



OFFICIAL REPORT

OF THE

STATES OF DELIBERATION

OF THE

ISLAND OF GUERNSEY

HANSARD

Royal Court House, Guernsey, Friday, 2nd November 2012

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Miss M. M. E. Pullum, Q.C. (H.M. Comptroller)

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M. M. Lowe, A. R. Le Lièvre, A. Spruce, G. M. Collins

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M. G. O'Hara, F. W. Quin, M. P. J. Hadley

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Alderney Representative B. N. Kelly
Alderney Representative E. P. Arditti

The Clerk to the States of Deliberation

S. M. D. Ross, Esq. (H.M. Deputy Greffier)

Absent at the Evocation

Deputy E. G. Bebb

Business transacted

Billet d'État XXIV
Sunday Trading – Debate resumed 641

*The Assembly adjourned at 11.48 a.m.
and resumed its sitting at 12.09 p.m.*

Sunday Trading – Debate continued 665

*The Assembly adjourned at 12.35 p.m.
and resumed its sitting at 2.31 p.m.*

Sunday Trading – Debate concluded: Requête lost..... 670

The Assembly adjourned at 4.18 p.m.

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States of Deliberation

*The States met at 9.30 a.m. in the presence of
His Excellency Air Marshal Peter Walker, C.B., C.B.E.
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE BAILIFF *in the Chair*]

PRAYERS

The Deputy Greffier

EVOCATION

Billet d'État XXIV

REQUÊTE

Sunday Trading Debate resumed

The Deputy Greffier: Billet d'État XXIV of 2012, the continuation of the debate.

5

The Bailiff: I will call next Deputy Duquemin and then Deputy Lowe.

Deputy Duquemin: Mr Bailiff, I am relieved that the guillotine motion to stop the debate on this Requête before it had even started was not passed yesterday, not, I hasten to add, because I had already written this speech but because, of all the items in this month's Billet, this Requête has attracted by far the most public interest – and the public deserves to hear it debated properly.

10

I know Members argue that we have all decided how we are going to vote already but I know of at least one undecided Deputy. Sir, through you, to that Member and those planning to support the Requête, I say listen up! (*Laughter*) When I stood for election as a Deputy, back in April, I made a promise to my Castel neighbours. In my Manifesto – I had saved one from landfill – I said, as a new face, I promise to bring new ideas and new energy to the States, all underpinned by what many would describe as *old* Guernsey values. New ideas, new energy, old Guernsey values.

15

Sir I do hope that over the past six months those that I work with at Public Services and Culture and Leisure will have already noticed my new ideas and my new energy. Today I would like the whole of the States to take notice of my *old* Guernsey values. Change is not always for the better and I am not the least bit embarrassed to stand here to speak out against it. To the contrary I am proud to stand here and argue that we should all do all we can to uphold one of our old Guernsey values and keep Sunday special.

20

So let us move on to the detail of the Requête. *What detail?* Those that signed the Requête certainly have not gone into any great detail to provide *me* with the overwhelming evidence necessary to make me vote to change the law. Four bullet points contain just 338 words. That's right, just 338 words. I find it incredulous that I am being asked to support a twelve month trial that we all know, despite Deputy Hadley's protestations to the contrary, would be irreversible in the real world, irreversible in the real world and all on the basis of just 338 words.

25

30 What will happen if this Requête is passed? Sir, if we were playing States cliché bingo – that is the polite name for the game (*Laughter*) – it would not be long before one Deputy used the phrase “unintended consequences” in their speech. So I will say it now and Members can now shout ‘House’ or ‘Assembly’ (*Laughter*). But it is not a game. We are playing with people’s lives and, more importantly, Guernsey’s way of life and unintended consequences or *completely ignored*
35 *consequences* are at play here.

I appreciate that there are anomalies in the current laws governing Sunday trading, Sunday opening and Sunday working but suspending the Sunday trading law on the basis of this Requête is most certainly not the answer. Let us remember that, by and large, the current law does exactly what it says on the tin and keeps Sundays special. But, yes, the law does need to be looked at and the Board of Commerce and Employment were 100% right – or should that be 80% right? (*Laughter*) – other workstreams were and are more important. Assessment of and possible changes to Guernsey’s Sunday Trading Laws *could* and should wait. There was, and is, no need to rush something through as a result of apparent pressure from a large UK supermarket group that, like any newcomer, knew what the rules were before they came here. (Several Members: Hear, Hear.)

45 In the fullness of time, I look forward to reading Commerce and Employment’s comprehensive report and suggested direction for, and the clarification of, Sunday Trading legislation in a future Billet. I imagine it will be closer to 338 pages not 338 words.

So what am I going to do to provide a counter-argument to the detailed Requête? Well, I am going to be even briefer and I am going to simply quote 65 words from two Island FM
50 commercials that promote the radio station’s own Sunday schedules. Sir, whilst I might have a face for radio, I do not have the voice to match. If Rules permitted, I would prefer to turn round, reach up to the top bench and pass the script to one of my fellow Deputies, the Minister for Commerce and Employment. Deputy Stewart not only has an even *better* face for radio (*Applause and laughter*) but he has the voice for it, too, and he would do a far better job than I voicing these radio commercials but you are stuck with me. (*Laughter*)

55 Commercial 1 – queue the music – ‘Sunday mornings, a time to relax, chill out and reflect. This Sunday, Island FM is taking it easy – easy, like Sunday morning – and we want you to join us.’

60 Commercial 2 – ‘Sunday should be a day when you can sit back and relax, spend some time with the family. So, *whatever* you are doing this Sunday afternoon, join Island FM, as you enjoy the most relaxed day of the weekend.’

Let us look at some of the key words and phrases in those two commercials. For me, they speak volumes. ‘A time to relax, chill out, taking it easy’, ‘a day when you can sit back and relax, spend time with the family’, ‘enjoy the most relaxed day of the weekend’. Relax...

65 Relax: it doesn’t only mean ‘to make a rule or restriction less strict’. It also means ‘rest’. It also means rest and we *all* benefit from a day of rest when the Island’s pace of life slows down just that little bit.

70 Sir, like all Members of this Assembly I received lots of letters and e-mails ahead of this debate. Whilst virtually all of them have argued for the *status quo* – some, it must be said, in a more considered way than others – the most memorable e-mail for me argued that the Sunday Trading Law should be scrapped but the situation it highlighted just added weight to my opposite viewpoint. The e-mail was sent on a Sunday afternoon and it asked ‘Can somebody please tell me what right you think the Government has to tell people when they are allowed to open their shops?’ The e-mail included the phrases ‘get with the times’, ‘we are no longer living in the 19th century’, ‘freedom of choice’, ‘if a shop wishes to open, it is *their* right, not yours’. It says, and I
75 quote: ‘The Sunday Trading Law should be scrapped: no discussion needed.’

So what caused this Islander to put pen to paper, fingers to keyboard, in this apoplectic rage and press send at 16.01 on Sunday afternoon? The reason was he could not buy a TV bracket! My advice: put the TV on the floor and listen to the radio!

80 Seriously, I repeat the question that was asked in the e-mail: ‘Can anybody please tell me what right you think the Government has to tell people when *they* are allowed to open their shops?’ That is the question the e-mailer asked. The answer, Mr Bailiff, is in here, the States Strategic Plan. One of the three aims, on page 6 – the top one, as it happens – says, and I quote:

85 ‘The Government of Guernsey aims to improve the quality of life of Islanders.’

Improve the quality of life of Islanders!

90 Sir, I will be brief because I do not think there is any need to labour the point, but if everybody remembers just one part of this speech, this is the one sentence I want them to remember: there is more to life, more to quality of life, and more to a Guernsey quality of life, than a TV bracket.

To conclude, I will return to a few words from my Election manifesto. I said that ‘Guernsey is a great place to live and there is no place on earth I would rather call home’. ‘In years to come’, it said, ‘I want my children to share this feeling and that was one of my motivations for standing and serving my Island as a Deputy’. That was in April. Now, in November, I will vote *against* this Requête because, now and in years to come, I want my children to look forward to Sundays as a special day of the *Guernsey* week. Let us keep Sunday special because, to borrow a retail slogan, when it has gone, it has gone. We will not be able to buy or get it back.

Mr Bailiff, my old Guernsey values tell me that wanting to change the Sunday Trading Laws is foolish but, even more importantly, my value judgement tells me that voting through the changes, on the basis of a 338 word Requête, is foolhardy. I urge Members to vote against the Requête.

(Applause)

Thank you, sir.

The Bailiff: Alderney Representative Arditti, do you wish to be relevé?

Alderney Representative Arditti: Yes, please.

Thank you.

The Bailiff: Quite a few Members have caught my eye.

I will call Deputy Lowe next and then Deputy Luxon.

Deputy Lowe: Thank you, sir.

It was nice to have applause when I stood up! Thank you. *(Laughter)*

We, as a Government, pull out all stops to encourage the finance business to thrive yet, when it comes to retail, we not only prohibit and stifle opportunities for a few selected businesses but actually favour their competitors to open, as the Law dictates, depending on the size of the shop. No Laws should be discriminatory.

Many small shops have been successful and expanded their business – great for their financial returns, great for income tax, great for those seeking employment and, best of all, great for their customers. Until, of course, we then strap a ‘Closed’ sign and penalise that success, closing them down on a Sunday, solely because their business expanded and they now need to comply with the Sunday Trading Law, better known as ‘the tape measure law’. How dreadful is that? We should be ashamed of this Law, not go out of our way to protect and enhance it. Bin it as soon as possible. Stop penalising success.

I signed this Requête, as I have always supported freedom of choice for *any* business if they wish to open on a Sunday. We all know shops can open 24 hourly, if they want to, Monday to Saturday, but choose not to. There are no Laws dictating their opening hours during the week. Some already operate, seven in the morning until ten at night, yet we interfere, depending on the size of the shop, on a Sunday. Why?

I will not endorse protecting one retailer against another, solely because a tape measure dictates the opening of a shop in Guernsey on a Sunday. I objected at the time this Law was introduced and, therefore, did not hesitate to sign this Requête before us today. Government should not be favouring one business against another and, no matter how much anyone tries to dress this up, protectionism is key here with the current Law. It *does tick* the discriminatory box well and truly.

Nobody will be forced to open – and I will repeat that again, *nobody will be forced to open*. I have heard some say, once their competitors open, they would have no choice. Bunkum! I can go and buy a television from seven in the morning until nine at night. Do all the electrical shops open those hours? No, they do not. Why not? They made the commercial decision not to. Should we intervene and interfere and now say opening hours must be universal? Certainly not.

Why have a Sunday Trading Law, anyway, when builders work on Sundays – electricians, plumbers, tradesmen from all industries? Friends I know work in the finance industry during the weekend because flexi hours are welcomed. Indeed, the *majority* of the supermarkets and smaller shops open on a Sunday already. Where is the Requête wanting to stop the Sunday Trading Law? Where are the cries of ‘What about all *their* rights, about being made to work on Sundays?’ What about *their* family life. I have not heard any comments about the huge difficulties, week in and week out, of those already working in retail on a Sunday, with shops opening fourteen hours, until this Requête surfaced.

All of a sudden, it is an issue and – let us be frank here – the issue is more about their competitors being allowed to open, so the red herrings of workers’ rights and family life when hundreds already work on a Sunday in retail all around the Island... Of course, Laws are in place to protect workers already. Many welcome the opportunity to work on a Sunday for extra money,

as it is so expensive to live here and pay a mortgage or rent. Or, as one woman said to me, without her Sunday pay she would not be able to give her children holidays or treats.

155 We have some lovely shops in town, and out of town, but they do need to keep up with the times. The internet will not go away and those who visited Guernsey Post Office a couple of weeks ago will know the parcel side of the business has been increasing at some pace. If the Guernsey shops do not want to open on a Sunday, they do not have to. Do they put their products on the internet instead? Only a few have and, funnily enough, it is mostly the smaller businesses. 160 Twenty-four/seven shopping in the comfort of one's home will not go away and businesses in Guernsey, in whatever field, need to embrace such technology. Throwing away the 'tape measure law' will go some way to keeping sales on-Island. We, as a Government, should be encouraging and enabling things to happen in any way we can to keep Guernsey vibrant. We hear, in this Chamber, so many times we must eradicate discrimination, yet this discriminatory Sunday Trading Law has been allowed to continue for far too long.

165 Some of the Members of Commerce and Employment, including their Minister, have attacked this Requête, as they have decided more important issues need to take place. That is all very well but what about businesses and individuals who were informed by the previous Commerce and Employment that they were looking at bringing a Report back to the States once the consultation had been completed. States Members had confirmation of this intention, on a list produced by all 170 the Chief Officers, of dates and Reports coming to the States. The list, based on advice from Chief Officers given at the end of 2010 – 2010 – the Autumn States Agenda, listed all the months, September, October, November and December, of the Reports coming forward in 2011: December 2011, Commerce and Employment – Sunday Trading. Nearly two years ago we had that notification – the Sunday Trading Report would be with the States – and we are now a year after 175 the due date of the actual Report, December 2011. Presumably, most of the work would have been carried out after nearly two years, so what has happened to that?

We all know this debate is really about a miniscule amount of businesses that have been discriminated against by a current Sunday Trading Law. We also discriminate against locals living here as, when cruise liners visit the Island, we offer any shop the opportunity to open. What a 180 shock if those passengers come back for a holiday, staying on the Island, to find their cruise visit was for show only, as we operate differently on Sundays the rest of the time. But it is also a fact that some shops, who *could* take advantage of opening when cruise liners visit, remain closed: their choice. As I said previously, nobody would be forced to open on a Sunday, no more than any shop has been forced to open for visiting cruise ship passengers.

185 I can remember one debate we had a few years ago, one States Member spoke vehemently against opening shops on Sunday: he said family life would be affected. Keep Guernsey as it should be... Yet this same Deputy had been shopping the previous Sunday in a local store and this was pointed out to him after his speech, resulting in a very red-faced Deputy! Do not do as I do, do-as-I-say scenario. How many of you voting today use a shop on a Sunday, either for a full shop, 190 or popping in to get a few things? Are you comfortable with being banned from going to your usual stores because the 'tape measure law' dictates you will go to a smaller shop?

Most times when this Requête has been discussed outside of the States it has been about food shops. We can get such-and-such from shops already. So, apart from being comfortable protecting certain shops, retail shops are not just for groceries. What if I want to purchase a new outfit? No 195 can do, unless I go on the internet. What about when I went to Jackson's Garage, I could look at the cars in the showroom on a Sunday but could not speak with Demmy Le Marquand, the salesman, about buying a car, because the 'tape measure law' prohibits salesmen selling their cars. Customers have to return on a Monday. How ridiculous is that and we, as a Government, have endorsed this action to prohibit the size the size of a business by law!

