);

“relevant period” means the period determined by section 43ZA(2) (but subject to section 41D(3)).”

9 In section 236 (orders and regulations), in subsection (3) after “27B,” insert “41A that include provision under subsection (4)(c) of that section.”

Employment Act 2002

10 In section 38 of the Employment Act 2002 (failure to give statement of employment particulars etc)—

- (a) in subsection (2)(b), after “change” insert “or under section 41B or 41C of that Act (duty to give a written statement in relation to rights not to work on Sunday)”;
- (b) in subsection (3)(b), after “1996” insert “or under section 41B or 41C of that Act”.

This new Schedule contains amendments to employment legislation. The amendments: (a) shorten the notice period for opting out of Sunday work in the case of shop workers at large shops, (b) confer a new right to object to working additional hours on Sunday, (c) require employers to give statements explaining those rights, (d) confer protections against detriment and unfair dismissal for refusing to work additional hours on Sunday, and (e) provide for fines in tribunal proceedings if there is a failure to give explanatory statements.

Brought up, and read the First time.

Amendments made: (a), line 128 in paragraph 4(4), after paragraph (b) insert—

“(c) in the words after paragraph (b), omit “shop worker or””

This is a technical amendment of NS1 which removes a further reference to a shop worker from section 42 of the Employment Rights Act 1996 (as that section is to apply only to betting workers as a consequence of other amendments made by this New Schedule).

Amendment (b), line 192 in paragraph 6, in new section 43ZB(4)(a), after “2003” insert

“or, in relation to Scotland, the Licensing (Scotland) Act 2005 (asp 16)”—(*Brandon Lewis.*)

This is a technical amendment that provides for a definition of “alcohol” in relation to Scotland by reference to the relevant legislation of the Scottish Parliament.

New schedule 1, as amended, read a Second time, and added to the Bill.

New Schedule 2

THE INSTITUTE FOR APPRENTICESHIPS

1 The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.

2 In Part 1 (apprenticeships, study and training) before Chapter A1 insert—

“CHAPTER ZA1

THE INSTITUTE FOR APPRENTICESHIPS

Establishment

ZA1 The Institute for Apprenticeships

“(1) A body corporate known as the Institute for Apprenticeships is established.

(2) In this Act that body is referred to as “the IfA”.

(3) Schedule A1 makes further provision about the IfA.

General duties and functions

ZA2 General duties

“(1) So far as relevant, and subject to any notice given by the Secretary of State under subsection (2), in performing its functions the IfA must have regard to—

- (a) the reasonable requirements of industry, commerce, finance, the professions and other employers regarding education and training within the IfA’s remit;
- (b) the reasonable requirements of persons who may wish to undertake education and training within the IfA’s remit;
- (c) the need to ensure that education and training within the IfA’s remit is of an appropriate quality;
- (d) the need to ensure that education and training within the IfA’s remit represents good value in relation to financial resources provided out of public funds;
- (e) any information provided to it by any person designated by the Secretary of State for the purposes of this paragraph.

(2) The Secretary of State may give a notice in writing to the IfA setting out other matters to which the IfA must have regard when performing its functions.

(3) The Secretary of State may not give a notice under subsection (2) more than once in any financial year (within the meaning given by section ZA6(6)), except as provided by subsection (4).

(4) Where in a financial year—

- (a) a notice is given under subsection (2), and
- (b) after the giving of the notice a new Parliament meets for the first time,

the Secretary of State may give one further notice under subsection (2) in that year.

(5) The IfA must perform its functions efficiently and effectively.

(6) For the purposes of this section, education or training is within the IfA's remit if the education or training is or may be provided in the course of an approved English apprenticeship.

(7) Subsection (1) and any notice under subsection (2) do not apply in relation to functions that are— Where directions or regulations so provide, the directions or regulations—

- (a) delegated by directions under section ZA4, or
- (b) conferred by regulations under section ZA5,

unless the regulations or directions provide for them to apply in relation to the functions.

- (c) may provide for any education or training to which the functions relate to be treated as within the IfA's remit for the purposes of this section;
- (d) may provide for subsection (1) and any notice under subsection (2) to apply in relation to the functions with such modifications as the Secretary of State thinks fit.

(8) The Secretary of State must—

- (a) publish in such manner as the Secretary of State thinks fit any notice under subsection (2), and
- (b) lay a copy of it before Parliament.

ZA3 Provision of advice and assistance to the Secretary of State etc

(1) The IfA may, if requested to do so by the Secretary of State, provide the Secretary of State with advice and assistance in connection with the Secretary of State's functions relating to apprenticeships in relation to England.