200 The Law really is wrong and embarrassing. Sundays at Le Friquet Garden Centre are full of families browsing but are restricted on what they can purchase, thanks to a tape around certain goods, banning sales. These places are open, anyway. No staffing problems, with many others wanting to work. I heard all the same arguments about family life, pressures to open, businesses to compete, when we debated the Petrol Sales Law a few years ago. It is now a fact that some of the 205 garages still do not open on a Sunday: their choice. Indeed, in the *Press* this week a report covered Gaudion's at Le Camp du Roi who have not opened their pumps on a Sunday and yet have seen an increase in petrol sales the rest of the week, solely from competitive prices for their fuel.

The Sunday Drinking Laws changed a few years ago – all the same arguments surfaced, plus the added one of anti-social behaviour: drunks would be staggering around. None of these changes 210 of the various Laws have resulted in all the problems expected by the anti-brigade. At least those businesses have been allowed to make commercial decisions whether to open or not.

215 So what about the costs? Commerce and Employment told us this would cost them money and time to do the work, if the Requête is successful. Well, what about the potential savings if, after the review, the States accept the Law should go? We did not hear anything about savings during their presentation, so I ask the question to find out. Currently, a half time post exists for a member of staff to produce the licences for two hundred trading applications each year. *There* is a permanent saving for Commerce and Employment, either financially, losing that post, or taking advantage of that half-time post to get on with other work at Commerce and Employment, speeding things up.

220 Supporting this Requête will see an evidence-based Report, when Commerce and Employment come back, rather than opinions, as asking through consultation is just that – opinions. The Chamber of Commerce asked all their members in retail and, as a result, they have supported the Requête. Yes, all their members in retail were asked by the Chamber of Commerce and the majority supported the Requête. So the retailers agree this Requête should succeed for a trial period to suspend the Law and this has been backed up by two public surveys. Both outcomes now await the States to allow this to happen by supporting the Requête today. If town on a Sunday is busy, is that not a plus? Would Members prefer internet shopping, resulting in more empty shops? The point being, if shops are busy then there is your answer: the public want it. Nobody would be forced to open.

230 As for Sunday being a religious day, yes, for *some* but, of course, there are other religious days on Fridays and Saturdays, depending on your religious beliefs. Should we just have a four-day trading Law, prohibiting Fridays, Saturdays and Sundays? We should either be closing *everything* on a Sunday or leaving it to choice. This Sunday Trading Law is a farce.

235 We also know that *any* shop can apply to the Douzaine to open on a Sunday, depending on which Parish you happen to live in, to have your business decided upon, whether they can support an application. It should not be down to the Douzaines to make commercial decisions about an existing business expanding their opening hours. Only last week we heard from the owner of The Candy Shop, saying they open seven in the morning until ten at night, seven days a week, to be service to their customers and make the business viable. Their choice. They wish to be of service to their customers. Good for them, I say.

240 Please support this Requête and allow the trial period to take place. You have heard the retail sector, by majority, support this happening and public surveys also. Let us start supporting local businesses and give them the opportunity to thrive and be successful.

245 Thank you, sir.

The Bailiff: Deputy Luxon, then Deputy Brehaut.

Deputy Luxon: Thank you, sir.

250 I think we could probably stop there. Deputy Duquemin and Deputy Lowe have pretty much argued the ‘for’ and ‘against’ case and I am sure we will hear variations of the theme but, before I start, sir, can I just declare that I still retain a very residual minority – *very minority* – shareholding in a retail company, just for Members’ benefit.

255 From a personal point of view, I shop on Sundays, as my family does, from time to time, but not in a planned way and I do not feel any particular need to have access to Sunday shopping, as my needs are currently met. But that is just my personal view. I *can* see both sides of the argument put before us by this Requête and I do not believe that there is any absent evidence to support either side.

260 Many things may happen but we cannot be certain and we do not have any evidence. My instinct would be to remove unnecessary regulation, as and when we are able to. However I also recognise that we are here to serve our Community’s best interests, not simply to follow our own views. By memory, I have had no retailers contacting me, asking for this change and the retailers I have spoken to have all not been in favour of it. The smaller or family-owned retailers, *particularly*, see this as a real threat to their business. The majority of individuals who have contacted me have been against it, as other Members will know from their e-mail inbox, and although I accept it is often the case that those who are against an item are more proactive in sharing their views, one does have to give that some credit.

265 Sir, the surveys that have been produced were not full sample surveys *per se* but, certainly, the local paper and online survey indicated support for the Requête. The petitions, however, were clearly against it.

270 Guernsey’s religious community, understandably, are against this change. There are those who feel it may affect the character of life and our very Guernsey character. Some logistics providers have also stated their opposition, believing it would lead to increased costs. Some believe that

there would be a boom to retailers who are under pressure from internet selling and consumer spending levels dropping off.

275 Sir, if the Requête is won, there *may be* shops that open, or not, staff *may be* affected, or not, consumers *may* shop more, or not, there *may be* higher costs for retailers, or not, and there *may be* higher retail prices for us all, or not. We simply *do not know*. If the Requête goes through, I *hope* that the nine month review will be a detailed analysis of exactly what the implications are. I agree that having an evidence-based Report in front of us would have been better but I am not sure that it
280 would actually have given us any more facts; I think the imponderables would have remained, regardless of the research that was done.

I have no idea what the majority of people actually want because we have not asked them and we cannot ask them. Personally, if the Requête does succeed, I hope retailers do not decide to open and consumers do not decide to shop more on Sundays but I recognise it will be their choice.

285 My instincts are for freedom of choice. This debate will form my final decision.
Thank you, sir.

The Bailiff: Deputy Brehaut and then Deputy Lester Queripel.

290 **Deputy Brouard:** Thank you, Mr Bailiff, fellow Deputies.

This may be termed a Requête but, in reality, it is not the correct Guernsey name... Now, the term for a horse in Guernsey French is aen ch'va, so I will try and explain why this Requête is a Trojan Ch'va.

295 The similarities are quite striking, as nothing appears to be what it is and, just like the subterfuge the Greeks used to enter the city of Troy after a fruitless ten year siege, we have a Requête used to bring the debate, which many of feel is inappropriate and an inappropriate use of our time and resources at this time.

Now, let us look at the birth of this foal. Some say it was born out of principle. I venture to suggest it was born out of pique on the bed of 'last straw'. The chief requérant has publicly said he
300 brought the Requête at frustration that the C & E Board, by a majority, did not feel there were compelling arguments to take to the States an amendment to allow the relaxation of Sunday trading over Christmas.

I would mention that, in the past, previous Boards have reached a *similar* decision, with *similar* dates that fall this year. Also, in the background, C & E has undertaken to take a review of Sunday trading and we will return to the States with any proposals. *If* you twist my arm, I would probably say there are certain areas that need to be looked at, garden centres are one, possibly something on the DIY front, maybe, but those are for the future, when we have got a proper evidence-based Report in front of us – and I think that Deputy Duquemin made the point very well.

310 Why do I call it a Trojan Ch'va? Well, the words of the Requête say it is a request for a twelve month trial but *I* would suggest the real intention is not for a trial, as the Requête says, 'to make better informed decisions for the future', but a way of achieving the end goal by masking it as a trial because I would be surprised if there are many who *really, really* believe it would be a trial and that, after a year, we are somehow going to pack up Sunday trading onto the back of the horse and lead it out to pasture.

315 There are so many issues on Sunday trading which, today, we do not have the benefit of the Report. There are staffing issues: is it the best use of time, how will it affect Guernsey's Leisure, the Douzaine, what happens at the end of the trial? All of this: we have very little information. The media, in its totality, probably has reflected public opinion because one media claim we should follow their advice – 63% want deregulation – another media claim 59% *do not* want deregulation.
320 The media also probably reflect, in their own working, what I believe is the majority view and, on balance, the best compromise because the media *themselves* offer a different service at the weekend than they do during the week. At the weekend they run on skeleton staff, there is no Sunday paper, some media stations run copy, or they have already pre-recorded programmes – which is great because that is the idea, that the staff can then have time off and go with their
325 families and make Sunday and the weekend a bit special.

We also do rely on those who provide services 24/7 and we also rely on the staff that *do* open the shops, because I think there are some necessities that people like to get on a Sunday, perhaps their UK papers, perhaps milk, whatever. I think that is just about the right balance that we have at the moment. I think if anyone listened to the Sunday phone-in last week – I think the lady was
330 called Pat, I do not know her but I think she spoke extremely well and I think I probably align myself with *her* views.

I will just touch on a few issues: I am sure most of them will come out during the speeches. We *do* have a special Island. I have not been able to go through everyone's manifesto to see who said

335 'Keep Guernsey special' – keep our identity – because identity depends on being different. If we
are the *same*, and the more we become the same it becomes *harder* to have that separate identity...
On that theme, when you join the Tuesday Badminton Club, there is an expectation it plays on
Tuesday (*Laughter*) so, whether it is business or people who we welcome to our shores, they come
because we are a good place to do business, a good place to live and a good place to work. So,
340 please, take stock and reflect on what we have. I am not saying no change. I think there are a few
areas where we could but let us do it on an evidence-based, proper Report. What Law are we
going to suspend next?

I think England has found, to their cost that, where they have changed their law, they have also
discovered that, once the horse has bolted, you cannot really put Sunday trading back. One last
point, also think of small shops who do open on Sundays now. If their bigger rivals also trade, you
345 may not have that small shop on *any* day of the week, let alone the seventh. This is not a trial, this
is the end of Guernsey Sundays being special. It will not happen overnight but it *will* happen over
time.

I had the argument given to me that deregulation would cause *little or no change*. So I replied
'Why change?' Please do not get seduced by this Trojan Ch'va. It may look interesting on the
350 surface: it is all too plausible, it is 'only a trial' but, to me, it is not what it purports to be. Once the
horse was taken into the city, Troy was never the same again!

Please reject the Requête.

355 **The Bailiff:** Deputy Lester Queripel, then Deputy De Lisle.

Deputy Lester Queripel: Thank you, sir.

To me, this seems to be all about a few people wanting to shop at the biggest DIY store on a
Sunday and also the biggest supermarket, which I find quite extraordinary, because the DIY store
is *already* open from eight in the morning until eight o'clock at night. That is twelve hours a day,
360 six days a week. And the supermarket is *already* open from eight in the morning until *nine* o'clock
at night. That is *thirteen* hours a day, six days a week. So I really cannot see why anyone would
need to shop on a Sunday.

Personally, I want to retain the precious little tradition and culture we still have here in
Guernsey and, if we allow seven day shopping, we will become more like a small city than an
365 Island, with all the horrible ramifications that cities bring. If I *wanted* to live in a city, I would go
and live in one, but I do not.

I have seen enough changes for the worse happen here in Guernsey over the years and that is
exactly what a seven day shopping centre would become: a change for the worse. As a born and
bred Guernseyman, there is only so much modernisation I am prepared to take. Progress is not
370 always beneficial to a community. In fact, sometimes it is actually detrimental. I agree that the fact
you can buy a bottle of *whisky* on a Sunday, but you cannot buy a greeting card, is an absolute
nonsense and needs to be addressed but, in my opinion, that is *all* that needs to be addressed in our
current Sunday trading Laws.

I understand *completely* that Guernsey needs to evolve. We have, in fact, evolved from an
375 Island of growers and fishermen into an international finance centre and I accept that *had* to
happen. But we do not have to have the accelerator flat on the floor the whole time – and I know
what city life is all about – I lived in London for five years in the 1970s. I was the manager of the
largest record store in the West End and had 21 staff. On Sunday we closed and, on a Sunday,
most of us would socialise. We would go to the theatre or a concert, sometimes we would all go
380 down to Brighton for the day and those Sundays were always a terrific bonding experience for us
all. That simply would not have happened if we had been open seven days a week. Sundays to us
all were special.

Sundays still *are* special and if we allow Sunday trading, then Sundays will no longer be
special because they will simply become like any other day in the week. Now I have heard the
385 word 'choice' mentioned a lot in relation to Sunday trading but it is a different kind of choice to
the choice *we* had, when I worked in London. The choice we are presented with *here* is to open or
not to open, to work or not to work. Well, the choice we had, when I worked in London, was to
socialise or to *rest* – a far more civilised and far less money-orientated choice which, as
employees, we were extremely grateful for.

390 Before I finish, sir, I want to focus on a concern I have about this whole affair and that concern
is the format of the proposed review. I recently criticised Commerce and Employment for stating
they were conducting a review of the Minimum Wage issue *without* even knowing themselves
what form the review was going to take. In fact, as Members of the Assembly are aware, I
submitted Rule 6 Questions to Commerce and Employment in relation to my concerns and I have

395 the *same* concerns about this review. I may be wrong, and I am sure Deputy Hadley will correct
me if I am, but I have not yet seen a detailed description of the intended format for this review –
and there are several things I would like to know. What kind of information will be gathered?
What kind of questions will be asked? How many people will be asked those questions and will
they be a cross section of our society? Also, when does Deputy Hadley foresee the results of the
400 review being presented to the Assembly etc.?

When Deputy Hadley responds, sir, I would like him to please relay the nuts and bolts of the
format of the review to the Assembly because all we actually have in this Billet can be found at the
bottom of paragraph 4. If Members would like to refer to it, they will see what I mean because we
are told that:

405 ‘data concerning Sunday trading should be collected from relevant businesses, consumers and other relevant
organisations and local opinion should also be canvassed.’

It is all too vague and I would like to actually hear some detail from Deputy Hadley in a
410 response to debate. I did ask those questions at a Sunday trading presentation but I did not receive
any answers to any of those questions, as Deputies Lowe, Le Clerc, Soulsby and James can
confirm, because I had the pleasure of their company at that presentation.

Thank you.

415 **The Bailiff:** Next we will have Deputy De Lisle, then Deputy Storey, followed by Deputy
Paint.

Deputy De Lisle.

Deputy De Lisle: Thank you, sir.

420 I see the Requête as being anti-small business. In an Island of small independent businesses,
the risk is that deregulation, along the *sweeping* lines proposed, will threaten small Guernsey-run
independent businesses, to the benefit of a few larger multiples. In addition, the *cost* of doing
business seven days a week will be inflationary and raise the cost of living even higher for all,
causing *more* financial pressures on those with *fewer* resources at a very difficult time.

425 Deregulation on the *scale* of the proposals will not enhance shopping in town or preserve its
unique character or shopping experience. It will only detract further from investment in
Guernsey’s crown jewel.

All will be aware that the big multiple out-of-town stores have decimated town centres all over
the UK and, surely, Deputies sitting in this Assembly do not wish to have town boarded up, so that
430 we can ‘get along’ with the times. There is no requirement for change, sir. The present system
works well, with no-one going short of essential supplies, with garages and convenience stores
open. Like us, our neighbours in France and the UK restrict Sunday opening in order to create a
level playing field. Paris and Brussels have restrictions on Sunday opening, the Champs Elysée is
closed to Paris on Sundays. A total of fifteen countries in Europe have restrictions on Sunday
435 opening.

The Requête asks, though, for much more than is currently allowed for Sunday opening in the
UK. In the UK, large stores are only allowed to open six hours on a Sunday. The proposed
suspension of Sunday trading Laws in *this* Requête would allow opening 24 hours on Sunday,
which amounts to totally unregulated trading, 24/7. That would be a major change for Guernsey
440 and would threaten small businesses and throw up more competition from the larger retailers.

Deregulation requires proper assessment. The Requête is trying to get deregulation through the
back door. We have no factual information on which to make a sound judgement. The problem
with deregulation, in the current difficult economic circumstances, is that it does nothing to
generate new business. It only saddles businesses with new problems and, with fifty shops empty
445 in town, we *have* to be seen promoting business and not undermining any part of it.

Thank you, sir.

The Bailiff: Deputy Storey.

450 **Deputy Storey:** Thank you, sir.

I think most Members of this Assembly know my views because they were aired quite
extensively on the Sunday phone-in on the radio this last weekend. I am really passionate about
this matter and I could not live with my conscience if I did not stand up and say what I felt about
the Requête in this meeting.

455 Sir, the *Douzaines* do not want Sunday Trading, all the retailers who have contacted me do not
want Sunday Trading and, quite importantly, I think, the majority of workers do not want Sunday
Trading. Let's think about this: it is not just the people who work in the shops, it is the supply
chain workers who are going to have to continue to supply goods to the shops that are open on a
460 Sunday. It is the cleaners who are going to have to work an extra day and, yes, I know shelf
stackers already work on a Sunday but, if the shops are open on a Sunday, they are going to have
to work Saturday evenings and that is a particular time when young people – who do shelf-
stacking – do not want to be working. They want to be out having a social time with their friends.

I know, during the presenter's initial comments, he talked about waste food and that being
open on a Sunday would reduce the amount of waste food. Well, I am reliably informed, sir, that
465 the bulk of food is generated on a Wednesday and Thursday, prior to the new supplies coming in
for Friday and Saturday shopping, so *that* is not going to be a factor.

Deputy Lowe has done us all a good service over the last year or so: she has been doing a
survey of empty shops and, in St. Peter Port, that has gone up from 43 to 50 over the last twelve
months. Yes, a lot of that is competition from the internet but I am looking at the economics and,
470 if smaller shops feel they have to open on Sundays to compete, that means that they are going to
have seven days' costs for the existing six days' trade, most of them, because there is only so
much trade that they are going to do. We have already agreed, in this Assembly, for the Post
Office to reduce deliveries from six to five days a week because volumes are declining, therefore it
does not make sense to be out there delivering six days a week for extra costs when it could be
475 done in five days. We have already agreed that and, yet, here we are saying we are in an economic
downturn, trade is difficult to get hold of, but would it not be a good idea if shops incurred
additional costs to open seven days a week, instead of six... It does not make sense!

Alternatively, if the small shops do not open, there is a threat of a loss of trade. That loss of
trade would be compounded if the larger shops are open – and they are not – because what we will
480 get is what we have had in the UK, retail creep. The shops will expand their range of goods that
they have on sale while they are the only ones who are attracting the customers in because they are
open on a Sunday and, effectively, they will produce *additional* competition for the shops in town.
We can see what has happened in relation to 'retail creeping' in the food area because our market
in town is no longer viable. So what we are effectively doing, in my opinion, is attacking the
485 Guernsey-owned shops – but *they* are the ones that are paying Guernsey tax. Where is the sense in
that?

Coming on to a different matter, sir, large shops open on a Sunday means the supply chain will
have to operate on a Sunday and that means more lorries on the road on a Sunday. Not just the cars
of the people who are going to the shops on a Sunday but we will have more heavy lorries on a
490 Sunday. I have been approached by constituents who are workers in retail and they do not want to
work on a Sunday because they say 'If we work on a Sunday, well, we will get a day off in lieu
some other time but that is no good to us because, if we have to work on Sunday, well, our
children are at home, we will not see them. We get a day off on, say, Tuesday or Wednesday in
lieu: we are at *home* but our children are at *school!* What is the point of that? So it is all very
495 well... What they have also said – and I think it is very relevant to this debate – is that, although
we are being told that, at the moment, nobody will be *forced* to work on a Sunday – they have the
right not to work on Sunday – I accept that from the requérants – that is very true – but if
somebody comes, if there is a shop that is determined that they are going to be open on a Sunday
and they are advertising for people to work and people go for an interview: 'Are you prepared to
500 work on a Sunday?' 'No? Oh, well, forget it.' It might not affect the people who are currently
working in shops but it most certainly will, down the road, affect people who are applying for jobs
for establishments that wish to work on a Sunday. So I think the assertion that nobody will be
forced to work on a Sunday is a hollow one.

Now, sir, part of my passion for wanting to speak today is because I am a representative of St.
505 Peter Port in this Assembly and I am passionately trying to support St. Peter Port, as the jewel, if
you like – the jewel in the crown – of Guernsey. I am currently heavily involved in the floral
enhancement of St. Peter Port and the Douzaine and the people of the Parish have supported the
work that we are doing, because this makes town more pleasant. It makes it more pleasant for the
workers, for the shoppers and for the visitors. In effect, I hope, it puts a smile on the face of St.
510 Peter Port and I hope that, as a result of that, we will increase the footfall in town and increase the
amount of shopping in town. In fact, St. Peter Port *is* the shop window for visitors because cruise
liner visitors come in to St. Peter Port in their half day that they get here.

If they find it really attractive, then a certain proportion of them decide, 'Wouldn't it be a nice
place to go for a holiday.' Instead of having a half day here, to have a quick look round, they come
515 for a week or a fortnight and see the whole Island. So St. Peter Port is our shop window but what

we need *in* St. Peter Port, to *make* it attractive, is not 50 to 100 empty shops because that is a big turn off. We need product differentiation. We want shops that are different from the main street shops. We do not want the same shops that are in every high street in the UK. If we do not have that product differentiation and have an attractive shop window, then – I have to come back to the words I am not supposed to use any more – we have unintended consequences because, if people no longer feel that St. Peter Port and Guernsey is an attractive place to come, that will have an impact on our hotels and restaurants, it will have an impact on our transport links, and there are others... If the hotels' and restaurants' trade go down and if the transport links trade goes down then, if are going to maintain them, the costs are going to go up.

I moved here in 2000 and, like most others moving here, a significant part of the attraction to moving here was that Guernsey was different. Sundays were remarkably peaceful. What really upsets me – *really does upset me* – are those people who come here for the same reasons that I did, because Guernsey is so attractive, and then they set about making Guernsey just like the place that they escaped from! Sir, we need to understand our world.

I was at the theatre last night and saw Timon of Athens and one of the phrases that hit me hard was this rich man saying, 'I wish I was less rich, so I could talk to you.' Now, what that really meant – nothing to do with riches – was 'I wish I understood *your world*.' We need to understand *our* world, we need to understand what is special about our world and what is special and attractive to other people. We need to *protect* Guernsey's way of life and I firmly believe that Sunday opening will be a factor that will lead to the destruction of Guernsey's way of life. We were elected to *support* local business and industry and commerce, who pay Guernsey tax. We were not elected to further the interests of UK traders and erode Guernsey's way of life. Let's face it, they are the only traders who are likely to benefit from this proposed change.

I believe that, if we support this Requête, we will be taking a decision, without any supporting data: we will be making an ill-informed decision and, sir, this is not good governance. There are too many potential, unintended consequences.

This Requête is not proposing a well-reasoned change to the law, it is proposing a suck-it-and-see approach. This is not the way this Assembly should do business. It is not good governance.

Thank you, sir.

The Bailiff: Next, Deputy Paint and then I was going to call Deputy Brehaut, who was rising some time ago, and then Deputy Le Pelley and Deputy Gillson.
Deputy Paint.

Deputy Paint: Sir and Members of the Assembly, like Deputy Martin [Storey], I will not go right through what we spoke about on the phone-in on Sunday.

Having been Constable of Castel Parish, I am very well aware that there are many difficulties and anomalies in this present Sunday Trading Law and I have no doubt that there has to be a *complete review* of this Law at some time in the future. But, as has been said many times, priorities have *got* to come first.

I believe that this Requête is a step too far and, in my case, having short legs, I would say a very long *stride* too far, (*Laughter*) so I will be voting against the Requête.

Thank you, sir.

The Bailiff: Thank you.
Deputy Brehaut.

Deputy Brehaut: Sir, I have no right to speak.

I made it clear yesterday that I stood to ask for a point of clarification, a question, actually, to Deputy Duquemin, which was: my wife works every Sunday, does that mean my Sunday life with my children is of less value than yours?

The Bailiff: Deputy Brehaut... sorry, Deputy Gillson.

Deputy Gillson: Sir, I know it has previously been pointed out that a Requête is signed by at least seven people and not one Member but, in the Assembly, we normally refer by the name of the lead signatory, so this is 'the Hadley Requête'.

In this instance, in an attempt to be inclusive, I think it is worth following the current trend of combining two names into one – like Jedward! (*Laughter*) For this Requête, I am minded to use the names of two signatories – Sillars and Hadley – so this becomes the Sil-ley Requête. (*Laughter*)

Deputy Sillars: Sir, a rude and not very funny start to the speech! I trust that politeness and respect will return very soon.

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Thank you.

The Bailiff: Deputy Gillson.

Deputy Gillson: It was meant to be a light-hearted comment!

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We are faced with a Requête led by a Member of C & E, which proposes to remove all restrictions for a trial period of one year. I find it odd, when we have before us a Requête placed by a *Member* of the Department, it is aimed at that Department. Whilst I do not support the Requête, it is worth noting that Deputy Hadley could easily have instigated this Requête and got someone else to lead it. The fact that he decided to be transparent and accountable by leading it, knowing the issues and the actions and ways within Commerce and Employment, says a lot about his integrity. I commend him for that.

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Presumably, when C & E were considering their forward work plan, all priorities were considered and the majority of the Board considered the question of Sunday trading to be a low priority, compared to other workstreams. This raises some questions I have for Deputy Hadley. If the Requête is approved, where are the resources coming from to collect the data and analyse the data for the Report? I was a Member of C & E, so I know how tight their resources are.

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Three questions for you, Deputy Hadley. What other work streams will have to be put on hold? Why does he think that Sunday trading is more economically important than the other workstreams that have to be put on hold? Why should this Assembly accept the view that Sunday trading *is* more important, when the rest of the C & E Board believe the other work streams are more important?

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Perhaps Deputy Hadley is going to suggest the Department has enough resources to do this, as well as other workstreams, or that it is not going to take a lot of time or effort to collect the information. If that is true, it is a concern, because there are really only two possibilities. The Department has spare resources – which I do not believe is right – or the type of work envisaged being done will be limited and at best superficial and not the thorough job this subject deserves. It is not possible to do a thorough job without resources and if it is a Department with limited resources, which is trying to target other priorities; a thorough job has to mean taking resources from elsewhere.

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I refer to these implications, because the Requête calls for

‘data concerning Sunday trading [to] be collected from relevant businesses, consumers and other [...] organisations.’

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So a couple more questions for Deputy Hadley. What data is he referring to? How is this data going to be collected? If he is going to suggest the shops collect it, could he provide us with details of which shops have agreed to collect data? How can he ensure it is collected from a cross section of shops? How will he verify integrity of data that comes from shops, bearing in mind it has to be provided by shops that are open? What happens if shops are *not* willing to provide data?

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Sir, the Requête is for a one-year, trial period, we are being told, but I do not really accept that. I think that the words of the Very Rev. Paul Mellor were quite true that, once the genie is out of the bottle, it will stay out. So I do not think this is a one-year trial. This will invariably lead to a permanent change, if the Requête is passed.

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The timing of this trial period is quite interesting. Yesterday we changed it but, having a one-year trial, actually, is quite badly thought out. We have a trial period that would start in March 2013 and finish the following February. So when are we going to have the follow-up debate? If the expectation is for the debate before the end of the trial period, say February, then the Report for February would have to be into Policy Council by December, which means it would have to be worked on in October and November. So the data set that can be collected is only for March to September. It is a seven-month data set that misses out Christmas. If the intention is to have a full year's data, then the Report cannot be produced until after March next year. Realistically giving a couple of months for it to be produced and data analysed, we are talking, at the earliest, May or June, so you have then got this limbo period, where shops will have to have licences. I would like to know from Deputy Hadley when he envisages his follow-up Report being produced.

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Mention has been made by some people of Sunday trading benefiting tourism. I accept Guernsey is... tourism is very important to Guernsey and we have to make sure that Guernsey is attractive to them, but let us not pretend that Guernsey is a tourist destination. Locals go to England to shop often, because they have got *better* shops; they have got wider variety, bigger

shops. People do not come to Guernsey for the shopping. I *really* doubt if anybody, when they are thinking about deciding to come to Guernsey, thinks Sunday trading is important: ‘I am not going to Guernsey because the shops are not open on a Sunday.’ I just do not believe it impacts on tourism at all.

One speaker already mentioned the Strategic Plan and part of that is to protect our culture and protect what makes us different. It has been said that changing the Sunday trading law is not going to make a big change to our culture. It will make no real difference to what Guernsey is. To a degree, that may be true, but we are in danger, over a longer period, of ruining our culture, our ‘Guernsiness’, by changing our culture by little salami slices, just slicing away little aspects of our culture, one slice at a time. Each slice on its own may not be a big impact but, over time, they make a difference. How many times do we hear people say, ‘Guernsey has changed?’ ‘It is not what it was; it is not like it was.’ That is because we keep changing things but, often, the changes we make are little changes and, at the time, they do not seem big. We *need* to protect our culture. Guernsey *is* different; Sunday makes us different, so I ask Members not to risk our culture by changing.