(2) The Secretary of State's functions mentioned in subsection (1) include those under section 100(1A) or otherwise relating to the funding of apprenticeships in relation to England.

ZA4 Delegation of functions to the IfA by Secretary of State

(1) The Secretary of State may by direction delegate to the IfA any of the Secretary of State's functions relating to apprenticeships in relation to England.

(2) The functions may be delegated—

- (a) to any extent that the Secretary of State specifies in the direction, and
- (b) subject to any conditions that the Secretary of State specifies in the direction.

(3) The Secretary of State's functions mentioned in subsection (1) include those under section 100(1A) or otherwise relating to the funding of apprenticeships in relation to England.

ZA5 Conferral of further functions on the IfA by regulations

(1) The Secretary of State may by regulations confer on the IfA such functions relating to apprenticeships in relation to England as the Secretary of State considers appropriate.

(2) A function conferred by regulations under subsection (1) may involve the exercise of a discretion.

ZA6 Annual and other reports

(1) As soon as reasonably practicable after the end of each financial year, the IfA must prepare an annual report.

(2) An annual report is a report which includes—

- (a) a description of what the IfA has done during the year, including a description of what the IfA has done as a result of any notice given by the Secretary of State under section ZA2(2),
- (b) the statement of accounts prepared for that year under paragraph 11 of Schedule A1, and
- (c) such other provision as the Secretary of State may direct.

(3) The IfA must send the report to the Secretary of State as soon as reasonably practicable after it has been prepared.

(4) The Secretary of State must lay a copy of the report before Parliament.

(5) The Secretary of State may direct the IfA to prepare, and send to the Secretary of State, as soon as reasonably practicable a report on any matter relating to its functions.

(6) In this section "financial year" means—

- (a) the period beginning with the day on which this section comes into force and ending with the following 31 March, and
- (b) each successive period of 12 months.

Compliance

ZA7 Secretary of State directions where the IfA fails to discharge duties etc

If the Secretary of State is satisfied that the IfA—

- (a) has failed to discharge a duty imposed on it by or under this Act, or
- (b) has acted or is proposing to act in an unreasonable way in exercising any function,

the Secretary of State may give the IfA such directions as the Secretary of State considers appropriate.

Directions

ZA8 General provision about directions under Chapters ZA1 and A1

(1) This section applies to a direction given to the IfA by the Secretary of State under this Chapter or Chapter A1.

(2) The IfA must comply with the direction.

(3) The direction must be in writing."

3 Before section A1 insert—

"Introductory"

4 In section A1 (meaning of "approved English apprenticeship"), in subsection (3)(a) for "the Secretary of State has published an approved apprenticeship standard under section A2" substitute "an approved apprenticeship standard has been published under section A2".

5 For section A2 (approved apprenticeship standards) substitute—

"Publication of standards and assessment plans

A2 Apprenticeship standards and assessment plans

(1) The IfA must publish—

- (a) standards for such sectors of work as the IfA considers appropriate for the purposes of this Chapter, and
- (b) assessment plans in respect of published standards.

(2) Each standard must—

- (b) if there is more than one standard for the sector, describe the kind of work within the sector to which it relates.

(3) Each standard must set out the outcomes that persons seeking to complete an approved English apprenticeship are expected to attain in order to achieve the standard.

(4) An assessment plan in respect of a standard is a plan in accordance with which a person's attainment of the outcomes set out in the standard is to be assessed.

(5) Each assessment plan must—

- (b) set out the proposed arrangements for evaluating the quality of any assessment provided for by the plan.

(6) The following provisions supplement the provision made by this section—

section A2A makes provision about the preparation of apprenticeship standards and assessment plans;

sections A2B to A2D make provision related to ensuring the quality of apprenticeship assessments;

sections A2E and A2F make provision about the review, revision and withdrawal of apprenticeship standards and assessment plans;

section A2G makes provision for independent examinations of apprenticeship standards and assessment plans;

section A2H makes provision about the maintenance of a published list of apprenticeship standards and assessment plans;

section A2I provides for the automatic transfer to the IfA of copyright in apprenticeship standards and assessment plans.

A2A Preparation of apprenticeship standards and assessment plans

‘(1) Each standard or assessment plan published under section A2 must have been prepared by a group of persons and approved by the IfA.

(2) The group of persons that prepared a standard or assessment plan published under section A2 must have been approved by the IfA for the purposes of this section.