Neighbours to shops have got a peaceful time on Sunday. We have had a lot of representations – interestingly, I have had none from the shopkeepers wanting to be open – but I had a very interesting representation from a family who live down Nocq Road and they said that Sunday is the only peaceful day they get. For the rest of the week, the traffic down Nocq Road is really terrible: they have commercial vehicles from four in the morning, collecting or delivering, and they look forward to Sunday. If Sunday trading *does* go through, people in that road and other places near supermarkets can look forward to *not* having a restful day and, in Guernsey, where people do live close to the shops, I think it is important to bear in mind the impact this will have on people who live near them.

Freedom of choice has often been cited and I think this is quite a poor reason. Sometimes people say common sense is almost the reason of last resort. If you do not have a good argument, you say, ‘Oh, it is down to common sense.’ It is the same with freedom of choice. It is rolled out as a powerful, but empty argument.

How can I say it is an empty argument? Really, a reality check: what governments do is restrict people’s freedoms. Nearly every Law we pass in some way or another restricts people’s freedom. It is what governments do. We restrict the size of cars, we restrict the speed, we restrict where people can park, we restrict property developments. The list of how governments restrict people’s freedoms is nearly endless. Deputy Hadley and I supported a ban on legal highs – a good and right thing to have done, *but* we restricted people’s rights in that. There were some very good reasons we made that decision, but we did restrict people’s rights.

So the point I am making is that freedom of choice is not, on its own, a valid reason on which to base Government decisions because, if we did, we would not do a lot. I expect somebody is going to say a majority of restrictions, like legal highs or car speeds, is in the interest of public safety and that is true. However, there are, interestingly, three Members of Education have signed this Requête and Education has a policy called catchment areas, restricting where parents can send their children. Again, restricting freedom of choice.

I am not going to suggest Education remove that, because catchment areas are very sensible: there are valid reasons to do it. I am just making the point that a lot of what Government does is to restrict freedom of choice. So, let us not use freedom of choice as an argument for Sunday trading.

I was a parish constable for four years and I have heard the media say it is ‘a dog’s dinner of a Law’ – that there are all sorts of anomalies. Yes, there are anomalies, but if you think about the spectrum of opening, you can have, at one end, shops with total deregulation and all shops open – which I do not agree with. At the other end, you can have all shops closed which, again, would be ridiculous. If you go somewhere in the middle, where some can and some cannot, wherever you draw that line you are going to create anomalies. It is going to be very difficult, if not impossible, to have a Law which allows some to open and some not to open, which does not have anomalies. I agree there are some ‘strangers’ and the Law does need to be looked at but I suspect that, if we come back with changes to the current Law, there will still be anomalies. Maybe we just have to live with these anomalies.

Sir, in summary, I do not see this as being for a test period. I think, once the genie is out of the bottle, it is out of the bottle. The current system is not perfect, but I administered it for four years: sometimes I gave licences, sometimes I did not give licences. It was not a problem: it works. The current arrangement provides a good balance between commerce and life. The current arrangement is balanced and is what makes Guernsey, Guernsey. There are no real benefits for changing the law, so let us not change it for the sake of changing it.

I urge Members to vote against this Requête.

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The Bailiff: Thank you.

Deputy Sherbourne. Then Deputy David Jones, Deputy Soulsby, Deputy Le Clerc and Deputy Green.

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Deputy Sherbourne: Thank you, Mr Bailiff.

We were entertained last night by Deputy Stewart, who reminded me, many years ago, of sharing the school assembly with a group of children. (*Laughter*) It was entertaining *then* and I found it entertaining last night.

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One thing he did say, however, which I thought was a complete contradiction to his main thrust, was that he worked seven days a week, and his colleagues worked seven days a week, for the radio industry, or television industry, at the time. I would say that he was fortunate, in a way, to have that choice to work seven days a week, because there are a fair number of people in this Island, who are not so fortunate, because of the existence of our Sunday trading laws.

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Deputy Duquemin initially mentioned – and many others have supported this view – that, yes, there are many anomalies with the current Law. I would suggest there are more than just anomalies. The Law, at the moment, is a mess. It is probably the result of many years of tinkering, tampering with Laws, never getting to grips with the real issues. Maybe, it is an inevitable outcome of consensus government. The bureaucracy that accompanies such Law is time consuming and should be unnecessary.

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I do not want to determine what people *can* do and cannot do on a particular day of the week, any more than I should determine what others can or cannot do. There are many regulations, as Deputy Gillson mentioned, that impinge on our freedom. Most of them are based on logical thinking, health grounds and safety issues. *Those* I understand and I can live with them comfortably, day in and day out. I recognise the logic of a day of rest but, surely, the choice of that day should be left to the individual, depending upon their circumstances. Sunday Trading Laws as they now stand restrict that choice. One man or woman's form of rest is another's active or creative day.

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Over the last forty-plus years as a resident of the Island, I have witnessed a gradual relaxation of the Sunday Trading Laws which have *not* resulted in a mass drunkenness foretold by the doom merchants of the day, when pubs were allowed to open on a Sunday for the first time. In fact, the Sunday lunch or bar meal is now a well established social event in the Island and large numbers of Guernsey families enjoy the opportunities offered by our hospitality industry. I would go as far as to suggest that it is one factor that has enabled the industry to survive very difficult times. The small number of garages that open on a Sunday, providing petrol or fuel to those people, like myself, who occasional run out of lawnmower fuel at a crucial stage of lawn hairdressing have not impinged on the quality of our lives. Garden centres are a certain size and have provided our green-fingered citizens with hours of Sunday pleasure. Our DIY-minded citizens, however, have not got the same opportunity to go and buy TV brackets.

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I am not a religious person but I do respect those of faith and I would protect their right to worship whenever they wish. However, Sunday Trading Laws do not restrict those who wish to share their beliefs with like-minded citizens. The removal of these current Laws will not change that. The fact that *I* might wish to spend an hour of worship at a garden centre, B & Q or Waitrose, if they choose to open, should not be the concern of others.

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I believe that the proposed one year suspension of the Laws will provide us with an opportunity to accurately assess the true impact that such a decision will have on our quality of life. I suspect that, like other periods of adjustment, market forces and individual choice will determine the outcome.

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I am pleased to be a signatory to this Requête and to provide this Assembly with the opportunity to debate the issue and I also ask you to consider this proposal logically and give it your support.

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Thank you, sir.

The Bailiff: Deputy David Jones.

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Deputy David Jones: Thank you, Mr Bailiff.

I used to be in the other camp – steady, steady! (*Laughter*) – and when this issue has been before this Assembly before I actually thought about supporting it but the problem is, life has changed.

When the Drinking Laws were changed, life has changed for some people on The Bridge area, for instance. They tell me now that The Bridge on a Sunday night is just as rowdy as it is on a Saturday night, and that never used to be the case.

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So Sunday trading does mean different things to different people. If you live in the National Park and you get in your big 4 x 4 and you drive to a supermarket and get your groceries on a Sunday and then go back to the tranquillity of your farmhouse and the quiet rural areas – I can see Deputy Perrot is scowling at me. (*Laughter*) Sorry if I misinterpreted that, Deputy Perrot, but if you do that and you go back to the tranquillity of your neighbourhood – Sunday trading means something completely different to *you* than if you live in Nocq Road. Starting early in the morning, with bottles on pallets and forklifts rattling around, it is a completely different issue for you.

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One of the things that everybody you ever meet, who comes to visit Guernsey, talks about is the quality of life. That is the thing that is sold on the programme I mentioned yesterday, ‘Island Hospital’: the people talk about the quality of Guernsey life and this is what we are, by this ratchet approach that we keep doing over the years... this is what is gradually being eroded.

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Whether you think that the Government has a right, or not, to tell you where you can go and shop and what you can do on a certain day of the week to me is not the point because I used to believe that that *was* actually the case. But it is affecting people and it will have an effect on people and that is the reason why I think that we have got it about right.

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There are, as Deputy Lowe says... the tape measure thing is a bit of an anomaly and I think, as she does, that when Commerce and Employment do eventually – when we throw this Requête out today... when Employment and Commerce do get around to reviewing this, that they look at some of the anomalies because it is clearly silly, in my opinion, if a place is open, and it is allowed to be open, then it ought to be allowed to sell the goods that are in it. It makes no sense to section off half of it and say ‘Well, you can open but you cannot sell this, that and the other.’ That is what makes the Law look silly.

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But the quality of life issue is the issue for *me*, so I believe – and I am surprised because Deputy Hadley is usually so sensible, he is the Deputy Minister of Housing and a very valued Member of the Board... I cannot understand... He has these wobbly moments from time to time (*Laughter*) and goes off on a tangent and does these things – but some people have praised him for bringing it. Well, you know, he is a man of courage. I recognise that but I think he is just plain wrong on this issue and that is why I have changed my mind, over the years, because it is affecting people.

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The Licensing Laws have affected people and *I* think that Sunday Trading will go on to affect more people. I believe in all faiths. I am not an overtly religious man myself, I live by a set of laws and rules that I hope every decent human being would live by, whether that is a Christian set or otherwise, call it what you like, and I respect people’s idea of what their Sunday is to them. Some people will go to Church, others will not and others will have family days. My daughter-in-law is a nurse and she works on Sunday. My wife is a carer and *she* works some Sundays but she is always of the opinion that Guernsey is eroding its quality of life issues at a pace that she has found difficult to live with. That does not mean to say that I am not supporting this *because* of my wife’s views. Of course not! (*Laughter*) *But*, she is a Guernsey girl, born and bred. I have been on the Island about the same time as Deputy Sherbourne and *I* have seen the gradual erosion of the quality of life issues – that is why I will not support this Requête.

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Thank you.

The Bailiff: Deputy Soulsby and then Deputy Le Clerc.

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Deputy Soulsby: Sir, before I start, I should declare that I have an interest in this debate, as – and I think I need to keep my husband happy here – a part owner of a retail business.

It has been interesting, listening to the speeches on this subject over the last couple of days. A lot has been spoken about the effect on the retail business of expanding Sunday trading. In the same way we all think we know about education because we went to school, we all think we understand retail as we do the shopping, or some of us here – I suspect our partners do, anyway. I thought it might be useful to give *my* thoughts as someone who owns a retail business. I might be in a unique position amongst those here, in that I own a shop which opens on a Sunday and another that does not. If this Requête is passed, that is unlikely to change.

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I am not going to go over the moral and lifestyle reason for why we should, or should not, allow an expansion of Sunday trading. That has been covered in sufficient detail already. Rather, I would like to make a few short points about the business implications, should the Requête be passed. Firstly, there will be no mass shop opening on a Sunday. Comments were made about one

shop having to open because another one does. I agree with Deputy Hadley and Deputy Lowe: this will only apply to the largest retailers. On the first Sunday in March, the large retailers will open. More shops may well open on the Sundays in December, to take advantage of the festive season. The vast majority will then shut. By January, only the larger shops will remain open.

Had we a *thriving* town centre, with a diverse mixture of interesting boutique shops and a focal point for customers, this would be different. Sadly, we have not.

Secondly – and here I *disagree* with Deputy Hadley – there will be no increase of income generated in the economy. Sales will not increase proportionately. There is a constraint on household budgets and there is a limit on what we need to eat. In fact, it is possible sales may reduce as, with no restriction as to when people can buy their groceries, they can shop when they need to and, hence, there may be less waste. The argument made by Deputy Hadley that there will be less online sales is nonsensical. People shop online for choice and value not because the High Street is closed.

Finally, there will be winners and losers. The biggest beneficiaries will be the largest corporate retailers. The losers will be smaller grocery stores, who directly compete with those retailers. An independent report, written in 2006 for the Department for Trade and Industry in the U.K., made this very point.

I would like to close by saying I am concerned about the proposal for complete deregulation, even if it is for a trial period. The suck-it-and-see approach of this Requête is unfortunate, at best, and only adds to uncertainty for retailers in what is a difficult economic environment. The effect of Deputy Stewart's amendment means that the element of urgency has passed. The value of a trial period has been diluted and even more weight has been given to the argument that what we *need* is a future reasoned review of Sunday trading and more well-thought out regulations in tune with the needs of the Island.

So I will not be supporting this Requête.

The Bailiff: Deputy Le Clerc, Deputy Green and Deputy Fallaize.

Deputy Le Clerc: Thank you, sir.

I would just like to take this opportunity to share with the Assembly some of my night-time reading – that is, after reading Board Papers and Billets! (*Laughter*) Unfortunately, it is not written by E. L. James: it is far less exciting but much more interesting. It is a tragic love story by Victor Hugo.

I would just like to take a few moments to share with you some of the words in his opening pages of 'Toilers of the Sea', written by Hugo in and about Guernsey: 'There is one exception to this liberty, Sunday. The tyrant reduces the working week to six days, that is, it deprives them of a seventh of their capital. Sooner or later these last restrictions will be swept away. That time has now arrived.'

'The Toilers of the Sea' was written in 1866 and here we are, in 2012, 146 years later, still debating working on a Sunday!

Guernsey faces a period of zero economic growth. Stimulating growth in an economy like ours is difficult; it is not easy or quick, as we are finding out, to attract new business to the Island. One thing we can do, at a stroke, with Sunday trading is to raise the Island's wage-earning capacity from six sevenths of the week to seven sevenths of the week. The multiplier effect of the additional wages earned *will* help stimulate our economy, even if it is only in a small way. This initiative should also help some of those currently unemployed back into work.

Many workers will be *pleased* at the opportunity to earn additional income. Small shops warn of a loss of trade but there will always be a place for these convenience stores, *even* with Sunday opening. The current trading laws are inequitable and favour one shop over another, based on arbitrary conditions. Let each retailer themselves decide if they want to open: give them freedom of choice, give consumers freedom of choice.

Let us give it a *chance*, let us have this trial period and use that consultation period to reach a *final* decision, based on *fact*, not presumptions. Let us remember Victor Hugo's words of 1866: 'Sooner or later these restrictions will be swept away. That time has now arrived.'

The Bailiff: Deputy Green.

Deputy Green: Sir, Members of the States, I commend the last speech by Deputy Le Clerc and I rise to support the Requête, as well.

It is very clear to all of us who would describe ourselves as liberals, in *any* sense of that description, that the current Sunday Trading Law *is* somewhat inelegant and is a total compromise.

880 In my view, the Law should be placed on a much more rational and coherent basis. My view is that the Sunday trading dilemma can only be addressed in two particular ways. There can only be two logically coherent policies, either full prohibition of Sunday trading or total deregulation.

I consider the proposition made by Deputy Hadley – to suspend the current law or current legal framework – to be a step in the right direction towards the latter, in other words, the total
885 deregulation. In my view, anything in the middle between those two positions of prohibition or deregulation is philosophically suspect. Surely, the principle that should be at the very heart of Sunday trading is the principle of freedom of choice because freedom of choice is not, as Deputy Gillson said, ‘an empty argument’, it is actually the *essence* of what this is all about, freedom of choice for the shop owner, the individual consumer and for the individual worker.

890 As long as people are willing to work and people are wanting to shop, why can they not be allowed to do so whenever it is convenient for them. It is simply not right that the States can dictate to employers, employees and consumers as to when they can and cannot do activities on a certain day of the week. As I already said, Deputy Gillson said that freedom of choice is a powerful but empty argument and that the States does restrict freedom in many other ways but, as
895 he admitted himself, the prohibition, for example, on so-called ‘legal highs’, and many other prohibitions evident in the law, are there to protect public safety, to protect the individual from harm. That is a very different philosophical basis to what is supposedly the underpinning of the Sunday trading regulations.

So I do support this Requête for good, liberal reasons but it is subject to one proviso and it is
900 this, which is that there must be a proviso that shop workers have the protection from being forced into working on Sundays. As far as I can see, from my understanding of the Sunday Trading Employment and Protection Laws, that proviso already exists. That is already catered for in the current Law, so I do support this Requête.

However, I do not believe that we should *totally* disregard all of the concerns that have been
905 expressed by some about the possible detrimental effect on family life and leisure that this suspension may cause. To some extent, lifting the trading restrictions will mean that *some* employers and *some* employees will choose to work on Sundays and they will have less family time and less leisure time as a result. In an ideal world, everybody would have a good work/life balance but that is *not* the reality faced by many hundreds, if not thousands, of workers in
910 Guernsey today and, in my opinion, that is one of the key social issues of our times. The key point here for me is that, if you want to create a Guernsey society with a much better balance struck between work, family life and leisure time, the best way in which you construct that society is not simply by clinging to arbitrary, messy, outmoded, illiberal Sunday trading restrictions. Is our vision for Guernsey’s future so dull and uninspiring as *that*?

915 Our forward-looking vision for Guernsey in the next States Strategic Plan should be much more radical and exciting than that, if we truly wish to see a good work/life balance enjoyed by everybody in this community, including the lower paid workers amongst us. Therefore, our focus, in future, should be on two things: firstly, encouraging people to make the appropriate lifestyle changes for themselves and, secondly, it should be on introducing new legal measures to enable
920 more flexible working and, maybe, even measures to limit the maximum weekly working hours if we are to make work/life balance a reality, rather than simply rhetoric.

These sorts of things should be part of our wider collective focus on promoting family friendly working practices. The Sunday Trading Law, in itself, need not be part of that focus and, indeed,
925 *should* not be part of it, in my view, if we are really serious about constructing a good society where there is a proper work/life balance. However, at the moment because we are essentially living in a policy vacuum whilst we wait for the Budget, whilst we wait for the States Strategic Plan to emerge, these wider big issues are not getting a look-in under this current Government.

So, Mr Bailiff, Members, in conclusion, I do welcome this Requête brought by Deputy Hadley.
930 It is certainly a step in the right direction but I am mindful of the possible effect that this could have on family life so I do hope that Government policy in future will radically evolve to address the wider concerns that Deputy Jones spoke about, if we are to deal with the work/life issues that he has identified and many others have, too.

Thank you.

935 **The Bailiff:** Deputy Fallaize, then Deputy Conder, then Deputy Gollop.

Deputy Fallaize: Thank you, sir.

Before I say anything else, I need to declare a very minor family interest in a small retail shop which, incidentally, closes on Wednesdays, despite there not being any Wednesday trading

940 legislation. (*Laughter*) (**Deputy David Jones:** Shame!). Actually, I agree. My wife runs it, so I will put her in touch with you.

I need to repeat Deputy Perrot's words from yesterday, as well. I did not intend to speak in this debate and I am doing so in response to some of the speeches that we have heard thus far. Deputy Storey said that he was very passionate about this Requête and the issue of Sunday trading. I think
945 I am right at the other end of the spectrum, actually. I am not sure there is *any* issue that I feel more dispassionately about than this, (*Laughter*) which will not stop me making a long speech! (*Laughter*).

I think that the debate we have had in the last couple of days in respect of the proposals from the Social Security Department were of far greater significance to Guernsey's future than *this*
950 debate and there is an interesting juxtaposition between Deputy Le Lièvre's amendments and some of the speeches in respect of this Requête because I think that he could have argued – he chose not to, but he could have argued – that some of *his* amendments, their objective, was to try and protect or maintain a good quality of life and, therefore, a better family life for some of the people that he was trying to target assistance to.

I agree with Deputy Green, I think that, if we are really interested in maintaining family life and improving the quality of life for the people of this Island, there are probably better ways to do it than retaining the present Sunday trading legislation. Because I do not feel terribly passionate one way or the other on this issue, I said to myself, coming in this morning, that I would listen to the debate and I would try to, in a very sort of cold sense, decide which of the sides, for or against,
960 was making the most logical arguments.

I thought Deputy Duquemin started off quite positively for those who were against the Requête and he produced a very well constructed speech. I have to say – there may have been one or two exceptions – in the main, I think the arguments against this Requête have been distinctly unimpressive. That may change as the debate runs but, if I am going to vote against the Requête, I
965 am going to need to hear some more powerful and cogent arguments than those I have heard thus far.

Deputy Duquemin referred to protecting Guernsey traditions. It is important, though, I think, to recognise that *this* regime has only been in place since 2002: that does not sound to me like a particularly *traditional* regime. He also said – and this is a fair point, in a sense – that the Requête does not make a comprehensive change for change. Clearly it does not. We have seen a
970 proliferation of Requetes produced, really, on the back of a fag packet in this term so far. There is something inadequate and unsatisfactory in us being asked to make a decision off the back of an argument laid on one side of A4.

However, on this occasion, I think there may be a slight difference because, normally, if a
975 Department or a Member brings a proposition, then the onus is on *that* Department or *that* Member to make the case for what they are proposing. It is a little different here for me because Deputy Hadley is effectively proposing that we replace something with nothing. He is suggesting that we take the present Sunday trading legislation and just get rid of it. Well, he is proposing a twelve month trial, which I will come to in a moment but, in effect, he is saying let us not have
980 *any* Sunday trading legislation.

So I think, in that respect, in *this* debate, the emphasis is on those who are wanting to protect the present regime to explain why it is worth protecting and I do not feel they have done that thus far.

Deputy Lowe said that she thought the present legislation was 'absurd' and, for the reason I
985 have just referred to, I think that is a valid consideration. Commerce and Employment released a briefing note – for which I thank them, because I thought it was politically very neutral and, therefore, objective and helpful – which explains some of the Sunday trading restrictions currently in place. Last night, I went through and highlighted a few of them.

There are three categories of licence which place restrictions on whether large shops can open
990 and other shops not regulated by their size.

'Where size restrictions do exist, the shop may not exceed a floor area of 400 square metres.'

I do not understand the logic of that.

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'In order to be granted a licence, a shop must have certain goods as its predominant range during the week',

but there is no restriction on what other goods can be sold aside from the predominant range.

1000 The third exception is with a category 'H' licence, where goods sold:

‘must have a close thematic connection with the place or must be of particular interest to tourists or other visitors to the place’.

1005 For shops holding a category ‘L’ licence,

‘Vases without flowers –’

Laughter.

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It gets better! (*Laughter*)

‘– are considered giftware, so they must be displayed within a single and discrete area of no more than a hundred square metres.’

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This is the best one, I think:

‘Shops which provide no personal service can open on a Sunday without a licence...’

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Thus a garage can allow you to look over the cars on their forecourt, as it is much like window-shopping, apparently. Similarly, they can *open* their showrooms. In both cases, staff can be on hand but only to ensure that no-one damages the cars! (*Laughter*) They cannot provide any personal service.

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So, to me, it is a valid consideration that, if the Requête is rejected today, in effect we will be voting to maintain *that* legislation. It is an old cliché, because it has been used by the *Press* so many times but, plainly, what is in place at the moment is ‘a dog’s breakfast’.

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I tend to agree with Deputy Green, the only *logical* position is either to have prohibition, other than probably emergency goods and services, or complete deregulation. I think this, actually, is probably the greatest Achilles heel of the Requête, that it is a nonsense to have a twelve-month trial and, for some of the reasons that Deputy Gillson outlined. What happens at the end of the twelve month period? There is clearly going to be an interregnum between the end of the twelve month period and the States being able to determine whether the evidence collected during the twelve-month period means that there should be full deregulation forever.

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To be honest, I was thinking of laying an amendment. I do not think I will, but perhaps Deputy Hadley or one of his requérants may consider laying such an amendment, to remove the provision for a twelve-month trial and just give the States a straight choice between total deregulation *permanently* or maintaining the present arrangements because I do have a fear that the precise provisions of the Requête may be completely unworkable. Perhaps H. M. Comptroller would be able to advise about what happens, in legislative terms, if the Requête goes through.

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Members of the Commerce and Employment Department, including the Minister, are suggesting that there will be a comprehensive review. I have found some of the things they have said in that respect confusing because I think some of them do want to carry out a review and some of them do not want to carry out a review. I am not actually convinced that, if the Requête loses, there *will* be a review.

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It has become very, very popular in the States to try and defeat amendments and Requetes by promising reviews. I think we are going to have so many reviews over the next four years that there will be no time to do anything else and here, apparently, is going to be *another* review. Whatever review is carried out, I tend to be of the view that it will come up with another dog’s breakfast because the States has had a *series* of reviews... The 2002 arrangements, which are in

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place now, are the result of a compromise and it seems to me that, while the States tries to reach a compromise between those who want total deregulation and those who, basically, want to preserve everything in aspic and go back to the way things were many years ago, then we will end up with a dog’s breakfast. If somebody can give me a broad outline today of what the better compromise is than what is presently in place at the moment, then I might be inclined to vote against the Requête and place more faith in Deputy Stewart’s review.

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Deputy Lester Queripel made one or two interesting points but one caught my attention in particular. He said that when he managed a record shop in London, Sunday was a day of rest and relaxation, where he would go to the theatre or the cinema. Presumably, these were automated theatres and cinemas, where no staff were employed. Well, Sunday was clearly not a day of rest and relaxation for the workers who were running the facilities which were providing him with *his* enjoyment during his leisure time and I think that is a theme of some of the arguments against the Requête.

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1065 When some people say ‘Keep Guernsey special’, what they appear to mean is ‘Keep Sunday the way that *I* like it. *I* want to carry on doing what *I* want to do on a Sunday’, and some of those people will buy goods and use services on a Sunday, which mean other people have to work. I have had people contacting me saying ‘Sunday is a great day for the family; it is a great day for rest and relaxation; we go out for Sunday lunch...’ Well, they can only go out for Sunday lunch because somebody else has to work!

1070 So there seems to me that there is a danger... I do not want to refer to the arguments against as emphatically middle class but there is a sense here that people who are sufficiently affluent to take their weekends off, and ensure that *their* weekends are reserved for leisure time, want *their* time to remain like that but they are quite happy that the people who *have* to work at the weekend – because their financial circumstances dictate it – should have to continue to work to provide the affluent section of the community with their leisure activities.

1075 Deputy Queripel suggested that deregulation would be ruinous to Guernsey’s culture, as if the proposals in this Requête were provoking some sort of Cultural Revolution, but I think there are two responses to that. First of all, let us just respect that cultural values require subjective judgements. Not everyone’s cultural values are the same. Guernsey’s cultural values mean something completely different to me than what they *appear* to mean to some Members who have spoken passionately against the Requête.

1080 I think that Guernsey’s cultural values and self-identity are about families being able to live in close proximity, about maintaining public services in education and healthcare, which are *better* than most of those that are maintained in the rest of the world, about low levels of crime, about a pleasant environment, about beaches... None of *that* has anything to do with Sunday trading legislation. I think it is absurd to suggest that Guernsey’s cultural values could be destroyed simply by removing some legislation which has only been in place since 2002. That must be a tenuous argument, at best, and interestingly, of course, some of the chief proponents of maintaining the *status quo* are exactly the same people who, in 2002, argued that what is now the *status quo* would be ruinous to Guernsey’s cultural values.

1090 I would have to say that are our cultural values so precarious that they risk being undermined, simply by allowing *some* shops – which are presently not allowed not open on a Sunday – to open on a Sunday, when there are already many shops and businesses open on a Sunday?

1095 There is also a great fat contradiction in one argument against deregulation because we are told, on the one hand, that the people of Guernsey do not really want change, that it is very important that we keep Sundays in Guernsey special because that is in the best interests of our population, that Guernsey wants Sunday to remain as it is. Of course, we are told, on the other hand, that if there is liberalisation, then Sundays in Guernsey will be ruined! Well, those two positions in some of the speeches we have heard – expressed almost in the same paragraph – are mutually exclusive.

1100 If the people of Guernsey do not want Sundays to change, then they will not shop any more and businesses will not open more and there will not be any more commercial activity and, therefore, Sundays will not change. If, on the other hand, Sundays *do* change as a result of liberalising the regime, then that must indicate that the people of Guernsey wanted Sundays to change.

1105 Deputy Gillson is correct when he says that Governments interfere and restrict freedom in all sorts of ways but, of course, there is a requirement, an obligation, on Governments to interfere *wisely*. The argument that Governments ‘interfere’ could be used... the interference could be extended to anything.

1110 You know, one could propose restricting the speed limit to 20 miles an hour and just stand here and say, ‘You know, Government interferes in all sorts of areas, so it is alright just to have a speed limit of 20 miles an hour.’ There has to be a justification for Governments interfering and I think the justification, on the grounds of Sunday trading, is looking increasingly spurious and, of course, it is so discriminatory.

1115 Yes, Governments interfere. We have a speed limit of 35 miles an hour but we do not say we are going to have a speed limit of 35 miles an hour for red and green cars but a different speed limit for blue and yellow cars. That is, *in effect*, the present arrangement with Sunday trading legislation. There is one set of Laws for one kind of shops or businesses and one set of Laws for another type of businesses – and, of course, at the moment, as Deputy Lowe said, there are no restrictions on the *hours* that shops are allowed to open. Actually, it seems to me that if I lived right next door to a major shopping area, I would far rather a shop opened for perhaps five or six hours on a Sunday than open all through a Wednesday evening and overnight into Thursday. Yet the States does not feel the need to *ban* shops from opening during certain hours of the day. So I

think, probably, if I am going to make a decision based on logic and based on the speeches that we have heard so far, the Requête is beginning to look more and more attractive.