(3) The IfA may provide advice or assistance to a group of persons in connection with the preparation of a standard or assessment plan.

(4) The IfA must publish—

(a) information about matters that it takes into account when deciding whether or not to approve standards or plans for the purposes of subsection (1);

(b) information about matters that it takes into account when deciding whether or not to approve groups of persons for the purposes of subsection (2).

(5) When making a decision of the kind mentioned in subsection (4)(a) or (b) in a particular case, the IfA may also take into account such other matters as it considers appropriate in the case in question.

(6) Information published under subsection (4) may be revised or replaced, and the IfA must publish under that subsection any revised or replacement information.

Quality assurance

A2B Evaluation of quality of apprenticeship assessments

‘(1) The IfA must secure that evaluations are carried out of the quality of apprenticeship assessments provided by persons in relation to assessment plans published under section A2.

(2) “Apprenticeship assessment” means the assessment of a person’s attainment of the outcomes set out in the standard to which the assessment plan relates.

(3) For the purposes of subsection (1) the IfA may approve or make arrangements for other persons to carry out evaluations.

A2C Unsatisfactory apprenticeship assessments

‘(1) If the IfA considers that the quality of any apprenticeship assessment provided by a person is or may become unsatisfactory, it may carry out a review of the assessment, or make arrangements with another person for the carrying out of such a review.

(2) The IfA may, in consequence of a review, make arrangements for the purpose of improving the quality of the assessment to which the review relates.

(3) If the IfA—

(a) considers that the quality of any apprenticeship assessment provided by a person is or may become unsatisfactory, or

(b) that a person who provides an apprenticeship assessment has failed to co-operate with a review carried out under this section or with arrangements made under subsection (2),

it may report the matter to the Secretary of State or such other person as the IfA considers appropriate.

(4) A report under subsection (3) may contain recommendations as to the action to be taken by the person to whom the report is made.

(5) The IfA may publish a report under subsection (3).

A2D Committee to advise on quality evaluations etc

‘(1) The IfA may establish a committee with—

(a) the function of giving the IfA advice on the performance of its functions under sections A2B and A2C, and

(b) such other functions as may be conferred on the committee by the IfA.

(2) A majority of the members of the committee—

(a) must be persons who appear to the IfA to have experience of the assessment of education or training, and

(b) must not be members of the IfA.

(3) Subject to that, Schedule A1 applies to a committee established under this section as it applies to committees established under paragraph 7 of that Schedule.

Review, revision and withdrawal

A2E Regular reviews of published standards and assessment plans

‘(1) The IfA must maintain arrangements for the review at regular intervals of each standard or assessment plan published under this Chapter, with a view to determining whether the standard or plan ought to be revised or withdrawn.

(2) In respect of each standard or assessment plan published under this Chapter, the IfA must publish information about the intervals at which those reviews are to be conducted.

A2F Revision or withdrawal of published standards and assessment plans

‘(1) The IfA may—

(a) publish a revised version of a standard or assessment plan published under this Chapter, or

(b) withdraw a standard or assessment plan published under this Chapter (with or without publishing another in its place).

(2) Section A2A applies in relation to a revised version of a standard or plan published under this section as it applies in relation to a standard or plan published under section A2.

Other provisions about English approved apprenticeships

A2G Examinations by independent third parties

‘(1) Before the IfA approves a standard or assessment plan for the purposes of section A2A(1) it must make arrangements for the carrying out of an examination of the standard or plan by an independent third party.

(2) The duty imposed by subsection (1) does not apply in relation to a revised version of a standard or assessment plan, but the IfA may, for the purposes of a review under section A2E or at any other time, make arrangements for the carrying out of an examination of a standard or assessment plan by an independent third party.

(3) Where an examination of a standard or assessment plan is carried out under this section, the IfA must take account of the finding of the examination in exercising its functions in relation to the standard or plan under this Chapter.

(4) Nothing in subsection (1) prevents the IfA deciding to reject a standard or assessment plan without first making arrangements for the carrying out of an examination by an independent third party.

A2H List of published standards and assessment plans

‘(1) The IfA must maintain a list of the standards and assessment plans published by it under this Chapter.

(2) In respect of each standard and plan listed (including any revised version), the list must include details of when it comes into force.

(3) Where a revised version is listed, the list must include a general description of the cases to which the revised version applies.

(4) Where a standard or plan has been withdrawn, the list must include details of when the withdrawal comes into force and a general description of the cases to which it applies.

(5) The IfA must secure that the list is available free of charge at all reasonable times.

A2I Transfer of copyright in standards and assessment plans

‘(1) This section applies where—

- (a) a standard or assessment plan is approved by the IfA under section A2A, and
- (b) a person (other than the IfA) is entitled, immediately before the time the approval is given, to any right or interest in any copyright in the standard or plan.

(2) The right or interest is, by virtue of this section, transferred from that person to the IfA at the time the approval is given.

(3) The IfA must ensure that a standard or assessment plan in relation to which a right or interest has transferred by virtue of subsection (2) is made available to the public, subject to any conditions that the IfA considers appropriate.”

6 (1) Section A3 (power to issue apprenticeship certificate) is amended as follows.

(2) In subsection (1) for “to” substitute “in respect of”.

(3) In subsection (2), for paragraph (b) substitute—

“(b) the supply by the Secretary of State of apprenticeship certificates issued under that subsection, and copies of those certificates, to—

- (i) persons in respect of whom they were issued;
- (ii) persons for whom those persons work or have worked under approved English apprenticeship agreements to which the certificates relate.”

7 In section 122 (sharing of information for education and training purposes)—

(a) in subsection (3) (persons who may provide and receive information), after paragraph (f) insert—

“(g) the IfA.”;

(b) in subsection (5) (functions for the purposes of which information may be provided)—

- (i) omit the “or” at the end of paragraph (b), and
- (ii) after paragraph (b) insert—

8 In section 262(6) (orders and regulations subject to affirmative procedure) before paragraph(ab) insert—

“(aab) regulations under section ZA5;”

9 Before Schedule 1 insert—

“SCHEDULE A1

THE INSTITUTE FOR APPRENTICESHIPS

Status

1 The IfA is to perform its functions on behalf of the Crown.

Membership

2 (1) The IfA is to consist of—

- (a) a member appointed by the Secretary of State to chair the IfA (“the chair”);
- (b) the chief executive appointed in accordance with paragraph 5;
- (c) at least 4 and no more than 10 other members appointed by the Secretary of State.

(2) The chair and members appointed under sub-paragraph (1)(c) are referred to in this Schedule as the “non-executive members”.

Tenure of non-executive members

3 (1) The non-executive members hold and vacate office in accordance with the terms of their appointment.

(2) Those terms are to be determined by the Secretary of State, subject to the following provisions of this Schedule.

(3) A non-executive member must not be appointed for a term of more than five years.

(4) A non-executive member may resign from office at any time by giving written notice to the Secretary of State.

(5) The Secretary of State may remove a non-executive member from office on either of the following grounds—

- (a) inability or unfitness to carry out the duties of office;
- (b) absence from the IfA’s meetings for a continuous period of more than 6 months without the IfA’s permission.

(6) The previous appointment of a person as a non-executive member does not affect the person’s eligibility for re-appointment.

Remuneration of non-executive members

4 (1) The IfA must, if the Secretary of State requires it to do so, pay remuneration, allowances and expenses to its non-executive members.

(2) The IfA must, if the Secretary of State requires it to do so, pay, or make provision for the payment of, a pension, allowances or gratuities to or in respect of a person who is or has been a non-executive member.

(3) If a person ceases to be a non-executive member of the IfA and the Secretary of State decides that the person should be compensated because of special circumstances, the IfA must pay compensation to the person.

(4) The amount of a payment under sub-paragraph (1), (2) or (3) is to be determined by the Secretary of State.

(5) Service as a non-executive member is one of the kinds of service to which a scheme under section 1 of the Superannuation Act 1972 (superannuation schemes as respects civil servants etc) can apply (see Schedule 1 to that Act).

(6) The IfA must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of any increase attributable to the provision of pensions, allowances or gratuities under section 1 of the Superannuation Act 1972 payable to or in respect of non-executive members in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Chief executive and other staff

5 (1) The first chief executive is to be appointed by the Secretary of State on conditions of service determined by the Secretary of State, after consulting the chair.

(2) Subsequent chief executives are to be appointed by the IfA after consulting the Secretary of State.

(3) The chief executive must not be appointed for a term of more than five years.

(4) The previous appointment of a person as chief executive does not affect the person’s eligibility for re-appointment.

(5) The chief executive holds that office as a member of staff of the IfA.

(6) The IfA may appoint other members of staff.

(7) Service as a member of staff of the IfA is employment in the civil service of the State.