1125 The big problem with the Requête, though, I repeat is the twelve-month trial and I just have a concern that the proposition is unworkable. I mean, yes, we are here debating Sunday trading but it is not good enough just to debate the notion of Sunday trading in the abstract, we are actually debating what is proposition 1 and proposition 2 attached to Deputy Hadley's Requête. As it is presently constructed, I am just not at all convinced that a trial period of twelve calendar months is actually going to work. I fear that it will result in some businesses deciding to open on a Sunday, being able to open for twelve months, and *then* there being this interregnum – whether it is going to be three months, six months, however long it will be – before the States decides what it wants to do in the long term, where *those* businesses will have to close again. So, having put all their arrangements in place to open for twelve months, then they may have to go back to their previous arrangements and then the States *may* decide that deregulation will be extended in the long term, in which case then the business can open again.

There is something extremely *messy* and unseemly about all of that and I do think that Deputy Hadley's Requête would be improved considerably as a logical argument, if he were to move an amendment, just removing the trial provision that is contained in the Requête.

1140 Thank you, sir.

The Bailiff: Deputy Conder, then Deputy Gollop, then Deputy Perrot.

1145 **Deputy Kuttelwascher:** Sir, I wonder if it is possible to have the Comptroller's legal advice that was asked for by Deputy Fallaize, before we continue.

The Bailiff: Yes, H. M. Comptroller.

1150 **The Comptroller:** Sir, yes, if I have understood Deputy Fallaize correctly, he was asking exactly what the position would be, should the Requête go through, obviously with the Amendment from Deputy Stewart.

1155 In essence, as Members are aware, the Sunday Trading Ordinance sets out the general prohibition for shops opening on a Sunday and, as currently drafted, that general prohibition does not apply in respect of either licensed shops or shops open for an exempt purpose. If this Requête, as amended, is approved, then – literally, the drafting is not particularly complex, and I have spoken with the Director of Drafting about this – there would simply need to be an Amending Ordinance to suspend the operation of that Ordinance, which would have the effect of removing that general prohibition entirely. So that there would be no regulation whatsoever from the date of 1st March, with that additional amendment in relation to the Constables and the Douzaines.

1160 That, in a nutshell, is it. It is not a complex drafting operation.

Deputy Fallaize: But, sir, surely, in that case, the legislation would not be truly reflective of the States Resolution because, in order to be truly reflective of the States Resolution, will there not have to be an expiry date on the repeal, or the temporary rescinding, of that legislation?

1165 **The Comptroller:** The wording of the Requête in proposition 1 is such as to direct 'the preparation of such legislation as may be necessary' so, in considering what will be necessary, the drafting team will make sure that there is nothing else that is pertinent in relation to those dates.

1170 The *main* issue was the Sunday licences which have been granted already. That is quite a separate issue for which provision is made in the amendment. If there is anything incidental or necessary to that which is required, that would, in my view, be covered by the wording of proposition 1.

1175 **Deputy Fallaize:** Sir, can I just ask for clarification, then. The position seems to be that if proposition 1 is approved, the legislation is suspended, effectively, but it will never come back into force unless a subsequent States Resolution directs that it should come back into force? Is that correct?

1180 **The Comptroller:** Not necessarily, no, because if the legislation – and this is very much for the drafter, once this is approved, to see how it works best, but without wishing to put the drafters on the spot here, I would have thought that, in – and there is precedent for this, incidentally, it is not a novel legislative piece of drafting to suspend the operation of legislation. We have done that in other areas – housing is one example – so it has been done before and, in those circumstances,

1185 the Ordinance would simply be suspended for a set time limit and then the provisions of the Sunday Trading Ordinance 2002 would simply then apply as usual.

The actual specifics of the drafting would have to be worked out by the drafter, once this is approved. But it does not necessarily mean that this has to come back before the States.

1190 **Deputy Fallaize:** Okay, so that, then, does mean that, at the end of the twelve-month trial, we revert to the arrangements which apply at present, unless there is a subsequent States resolution to *change* that repeal.

The Comptroller: And that is exactly the point that, during that twelve month period, things are not going to stand still.

1195 There is supposed to be a review and I would have thought it would be quite logical, indeed, if not necessary, for something to come back to the States, sooner rather than later, because it seems to me it would be a matter of policy.

1200 It would be inconceivable for nothing to be done, nobody to debate it, no review to take place and nothing to happen. Of course, this will have to come back before the States and, on a strict legal basis, the drafter may simply operate quite simple terms so that it is suspended and then comes back into force but, without a doubt, there will need to be some sort of policy review or input before then.

1205 **Deputy Fallaize:** Proposition 2 requires that twelve months' evidence be collected. I mean, surely, in order for this to work, there should be a difference of at least three or four months between the dates in propositions 1 and 2?

The Comptroller: That would be a matter for the Department to work out in relation to the policy and what is collected. The drafting for this is fairly simple on that narrow point.

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Deputy Fallaize: But, sir, surely, it would not because the Department could not deviate from the direction of the States, which is to collect twelve months' opinions.

1215 **The Bailiff:** Well, no, the Comptroller has given her advice and, as the proposition is drafted, the legislation would be suspended for twelve months. At the end of the twelve months, the legislation will then revive unless the States, in the meantime, have taken a decision to the contrary. *That* is what the propositions that are before the States say. That is the advice you had from the Comptroller.

1220 **Deputy Fallaize:** Yes, sir, I understand that, so the position is that we would revert to the present arrangement at the end of the twelve month period.

The Bailiff: Yes, that is what the propositions say.

1225 **Deputy Fallaize:** Right. Okay.

The Bailiff: Yes, thank you.
Deputy Conder.

1230 **Deputy Conder:** This is one of the occasions when I can speak with no residual vested interests whatsoever.

1235 Sir, personally, I would rather go to the dentist than go shopping on Sunday (*Laughter*) or go shopping on any other day of the week, for that matter. (*Laughter*) As a father of two daughters, I was that dad who walked the deadly tightrope on *our* shopping trips and had to respond to the question 'Does this dress look better than the last one, Dad?' Ultimately, of course, in that situation, my only role was to wield the credit card at the end of the long and painful process of selection. (*Laughter*)

1240 Perhaps my view of shopping was shaped by the long, and ultimately expensive, experience which, despite my advanced age, still seems to be my primary role. Sir, it seems to me that the Requête is about choice and individual conscience. As a general rule, I would suggest that the less Government tells people how they should lead their lives, the better.

If one steps back from the emotion of the debate, both within and outwith this Chamber, much of which is based on historic precedent underlaid with Christian observation – which, of course, we should honour – it does seem extraordinary that a secular Government should involve itself in

1245 instructing retailers when they can conduct their business and, more significantly, individuals
when they might purchase items for their own consumption. As I have said, this is surely about
individual choice. It is, of course, the role of Government to safeguard the rights of workers in the
1250 retail, or any other, sector but that cannot be beyond the wit of a legislature. After all, huge
swathes of the working population already work on Sundays and others work unsocial and
extended hours and legislation has been developed, over many years, to protect those workers. Sir,
that is the proper role of Government.

Much of the debate in the media has been about preserving the way of life – *our* way of life –
and protecting the rights of retail workers. But little has been said about choice and opportunity for
those who wish to have access to a full range of shops on both days of the weekend. The reality of
1255 modern living is that many people work very long hours for five days of the week and finding
opportunity for shopping during the working week is, in some cases, very difficult.

I have also said that the process of shopping is an anathema to me but I accept that, for some
people, it is actually a pleasurable experience, almost akin to a hobby. In many cases, the weekend
shopping experience is a happy family occasion anticipated and enjoyed by all members of a
1260 family and groups of friends. Personally, as I have said, I find that concept almost inconceivable
but, referring once again to my primary research source, my daughters, that would appear to be the
case.

Sir, intuitively, I am a small-Government person; I do not like Government telling me what to
do. Surely, in these days, it is *not* for Government to tell members of our community when they
1265 can shop or what they can buy, or retailers when they can conduct their business. This is an
experiment. Why would we *not* give our fellow citizens the opportunity to experience Sunday
trading? Why would we deny them choice? Would it, perhaps, be because we believe the public
should not be allowed choice because Government knows *better*? In history, Governments of all
1270 hues often thought they knew better than their fellow citizens: they were rarely correct in that
assumption.

I urge Members to support this Requête.

The Bailiff: Deputy Gollop.

1275 **Deputy Gollop:** Sir, first of all, I would like to pass one or two comments on different
speeches.

I find it – and if I have permission to almost sing – Deputy Lester Queripel mentioned his days
as a leading record retailer and how there were paradoxes but, when you go back to that context, it
is an interesting observation that, in the 1970s, the number of singles sold was much greater than
1280 today because the internet has taken over a lot of the music market. The point I am making is that,
in the six days that a record retailer would be open in the 1970s, they would be selling many more
millions across the UK of singles and LPs than today.

In a way, I definitely agree with what Deputy Soulsby has said, that the economics of the
seven-day shop, especially in Guernsey, is just not there. It will *weaken* our economy, not
1285 strengthen it. And Deputy Queripel mentioned the anomaly about the greeting card compared to
food, or whatever, you could buy on a Sunday. Hang on, you *can* buy greetings cards on a Sunday,
not only in a variety of convenience and tourist shops but, also, to half sing, Funky Pigeon...
(*Laughter*) and another one, Moon Pig. (*Laughter*) These businesses exist in Guernsey. They are
part of our Commerce and Employment area and they are selling online. So the paradox is that
1290 many of the shopaholics out there can actually go online. I am not suggesting they *do* that, but the
argument has changed.

I was intrigued, too, by Deputy Lowe's example of the States Member who allegedly was
against Sunday shopping and had been seen himself, or herself, occupying themselves in that way
the previous week. I used to see the same thing on Sunday drinking, but we will not go into that...

1295 As for the TV bracket that Deputy Duquemin kicked off with, I think we used to have a
company here... [*Inaudible*] that used to make brackets – a very successful business. Maybe they
worked on a Sunday, I do not know. The point is, we are getting into a lot of red herrings.

Deputy Fallaize was arguing both sides of the argument quite eloquently but, what intrigued
me was, at least he had the courage to mention the social class argument: I was a bit reluctant to
bring that in. But my perception of the split community – and there are different views within our
1300 society – is that the *older* demographic are more supportive of keeping the Sunday shopping
practice that we currently have but, also, the people who are more vulnerable – if you like, the
working class – are definitely more concerned about the move to seven day trading: not just
because some people might be employed in that sector and some people might live in sectors

1305 concerned, but they do not see shopping as a luxury, they see shopping as a necessity. I think we have to bear that point in mind.

I think the economic arguments have been pretty well made but there have been some other arguments that have not yet been put into this debate. One is that, having sat on Deputy O'Hara's Culture and Leisure Board, one of the surprisingly effective changes that we made were the gradual, but sustained, growth of Sunday openings on the piers in town. We have had Animal Sunday, we have had Art Sunday, we have had Sports Sunday: they cause a certain amount of disruption to traffic and to bus routes but, nevertheless, they have been seen not only as useful facilities for cruise liner visitors but for local people, as well. That would be put *seriously* under threat with Sunday trading because, if there was a significant number of St. Peter Port retailers that opened, that would create lots of issues, not just for car parking and traffic flow round the back streets but what about the unloading vehicles and all of that? It would just create further problems.

Another argument, of course, is the ecological argument. It would encourage traffic movements, it would encourage unsustainable vehicle movements and we heard about the arguments about the green, yellow and red cars. Actually, of course, we do have different rules on the road for different kinds of vehicles. Our green buses, whether we like them or not, have a speed restriction on them of 25 miles per hour, whereas people driving cars go at 35 miles per hour. We *do not* have a one size fits all: it is relevant to the type of business and the size of business.

I want, as far as one can, to protect and conserve the corner shops and the smaller shops that we have. They have, as Deputy Le Clerc pointed out, a slight advantage, given some of the Sunday regulations, and I believe that should continue, as well. I think, too, that we need to realise that we reached a compromise with the current set of Sunday trading and that we have more important priorities for our legislators, policymakers and officers to do.

I would also like to make the point, there, that Deputy Fallaize has done us a service, actually, because he has pointed out that the wording of the Requête has a flaw within it. There are difficulties of overcoming that, without suddenly saying 'without further notice', instead of just twelve months. That is another reason to be cautious with this Requête.

I hope we do not have to have an amendment when we come back this afternoon after lunch and that we complete the debate as soon as possible.

1335 **The Bailiff:** Deputy Perrot and then Deputy Ogier.

Deputy Perrot: One minor point only, sir.

I think that I picked up in one of the speeches – I think it might have been Deputy Fallaize's, in the first half an hour or so of it! – (*Laughter*) there was a reference to this being 'relatively recent legislation' that extends only from 2002. Am I right in thinking that, in fact, the Sunday trading legislation, importing restrictions of *some* sort, has been around for a very long time?

I retired three years ago – and I have forgotten all the law that I knew. I did not know much in the first place, (*Laughter*) but that has all gone out of my head...

1345 **Deputy Trott:** That was never reflected in my friend's bills, sir! (*Laughter*).

Deputy Perrot: You wait, I have still got some influence...! (*Laughter*)
But if the Comptroller could just clarify that.

1350 **The Bailiff:** Comptroller?

The Comptroller: Yes, I believe I can.

The Sunday Trading Law, the enabling Law under which this Ordinance was granted, is 1973 so, yes, several decades ago.

The Bailiff: Deputy Ogier.

Deputy Ogier: Thank you, sir.

1360 For me, Deputy Gillson has come closest to the point in this debate.

Undoubtedly, our Sunday Trading Laws are rife with anomalies. They would undoubtedly benefit from a review to bring them more into line and to bring some much needed logic. Actually, all I, personally, think needs to be done is to allow hardware shops to open so one can get glue, nails, screws, a tool, tiles, carpet, wallpaper etc., or whatever, and that would be it.

1365 Deputy Fallaize very adequately describes some of the anomalies, as well, and he is right. But, for me, the point is I do not *know* the priorities of the Commerce and Employment Department. I do not *know* what resources are available, I do not know what workstreams need to be completed or cancelled and, to fix this, to fix my lack of knowledge, what *I* did was I sent five people, a while ago, to make those decisions on my behalf. Those five people looked at this issue and decided, by
 1370 a four to one majority that, while this issue *does* need addressing, there were other more important issues for C & E to get on with, *in the first instance*. I respect their prioritisation decision to look at this *later*, not as the first round of their priorities.