(8) The following are to be determined by the IfA with the approval of the Secretary of State—

- (a) the number of members of staff of the IfA (in addition to the chief executive);
- (b) the conditions of service of staff of the IfA.

(9) Sub-paragraph (8)(b) is subject to sub-paragraph (1).

Arrangements with Secretary of State

6 The Secretary of State and the IfA may enter into arrangements with each other for the provision to the IfA by the Secretary of State, on such terms as may be agreed, of staff, accommodation or services.

Committees

7 (1) The IfA may establish committees, and any committee established by the IfA may establish sub-committees.

(2) The IfA may—

- (a) dissolve a sub-committee established under sub-paragraph (1), or
- (b) alter the purposes for which such a sub-committee is established.

(3) In this Schedule a committee or sub-committee established under sub-paragraph (1) is referred to as an “IfA committee”.

(4) An IfA committee must include at least two persons who are members of the IfA or its staff.

(5) The IfA may, with the approval of the Secretary of State, arrange for the payment of remuneration, allowances and expenses to any person who—

- (a) is a member of an IfA committee, but
- (b) is not a member of the IfA or its staff.

(6) The IfA must, if directed to do so by the Secretary of State, review—

- (a) the structure of IfA committees, and
- (b) the scope of the activities of each IfA committee.

Procedure

8 (1) The IfA may regulate—

- (a) its own proceedings (including quorum), and
- (b) the procedure (including quorum) of IfA committees.

(2) The validity of proceedings of the IfA, or of an IfA committee, is not affected by—

- (a) a vacancy;
- (b) a defective appointment.

Exercise of functions

9 (1) Subject to sub-paragraphs (2) and (3), the IfA may authorise any of the following to exercise functions on its behalf—

- (a) a member of the IfA;
- (b) a member of the IfA's staff;
- (c) an IfA committee;
- (d) any other person.

(2) The IfA may not authorise any of the functions under sections A2, A2A and A2E to A2I to be exercised on its behalf—

- (a) under sub-paragraph (1)(c), by a committee a majority of the members of which are not members of the IfA's staff, or
- (b) under sub-paragraph (1)(d).

(3) The IfA may authorise the exercise on its behalf of functions that have been—

- (a) delegated to the IfA by directions under section ZA4, or
- (b) conferred on the IfA by regulations under section ZA5,

only if and to the extent that the directions or regulations so provide.

Supplementary powers

10 (1) The IfA may—

- (a) provide information or advice to any person in connection with any of the IfA's functions;
- (b) co-operate or work jointly with any person where it is appropriate to do so for the efficient and effective performance of any of the IfA's functions;
- (c) carry out research for the purposes of, or in connection with, the IfA's functions;
- (d) do anything else that the IfA considers necessary or appropriate for the purposes of, or in connection with, its functions.

(2) The power in sub-paragraph (1)(d) is subject to any restrictions imposed by or under any provision of any Act.

(3) The IfA may not borrow money.

(4) The IfA may not, without the consent of the Secretary of State—

- (a) lend money,
- (b) form, participate in forming or invest in a company, or
- (c) form, participate in forming or otherwise become a member of a charitable incorporated organisation (within the meaning of section 69A of the Charities Act 1993).

(5) In sub-paragraph (4) the reference to investing in a company includes a reference to becoming a member of the company and to investing in it by the acquisition of any assets, securities or rights or otherwise.

Accounts and reports

11 (1) The IfA must—

- (a) keep proper accounts and proper records in relation to its accounts, and
- (b) prepare in respect of each financial year a statement of accounts.

(2) Each statement of accounts must comply with any directions given by the Secretary of State as to—

- (a) the information to be contained in it,
- (b) the manner in which such information is to be presented, or
- (c) the methods and principles according to which the statement is to be prepared.

(3) The IfA must send a copy of each statement of accounts to—

- (a) the Secretary of State, and
- (b) the Comptroller and Auditor General,

before the end of the month of August following the financial year to which the statement relates.

(4) The Comptroller and Auditor General must—

- (a) examine, certify and report on each statement of accounts, and
- (b) send a copy of each report and certified statement to the Secretary of State.

(5) The Secretary of State must lay before Parliament—

- (a) a copy of each statement sent to the Secretary of State under sub-paragraph (3), and
- (b) a copy of each report and certified statement sent to the Secretary of State under sub-paragraph (4).

(6) "Financial year" has the meaning given by section ZA6(6) (annual and other reports).

Application of seal and proof of documents

12 (1) The application of the IfA's seal must be authenticated by the signature of—

- (a) the chief executive, or
- (b) a member of the IfA who has been authorised by the IfA for that purpose (whether generally or specifically).

(2) A document purporting to be duly executed under the IfA's seal, or signed on its behalf—

- (a) is to be received in evidence, and
- (b) is to be treated as executed or signed in that way, unless the contrary is proved.

Funding

13 (1) The Secretary of State may make grants to the IfA, or provide the IfA with any other kind of financial assistance, subject to any conditions that the Secretary of State considers appropriate.

(2) The conditions may, in particular—

- (a) enable the Secretary of State to require full or partial repayment of sums paid by the Secretary of State if any of the conditions are not complied with;
- (b) require the payment of interest in respect of any period during which a sum due to the Secretary of State in accordance with any of the conditions remains unpaid."

10 In Schedule 1 to the Superannuation Act 1972, in the list of "Offices", at the appropriate place insert—"Non-executive member of the Institute for Apprenticeships."

11 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities) at the appropriate place insert—"The Institute for Apprenticeships."—(*Anna Soubry*.)

This new Schedule establishes the Institute for Apprenticeships and makes provision about its functions.

Brought up, read the First and Second time, and added to the Bill.

Clauses 36 and 37 ordered to stand part of the Bill.

Clause 38

COMMENCEMENT

Amendment made: 76, in clause 38, page 54, line 29, at end insert—

“(0) section (Extended Sunday opening hours and Sunday working)(5), and Schedule (Sunday working hours: rights of shop workers) (Sunday working hours: rights of shop workers), for the purpose of enabling the exercise of any power to make regulations under any provision of the Employment Rights Act 1996 inserted by that Schedule;” —(*Anna Soubry.*)

This amendment provides for the power to make regulations under sections 41A to 41C of the Employment Rights Act 1996 to come into force on Royal Assent. These provisions confer powers to make regulations about the meaning of “normal Sunday working hours” and the form and content of explanatory statements.

Anna Soubry: I beg to move amendment 19, in clause 38, page 54, line 30, at end insert—

“(0) paragraph 2 of Schedule 2 (things to be included in Secretary of State’s report in respect of the business impact target), and section 14 (which introduces Schedule 2) so far as relating to that paragraph;”

This amendment provides for paragraph 2 of Schedule 2 to come into force on Royal Assent.

The Chair: With this it will be convenient to discuss Government amendments 20, 21 and 22.

Anna Soubry: In short, amendments 19 and 20 allow earlier commencement of changes to the Secretary of State’s reporting duties under the business impact target. Amendment 21 will allow the funding power of UK Government Investments to be brought into effect by Treasury regulations.

Amendments 19 and 20 will ensure that the streamlined business impact target reporting requirements will take effect in time for the first annual report in June of this year. Amendment 21 affects clause 29, which is on the funding power for UK Government Investments—to be known as UKGI—and is currently commenced by the Secretary of State. As the Treasury has no Secretary of State, this is a technical amendment that will allow the Treasury to bring clause 29 into effect by making regulations.

Amendment 22 is a minor, technical amendment to clarify clause 38 and does not affect the substance of the Bill.

Amendment 19 agreed to.

Amendments made: 20, in clause 38, page 54, line 44, at end insert

“(so far as not already in force under subsection (1)).”

This clarifying amendment acknowledges that although Schedule 2 is generally to come into force 2 months after Royal Assent, one of its provisions (paragraph 2) will come into force on Royal Assent under subsection (1) of the clause (see amendment 19).

Amendment 21, in clause 38, page 55, line 4, leave out subsection (4) and insert—

“(4) The following provisions of this Act come into force on such day as the Treasury may by regulations appoint—

- (a) section 29 (UK Government Investments Limited);
- (b) section 35 and Schedule 4 (restriction on public sector exit payments).”

This amendment provides for clause 29 to come into force by regulations made by the Treasury (instead of by regulations made by the Secretary of State).

Amendment 22, in clause 38, page 55, line 6, leave out “The remaining” and insert

“Subject to subsections (1) to (4), the” —(*Anna Soubry.*)

This clarifying amendment acknowledges that provisions that are to come into force by regulations under subsection (5) of clause 38 may already have come into force for particular purposes under preceding provisions of the clause.

Clause 38, as amended, ordered to stand part of the Bill.