I, like many others, are expecting *big* things from the Commerce and Employment Minister and from Members of the Commerce and Employment Department this term. I want them to
 1375 *deliver* and I will not hamper them in their efforts by micro-managing their Department's priorities on this occasion. I do not hear a single supporter telling Commerce and Employment which of their priorities to drop, as they simply *do not have a clue* what needs to be cancelled and what the ramifications of bulldozing Sunday trading through in front would be. They simply want their views to be heard, the work to be done, and are not interested in prioritisation, corporate working etc. That can all go out of the window, as long as they can grab what is currently in front of their
 1380 face.

So which workstream is not going to receive the priority it was? Which one drops off the Commerce and Employment priority list? Why should that one go? Why did four out of five Commerce and Employment Members – sorry, *what* did four out of five Commerce and
 1385 Employment Members deem more important than Sunday trading and why do the requérants feel differently? No detail of that. Just everybody straight into the nitty gritty of whether Sunday trading is worth it or not, which is completely missing the prioritisation point, and going into 'My pet project is more important than the other projects, get on with it no matter what the other projects are!'

1390 We are attempting to dive back into the States of yesteryear, where that was *no* prioritisation, *no* corporate approach and, to continue yesterday's *status quo* analogy, we are back to 'whatever you want'.

The Bailiff: Deputy Dorey.

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Deputy Dorey: Thank you.

I will make a very short speech.

Just one point I would pick up when Deputy Le Clerc said about economic growth. I think it is important that we do not talk down the economy. The latest economic prediction is that we have
 1400 1.3% growth next year. On this particular Requête, the majority of Islanders do not work on a Saturday or Sunday. Of course, we know some do, in essential and various recreational areas, but there is a big difference in Guernsey between Saturday and Sunday.

The pace of life is different on a Sunday and, for me, I believe – and for most people – that is valuable. I do not want Sunday to become a Saturday. The Sunday Trading Laws is what *I* believe
 1405 helps protect our Sunday. I do not want it to change.

Please reject this Requête.

The Bailiff: Deputy Hadley.

1410 **Deputy Hadley:** Mr Bailiff, a number of Deputies have asked if we could have an adjournment to prepare an amendment to answer some of the concerns?

The Bailiff: Well... I know Deputy Laurie Queripel is about to speak. I do not know how many other people wish to speak but Deputy Robert Jones, Deputy Le Tocq and various Ministers,
 1415 I know, wish to speak but I will put it to the House – to the *Assembly*. (*Applause and laughter*) How long an adjournment would you be requesting?

Deputy Hadley: I am advised ten minutes, sir.

1420 **The Bailiff:** Right. Is it the wish of the *Assembly* that we adjourn for ten minutes? Those in favour; those against.

Some Members voted Pour and others voted Contre.

1425 **The Bailiff:** We either go to a recorded vote, which may take ten minutes, (*Laughter*) or we adjourn for ten minutes.

I think it is so close that, in the circumstances, unless anybody requests a recorded vote, I am going to suggest that we *do* adjourn for ten minutes – unless anybody wants to go to a recorded vote.

1430 No? Well, in that case, we will resume – it is very nearly ten minutes to twelve, we will resume at 12 o'clock.

*The Assembly adjourned at 11.48 a.m.
and resumed its sitting at 12.09 p.m.*

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REQUÊTE

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Sunday Trading Debate continued

The Bailiff: Members, I understand that an amendment *is* being drafted and typed and will be circulated shortly.

1445 In the meantime, if anybody wishes to speak in general debate – and I was going to call Deputy Laurie Queripel – I suggest that we get on with the debate.

Deputy Queripel.

Deputy Laurie Queripel: Thank you, sir.

1450 Before I launch into my own points, I was genuinely interested in some of the points that Deputy Green was making about work/life balance and wider social issues but the irony of that is that, regardless of all those things, there will be some Government involvement in that kind of thing. We are talking here about Government backing out of certain things and not being involved in certain areas but, if we are going to arrive at that kind of social policy, there will be some Government involvement and input into that, so I think that is a point to consider.

1455 The other point to consider is we have heard this morning about legislation that discriminates and we should not have legislation and regulations that discriminate... But, actually, a lot of that still exists because – rightly so, ‘legal highs’ have been legislated against and they are no longer available to the public – you could argue that drugs that are just as dangerous, such as tobacco and alcohol, are still available to the public and still legal, so there is still a lot of discrimination within the legislation that we enforce.

1460 Sir, I just wanted to consider some of the phrases and words that are, or have been, attached to the issue of Sunday trading, particularly since the Requête came to light. One of those has been mentioned already: it is ‘choice’. In contemporary language, very much, ‘choice’ and ‘progress’ have been lumped together – but they are not always synonymous.

1465 I do not think it is particularly progressive, either socially or environmentally, as Deputy Gollop said, to encourage at least, or facilitate at least, greater consumerism, more car use, more energy use or more working hours.

1470 Also, on the point of freedom of choice, we will be naïve in the extreme if we do not believe that some staff *will* feel pressurised to work against their will if the Sunday Trading Laws are deregulated. We also heard, this morning – and I heard it on the Sunday phone-in last week – some residents who live near supermarkets and shops, as confirmed on the Sunday phone-in, will have the comparative peace and quiet, that they experience on Sunday, disturbed and they will have no choice. So where is *their* freedom of choice?

1475 There is also another phrase that has been attached to this issue: ‘job opportunities’. Some people are suggesting that, if we have deregulation, it will create more job opportunities for *eager* locals to snap up. Sir, there is no evidence to suggest this. If you go to a shop open on a Sunday *now*, there is a more than even chance that you will be served by a non-local person. The opportunities exist now. By and large, these jobs are not wanted by locals. I spoke to a retired retailer recently and, in his opinion, the demand for guest workers would only *increase*, should this Requête succeed. Now I, too, sir have spoken to, and heard from, a number of small, independent retailers and they definitely feel that there will be an adverse effect on *their* businesses, should deregulation become a reality, to the point that they become unviable.

1480 Another phrase we could consider is the dreaded and fabled ‘market forces’. Some people say that Government should not interfere *at all* in the commercial world but Government and

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politicians cannot *afford* to be neglectful. It is our duty to look at things from every angle, to weigh up pros and cons so as to arrive at decisions that best benefit the *whole* of the community. The market has no public conscience. It is completely self-serving, so it cannot be left *totally* to its own devices. The cause of the global financial crisis is testament to that fact. Immoral, unethical and, importantly, virtually unregulated, practices led to this crisis.

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I think that the almost unforeseen circumstances of the current Sunday trading regulations provide a sort of market equilibrium: they allow the supermarkets to operate profitably, but also the small shops and traders can access a fair share of the market.

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Going back to the point in regard to freedom of choice, sir, in the *last* Assembly a decision was made that restricted people's access to a range of alternative and herbal remedies and products – a decision based upon *very little* evidence or fact. I have a high regard for Deputy Hadley but Deputy Hadley voted in favour of that decision and, only recently, on a BBC News page he was quoted as saying, 'I want people to have freedom of choice.' It is a tricky thing this, sir – selective liberalism.

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We have heard that many small retailers feel this deregulation will work against them and that their business might be unviable and their shops might close. So, sir, how come the States, on the one hand, say that they encourage diversity and competition and consumer choice and then, possibly, see competition reduced and consumer choice restricted. Even the term 'competition' is misunderstood. By definition, when you have 'competition', a winner will eventually emerge and, invariably, the winner is normally the strongest, biggest and best-resourced player.

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At the Deputies' Surgery on Saturday at the Vale Douzaine, the question was asked, I think by Deputy Fallaize: 'Why does that special different day have to be a Sunday?' Putting aside the sort of religious connotations, it is a valid point. Why not a Wednesday? Why not a Monday? I think, even from a secular point of view, culturally for so long Sunday has been that full stop at the end of the week or, at least, nowadays, a slightly faded comma, a day when, regardless of the fact that some people *are* working, the *emphasis* is on social, recreational and leisure activity, a day when the *majority* of people pause for breath. Although I am not a religious person, I think that is good for the individual and collective soul. It provides balance and it provides contrast. There is still a marked difference between Sunday and any other day.

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I was out and about in the Parish last Sunday, and on no other day will you see families out for a walk en masse, so many groups of bike riders, so many dog walkers. It is a quieter day. There is less motorised traffic. The atmosphere is different: I think that is healthy. Just *one* day to take the emphasis *off* consumerism and commercial activity. If you want to plan something with family and friends, it is a day when this can most likely be achieved. Most people are not at work, children are not at school.

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There are two other phrases, sir, I would like to get into. One is 'mission creep' and the other one is 'human nature' – and I am sorry to become a little bit philosophical here. As far as 'human nature' is concerned, more is never enough. As human beings, we are insatiable and, if you look at the world around us at the moment, there is much evidence to show that. More is never enough, we always want more. So even if, somehow, we devised an *eighth* day of the week, specifically designed for rest and leisure, it would not be long before somebody tried to compromise it, before somebody saw it as another commercial opportunity.

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So 'mission creep': we heard yesterday from, I think, Deputy Fallaize and H. M. Comptroller about the goose and the gander. What is good for one is good for the other. At the moment, despite what Deputy De Lisle has said – and, having worked for 25 years within the construction industry, I can testify to this fact – there is not a great deal of noisy, dirty building site activity on a Sunday. There are *no* roadworks unless there is an emergency.

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Now, sir, I live on the North side of The Bridge and it is my great pleasure to have Deputy Jones as my immediate neighbour. (*Laughter*) He often invites me into coffee and we have a very good conversation. Normally, it is one way – (*Laughter and interjections*) but it is very good, and... (*Interjection*) You want to live next door to him!

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For what seemed like several weeks, roadworks took place right outside my window but, mercifully, they stopped on a Sunday. One Sunday there was an exception and we were duly notified.

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If we deregulated Sunday trading and had, in theory, 24 hours retail activity, how long before all the other industrial and work related activities, as a norm, take place on Sunday? I believe that, if we deregulate, *eventually* Sunday will become like any other day and all activities that take place from Monday to Friday and Saturday will take place on a Sunday, so there will be social implications, I believe.

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I agree that the current Law is so irrational and could be tidied up but I do not agree with 'government by experiment'. One of the essential themes of modern government is decision

making, based upon fact and evidence arrived at by a consultation and research. I know that the local press are supportive of this amendment but, only last week, this phrase appeared on the inside politics page: 'Good policy making is always underpinned by decent evidence.'

1550 Sir, even as a Commerce and Employment Member – and I know we *should* be promoting economic activity, and we are, and we do – I still think it is good for society to have that balance, to have that one *somewhat* contrasting day. A line needs to be drawn somewhere, even if it is a compromise line. So, for me, it is a case of *viva le partial difference*.

Thank you, sir.

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The Bailiff: Is there anyone else?

Yes, Deputy Kuttelwascher.

Deputy Kuttelwascher: Thank you, sir.

1560 First of all, I would like to thank Deputy Stewart for bringing his amendment to help facilitate the passage of this Requête. Although I prefer to have the amendment which was more favourable to the actual worker, that did resolve a particular problem and I thank him for that. There were some rather flippant remarks made yesterday about suspension of the Law and having
1565 'government by trial' and all the rest of it, which was unnecessary. In the last Assembly we suspended a Law, the Dwellings Profit Tax Law, hardly government by trial or suspension. There was good reason for it and it remains suspended because it was a very bureaucratic Law. It did not seem to achieve much and it will stay suspended unless there is some reason to bring it back. So there is precedent for this.

1570 Why is suspension acceptable in this case? First of all, I, like others, have received numerous communications, be it letter, telephone call, private conversations and e-mail. I have had about thirty and the range of opinion is from the one in complete support of deregulation to the other, dare we say, the satanic influence. But they all have something in common: they were all different. That is the problem with consultation on this issue because all you will get, or most of what you will get, is *opinion*. This is a particular issue where you cannot gain the evidence unless you
1575 actually try it because, if this regulatory Law is suspended, nobody actually knows what will happen. You can make your guesses but I suspect, when you make forecasts, something that was said in the last Assembly by the previous Treasury Minister, 'all that ever happens is you are proved wrong'. We do not know what will happen, so a temporary suspension *is* a way of gathering the data to see what happens.

1580 The face of retail is changing everywhere, including Guernsey. The number of empty shops has gone up from 42 to 50 and there is good reason for that. The problem for this Island, and every other high street retailer, is the influence of e-commerce or internet shopping and the question is, is it possible to claw some of this back? Well, I suspect it is. I do not know, nobody knows, but why do people shop on the internet? Two reasons have been given. Maybe cost, but one of the
1585 other reasons is convenience. If you happen to be somewhere on a Sunday and you cannot buy what you want because a shop is shut, you can buy many, many things on the internet, including most of the items you could buy in some of the hardware stores here. People shop on the internet also for convenience.

1590 I do remember a recent Chamber of Commerce presentation, where Deputy Le Clerc was there and she had done a recent tour of the Post Office and one of the most frequent imports of the Post Office on the internet is Pampers nappies. Now that may surprise some but that is, *I think*, more a matter of convenience, although it may involve cost. The fastest growing aspect of Guernsey Post business is delivering goods that have been bought over the internet. Would opening on a Sunday
1595 claw some of that back? It might, but you will not know unless you give it a whirl. If you can claw some of that back, it would help the high street. One thing is sure, that high street retail is in decline. It is everywhere else and, unless one tries to fight back, it will continue and you will not have 50 shops shut in a couple of years' time, you may have 60. There is not the market in Guernsey for 50 different retailers to come into St. Peter Port tomorrow, open up and survive.

1600 There was one interesting comment made by one Member and he was looking for differentiation, product differentiation: Deputy Storey, in fact. Recently we had an example of that and I suspect most Members do not know about it but I recently walked down Mill Street went past a shop which looked a little peculiar, and it was shut, so I went home. My wife went there the next day to visit the antique shop and I said 'Can you see what they do?' Well, it is a sex shop. Now that may come as a surprise but it is certainly product differentiation and, under the current
1605 Law, I suspect, if they applied for a licence, they could open on a Sunday and that just shows how odd the Law is, doesn't it?

I will not give you the address, John. You just keep quiet. *(Laughter)*.

The Bailiff: Deputy Gollop.

1610

Deputy Gollop: A point of clarification.