Clause 39

EXTENT

Amendments made: 23, in clause 39, page 55, line 15, leave out “and 15” and insert “, 15 and 18 to 21”

This amendment is made for drafting consistency. It ensures that the extent of paragraphs 18 to 21 of Schedule 1 is governed by clause 39(4), which provides for an amendment to have the same extent as the enactment amended. The enactments amended by those paragraphs extend to England and Wales, Scotland and Northern Ireland, so the clause’s effect is not changed.

Amendment 24, in clause 39, page 55, line 16, at end insert—

“(0) subsections (5) to (9) of section 14 (application of changes relating to the business impact target in relation to the relevant period in which they come into force);”

This amendment clarifies that subsections (5) to (9) of section 14 extend to England and Wales, Scotland and Northern Ireland.

Amendment 25, in clause 39, page 55, line 16, at end insert—

“(0) section (Apprenticeships: information sharing) (apprenticeships: information sharing);”

This amendment provides for NC3 to have UK wide extent.

Amendment 26, in clause 39, page 55, line 17, leave out “Part 5” and insert “sections 22 and 23”

This amendment clarifies that the extent of clause 24 (which amends the Limitation Act 1980) is governed by section 39(4) (which means that it extends to England and Wales), unlike the other provisions of Part 5 (sections 22 and 23) which extend to England and Wales, Scotland and Northern Ireland.

Amendment 27, in clause 39, page 55, line 25, leave out subsection (2)

This amendment is made for drafting consistency. It removes subsection (2) of clause 39, which is not needed because the same effect is achieved by the general provision in subsection (4) of the clause.

Amendment 94, in clause 39, page 55, line 28, at end insert—

“() Section (The Institute for Apprenticeships: transitional provision) extends to England and Wales.”

This amendment provides for NC23 containing transitional provision relating to the Institute for Apprenticeships to extend to England and Wales.

*Amendment 28, in clause 39, page 55, line 29, at beginning insert “Subject to subsection (1),” —(*Anna Soubry.*)*

This clarifying amendment acknowledges that the extent of certain amendments of enactments made by the Bill is provided for by subsection (1).

Clause 39, as amended, ordered to stand part of the Bill.

Clause 40

SHORT TITLE

Anna Soubry: I beg to move amendment 29, in clause 40, page 55, line 33, leave out subsection (2)

This amendment removes the privilege amendment inserted by the Lords.

The amendment deals with the title of the Act and is very short. I am sure that it will not be controversial.

Amendment 29 agreed to.

Clause 40, as amended, ordered to stand part of the Bill.

Title

Amendment made: 77, in title, line 1, at end insert

“provision about Sunday opening hours and Sunday working;”—
(*Anna Soubry.*)

This amendment amends the long title of the Bill so as to include a reference to the provisions about Sunday opening hours and rights to opt out of Sunday working, as provided for by NC21 and NS2.

Kevin Brennan: On a point of order, Sir David. As we have now reached, in good time, as we always were going to, the point where we wrap up the Committee proceedings, I thought I should take the opportunity to thank you and your co-Chair, Ms Buck, for the excellent way in which you have chaired our proceedings and kept us all in order. Even though we attempted to wander off the path on occasion, you quite rightly led us back on to it, for which we are very grateful. I hope that you will pass that on to Ms Buck.

I thank the Clerks of the Committee, the Doorkeepers, the police, the civil servants and the *Hansard* reporters. On behalf of the Opposition, I thank the Ministers for the courteous way in which they have conducted proceedings and for responding to our questions most of the time. I also thank Government Members for their contributions, which have enhanced our debates. It is important that Members take the opportunity to participate in Committee.

I thank those members of the public who have attended and watched proceedings, and I thank the Whips for their help—

Caroline Flint: That is a step too far.

Kevin Brennan: As a former Government Whip, I have some sympathy with my right hon. Friend, but there is a certain freemasonry of the Whips that always stays with one. I once had lunch with the former deputy Chief Whip of the Conservative Government, Sir Bernard Weatherill, who was also Speaker of the House. He told me that we could not have civilisation without sewers and we could not have Parliament without the Whips. I say to the Government Whip that both should remain pretty much underground for pretty much the same reason. Although he has wanted to contribute to our debates from time to time, there are very good reasons why he should remain silent.

I thank our staff who helped us to prepare. Having served on both sides of a Committee, I can say that debating a Bill in opposition is the parliamentary equivalent of digging a ditch: you work very hard down in a hole, sometimes not really making much progress, and nobody can see you. I am relieved, if I can put it that way, that we have reached the end of this stage of the Bill, but

I thank our staff, meagre as they are, as well as the volunteers and others who have helped us to prepare for the Committee.

I thank our friends from the Scottish National party for their contributions, and I thank my right hon. and hon. Friends for their contributions, because they have been absolutely fantastic. On that basis, I commend the Bill as it goes off to Report. We will have a lot more to say at that stage on many of the issues we have discussed.

Hannah Bardell: Further to that point of order, Sir David, I echo the comments of the hon. Member for Cardiff West and thank all the Clerks and staff and yourself and Ms Buck. This is the second Bill Committee that I have been part of, but it is the first for my hon. Friend the Member for Kilmarnock and Loudoun, and I know I speak on his behalf when I say that it has been a largely enjoyable experience.

Alan Brown: I did not say that.

Hannah Bardell: Perhaps I am misspeaking.

We are disappointed that more amendments were not accepted, but it has certainly been interesting and engaging and, as the hon. Member for Cardiff West says, I am sure that there will be extensive debate when the Bill returns to the Floor of the House. I thank you again, Sir David, on behalf of myself and my hon. Friend.

Anna Soubry: Further to that point of order, I add my thanks for your chairmanship, Sir David, and for that of Ms Buck. It has been a pleasure to serve under your chairmanship.

I should put it on record that the first time I ever sat on a Public Bill Committee was to consider what became the Health and Social Care Act 2012. It took me quite a long time to recover from it; it was one of the longest-lasting Committees ever to sit in this place. I say that for the benefit of new hon. Members—you have had it very easy. That Committee took a long time and, Sir David, as you might remember, there was quite a long pause—as the Government called it—and then we all had to come back. It seemed to go on for ever.

This has been a very good Bill Committee. I know that the hon. Member for Livingston is a little disappointed that some of the amendments have not been accepted, but I think it is fair to say that there has been more agreement than there has been disagreement, which is certainly to be welcomed.

I thank all the Clerks and staff, and the staff of a number of Departments who have helped me prepare for my contributions. I also thank my hon. Friend the Minister for Housing and Planning, a fellow Minister but at the Department for Communities and Local Government. It is always good to work with him. A feature of this Government—we were laughing privately about this, something that people perhaps do not understand—is that Ministers all like each other, get on terribly well and are genuinely friends. We do not need to go into more detail, because there are others I need to thank.

I thank the Doorkeepers. They have been lucky, because we have not had too many Divisions. They have kept us safe and we are grateful for them.

[Anna Soubry]

Finally, I thank all hon. Members, including the Whips—rightly, because people do not realise the job that the Whips do, which is to keep things moving smoothly. I pay tribute to my PPS, who has been struck down by a vile lurgy. He sat here for almost the entire day, only to discover that he was not required to vote, so he has gone home to his bed, properly so. I also thank my hon. Friend the Member for Charnwood, who I think is engaging in his first PPS duties. We look forward to many more such instances—a gentle hint to the Whip.

The Committee has been enjoyable and, although I do not know whether it is a first, we have actually finished early. We cannot all go home, but we can certainly all go and have a cup of tea. Thank you, Sir David, it has been a pleasure. We look forward to Report stage and to the many further debates on the Bill as it passes through the House.

The Chair: Ms Buck and I have greatly enjoyed the Committee. Members have at all times been courteous and our debates have been conducted with great humour. I thank colleagues for the way in which they have co-operated with the Chair at all times.

I thank the Doorkeepers and the *Hansard* writers for their support for our work, but most of all I wish to thank our Clerks, without whom the Committee would not have functioned. Their wise counsels have prevailed at all times.

Bill, as amended, to be reported.

4.28 pm

Committee rose.

Written evidence reported to the House

ENT 68 J P Scafton
ENT 69 Hill Dickinson LLP
ENT 70 Asda
ENT 71 BCSC further submission
ENT 72 Department for Business, Innovation and Skills (EVEL memo)
ENT 73 Chartered Trading Standards Institute
ENT 74 Association of Independent Professionals and the Self Employed (IPSE)
ENT 75 Rt Hon Anna Soubry MP, Minister of State for Small Business, Industry and Enterprise, Department

for Business, Innovation and Skills: Apprenticeships Little Report, IfA and Trading Standards

ENT 76 Rt Hon Anna Soubry MP, Minister of State for Small Business, Industry and Enterprise, Department for Business, Innovation and Skills: Sunday Trading - Tabling of Government Amendment Relating to Scottish Licensing Law

ENT 77 Graham Booker

ENT 78 Roger Scurrall

ENT 79 Food and Drink Federation

ENT 80 Sameen Farouk (further submission)