I just wanted to know if it was a visitor attraction? (*Laughter*)

Deputy Kuttelwascher: What we actually have with this current Law is... people say discrimination. It is not discrimination, it is protectionism by regulation. This so-called Law where, depending on how many square metres your shop is, whether you can open or shut, is actually protectionism.

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What is interesting about some of the concerns about the smaller shops is they seem that they would not be able to operate if they had some competition on a Sunday but they seem to operate quite well for the *rest* of the week with the competition and also, on Sundays, the competition remains because a couple of large retailers of food products are *still open*. Nobody goes to the corner shop, if I can call it that, to do their weekly shop because they would soon run out of money because they charge a premium, because they are just that. You may go there for your newspaper, your bread and your milk and for the odd item that you may have forgotten and you do not want to make a journey, but *that* is their function.

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I certainly do not buy the argument that, somehow, if you had one or two extra supermarkets, which may or may not open on a Sunday, there would suddenly be a big problem for them. They do not compete with them on most products on price and that is the way it is: you pay a premium. I have a corner shop round the corner from me – they open on Christmas Day! The only shop on the Island, I think, and you would not believe how busy they are.

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As regards the concern from the religious community, which one can share, the problem for me is that you cannot dictate to the whole population – if you represent the whole population – because of the, shall I say, religious views of a certain section. It is certainly a view that you take into consideration but to then decide, because of something that may be religiously unfavourable, that you have to impose on others the same views, it is a sort of reverse persecution, if you like. I just do not buy it in this day and age. You and I are here to try and represent *everybody*.

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Vocal opposition: that is an interesting one. I know full well that opposition is always more vocal than support because I utilised that reality, I remember, in the last term as regards the incinerator. At one point we had 600 people outside the Assembly: ‘Down with the incinerator!’ I was fully aware there are 60,000 people on this Island. I had *no idea* if they were presenting the majority view. Nobody knew – but it does *work*. (*Laughter*)

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As for Douzaines, one can take their views into consideration but they are not political representatives of this Island. I take the case of Deputy Lester Queripel, who was elected to the St. Peter Port Douzaine with, I think, around 17-something votes – is that correct? – and the electorate on the electoral roll is 8,000 or so. Douzaines are elected to do the Douzeniers’ jobs, responsibility, tasks... They are not political representatives and no way can be assumed to reflect political opinion on the Island. I do not think anybody has ever had 1,000 votes or 500 votes in a Douzaine election. In fact, most elections, Douzeniers are elected by less than 100. So, at the end of the day, I look forward to seeing this amendment.

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I will support the Requête and I hope Members will do the same.
Thank you, sir.

The Bailiff: Members it is now just about 12.30 p.m. It seems to me we have no option other than to rise now and resume at 2.30 p.m.

1655

Deputy David Jones: Sir, can I put a proposition that we actually carry on until this debate is done?

There are many meetings that have been arranged in the *hope* that, perhaps, this debate would be finished this morning. I have no idea what this amendment is going to say, or whether it is going to generate another 47 speeches but, certainly, it is really going to make life difficult for me and people who have got dates in their diaries.

1660

The Bailiff: There are still quite a number of people who wish to speak.

1665

Deputy Luxon: I would support that, sir.

Deputy Lester Queripel: Sir, can I put an alternative proposition, that we break for an hour, instead of the normal two, sir?

1670 **The Bailiff:** Well, perhaps... Let us have the amendment circulated, let people see the amendment and then we will decide how we continue to sit. If the amendment is here... Does anybody have the amendment?

1675 **Deputy Fallaize:** It is not quite that simple, sir. Copies are being run off.

The Bailiff: So we do not have the amendment.

Deputy Fallaize: There are three or four copies... *You can have a copy, sir. (Laughter)*

1680 **A Member:** That's generous!

The Bailiff: Well, let me have it and I will read it out. Then at least Members will be aware of what the amendment says.

1685 **Deputy Fallaize:** It will be here within a minute, I should think, sir.

The Bailiff: The amendment is:

1690 To delete the Propositions and substitute therefor
A. 'To direct the preparation of such legislation as may be necessary to suspend the operation of the Sunday Trading Ordinance, 2002 as amended.'

or
B.

1695 '1. To direct the preparation of such legislation as may be necessary to suspend the operation of the Sunday Trading Ordinance, 2002 as amended, for a trial period of 18 calendar months commencing 1st March 2013 and to provide that any Sunday opening licences granted under that Ordinance which are due to expire on 31st December 2012 shall remain valid until 28th February 2013.

1700 2. To direct the States Commerce and Employment Department to collect data from relevant businesses, consumers and other relevant organisations and to canvass local opinion during the trial period concerning the social, economic and other consequences of the suspension, and to report back to the States no later than 30th June 2014 with its conclusions and any recommendations arising therefrom.'

1705 So, in other words, the amendment, as I said, deletes the Propositions and proposes, in the alternative, either the open-ended suspension of the operation of the Sunday Trading Ordinance, unlimited in time, or B, that it be suspended for eighteen months while twelve months data are gathered.

Deputy Gollop: May I raise a question please, sir?

1710 **Alderney Representative Arditti:** Sir, if it assists you and the rest of the Assembly in determining how it wishes to proceed, almost certainly one of those, if not more, would offend my personal scrutineering sensibilities and I would certainly seek a Ruling, after the amendment has been presented, under 13.(6), so that may be something people want to take into account when they are deciding how they want to plan the rest of the day.

1715 **The Bailiff:** Deputy Gollop.

Deputy Gollop: I was going to ask a parallel point.

1720 I am sure, especially the open-ended and the report back, and the 18 months even, may well go beyond the Proposition, so it is an amendment that falls into the same category as we discussed yesterday.

The Bailiff: Deputy Trott wishes to –

1725 **Deputy Trott:** I am not sure how helpful this will be, sir, other than to say that if, I was sat to your left, I would be suggesting that we adjourn for lunch. *(Laughter)*.

A Member: He will be wanting your job next *(Laughter)*.

1730 **Deputy Trott:** Just for the record, sir, no, I do not!

A Member: I'm very glad you do not! *(Members: Ooh!)*

1735 **The Bailiff:** The Rules provide that ‘Unless the business of a Meeting is previously concluded...’ we adjourn at 12.30 and resume at 14.30, *but* I do have a discretion to continue. Actually, it says ‘beyond 18.30’, if a particular item of business can be concluded.

That is often interpreted that we will rise late for lunch, if I think a matter can be concluded. I do not see that, with this new amendment being laid, particularly if we are going to have challenges, the amendment is going to have to be formally laid, we will then have to deal with the challenges. There are quite a number of people who still wish to speak in the substantive debate and there *may* be speeches on the amendment.

1740 I cannot see us finishing by one o’clock or, perhaps, even half past one, even if we continue. I propose, in the circumstances, to apply the Rules. The Rules are there to be applied. The Rules say we rise at 12.30 and resume at 2.30 p.m. and that is what I propose to do.

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*The Assembly adjourned at 12.35 p.m.
and resumed its sitting at 2.31 p.m.*

1750

REQUÊTE

Sunday Trading Debate concluded: Requête lost

1755

The Bailiff: We continue now with the debate on the Sunday Trading Requête.

The amendment proposed by Deputy St Pier and seconded by Deputy Fallaize has been circulated and I call upon Deputy St Pier to lay the amendment.

1760

Deputy St Pier.

Deputy St Pier: Thank you very much, sir, and my apologies to Members, perhaps, for helping to contribute to bringing them back after lunch but I make no apologies whatsoever for bringing this amendment.

1765

To coin a phrase, much of what I say over the next few minutes is not original it is not my own, but this is ‘*A dog’s dinner Law*’ v. ‘*A dog’s dinner Requête*’. What the amendment is seeking to do is to bring some clarity to the choices which are available to this Assembly:

1770 *To delete the Propositions and substitute therefor*
A. ‘*To direct the preparation of such legislation as may be necessary to suspend the operation of the Sunday Trading Ordinance, 2002 as amended.*’

or
B.

1775 ‘*1. To direct the preparation of such legislation as may be necessary to suspend the operation of the Sunday Trading Ordinance, 2002 as amended, for a trial period of 18 calendar months commencing 1st March 2013 and to provide that any Sunday opening licences granted under that Ordinance which are due to expire on 31st December 2012 shall remain valid until 28th February 2013.*

1780 *2. To direct the States Commerce and Employment Department to collect data from relevant businesses, consumers and other relevant organisations and to canvass local opinion during the trial period concerning the social, economic and other consequences of the suspension, and to report back to the States no later than 30th June 2014 with its conclusions and any recommendations arising therefrom.*’

1785 Proposition ‘A’ is to, effectively, permanently suspend the operation of the Sunday Trading Ordinance – or indefinitely suspend it – in the same way as we have, for example, with the Dwellings Profits Tax. For those who say that the current Propositions will not be temporary, they will be permanent, this effectively recognises that argument and does away with the mirage.

1790 Alternatively, we have Proposition ‘B’: this really addresses the point which Deputy Fallaize very clearly identified in his speech that, actually, the operation of what is in the current Propositions, as they have been amended, is effectively unworkable. What this amendment seeks to do is to say we start a trial period from 1st March 2013 and the States Commerce and Employment is directed to gather evidence during that trial period and then report back to the

1795 States by 30th June 2014. A decision can then be made either to continue with the suspension, or to abolish the Law, or to re-impose the Law, which would then take effect from 1st September 2014.

1800 The requirement for the licences will be extended from the end of this year until 28th February 2013. If the decision is made to re-impose the Law, then there would be time, between the States debating the matter – no later than 30th June 2014 – and 1st September 2014, when the Law, or when the suspension – the 18 months suspension – would seek to take effect.

1805 Sir, the debate, certainly yesterday, was really a metaphor, I feel. We had two amendments yesterday, we had doubts about whether the amendment went beyond the Proposition and we may well have that challenge again in respect of *these* amendments. That tested yourself and Madam Controller, only to find Deputy Fallaize's interest was purely academic at that stage. Nonetheless, he felt compelled to move that Proposition.

1810 We then had two guillotine motions and we had the finding, we had a vote on the amendment, so we had five votes yesterday. We came *perilously* close to having a vote on whether we were going to stand or sit at one point and, actually, by that point, we had *still* made no decision. And, actually, if we approve this Requête in its current form, I suggest to you we will have *still* made no decision because, if it is approved, we will have to come back after Commerce and Employment have done their work and the decision will need to be made to extend the suspension, or not. If we reject the Requête, we are still going to be standing here in another year's time because Commerce and Employment are going to go away and do some work at their own pace, anyway. We will have exactly the *same* debate as we have had today. We will have the *same* platitudes and anecdotes, much of which I will provide myself, with very little evidence.

1815 I fully recognise that, in relation to supporting this Requête, in whatever form, I personally have only had one e-mail of support. I recognise the Douzaine for St. Sampsons has unanimously opposed it. It is not popular. Those who oppose it are better organised and far more passionate than those who support the suspension of Sunday trading or the abolition of Sunday trading. And, certainly, for one Deputy I have spoken to, that is enough to be able to make a decision, that those who oppose feel more passionately: we should go with that.

1820 Liberalising the petrol and alcohol trades on Sunday: clearly it changed the character of the Island, but did it change it so radically? I would suggest to you that it probably did not and, for me, I would just welcome... Well, I *do* welcome the ability and the choice to be able to buy my petrol on a Sunday. I very rarely do so but I do at least have that ability.

1825 I think we can learn a lot from our cousins in the northern Island, Alderney. They have no Sunday Trading Law. I don't think that they have lost *their* cultural identity or their separateness. They do what is appropriate for them and the right to choose is left to consumers and retailers.

1830 In a post-economic development strategy and a post-ICT strategy world, in an internet age, we *should* be giving maximum flexibility to organisations, to businesses, to trade and to organise themselves, as they see fit. If a furniture shop really wants to open on a Sunday afternoon for three hours – because that is a good time to attract couples who want to go browsing for furniture and, therefore, compete perhaps more effectively with *JohnLewis.com* – then more power to them and they choose to close on a Monday and Tuesday, when there is little trade.

1835 In its previous form, I felt I was a reluctant supporter of the Requête because, as I say, it was and is 'a dog's dinner' of a Requête and it is probably not the way to resolve and deal with this matter but *we must deal* with this matter. The prospect of having to come back in another year and go through the same ground *yet again*, with no more evidence, is deeply unsatisfactory. That is very much the reason for providing the States with a clear choice and it is very much reflecting some of the speeches this morning before lunch, that we should have the choice to recognise the *complete* abolition of this Law by its indefinite suspension, which is what Proposition 'A' seeks to do.

1840 So, finally, sir, just in summing up, to confirm that the purpose of this amendment is to give Members of the Assembly a clear choice, with Proposition 'A'. If they do not wish to accept that, then do at least have a workable trial period with Proposition 'B'.

Thank you, sir.

The Bailiff: Deputy Fallaize, do you formally second and reserve your right to speak?

1850 **Deputy Fallaize:** Yes, sir, could I speak now, please?

The Bailiff: I think I have been notified that there is going to be a challenge under Rule 13.(6). Alderney Representative Arditti.

	Deputy Perrot	Deputy Sillars	Alderney Rep. Kelly
	Deputy Brouard	Deputy Hadley	Deputy Bebb
1920	Deputy Wilkie	Deputy Kuttelwascher	Deputy Collins
	Deputy De Lisle	Deputy Dornaille	Deputy Green
	Deputy Burford	Deputy Sherbourne	Deputy Inglis
	Deputy Soulsby	Deputy Conder	
	Deputy Luxon	Deputy St Pier	
1925	Deputy O'Hara	Deputy Trott	
	Deputy Quin	Deputy Fallaize	
	Alderney Rep. Arditti	Deputy Lowe	
	Deputy Harwood	Deputy Le Lièvre	
	Deputy Brehaut	Deputy Duquemin	
1930	Deputy Langlois	Deputy James	
	Deputy Robert Jones		
	Deputy Le Clerc		
	Deputy Gollop		
	Deputy Storey		
1935	Deputy Lester Queripel		
	Deputy Stewart		
	Deputy Gillson		
	Deputy Le Pelley		
	Deputy Ogier		
1940	Deputy David Jones		
	Deputy Laurie Queripel		
	Deputy Spruce		
	Deputy Dorey		
	Deputy Paint		
1945	Deputy Le Tocq		
	Deputy Adam		

The Bailiff: Members of the States, the motion was not to debate Part A of the amendment proposed by Deputy St Pier, seconded by Deputy Fallaize.

1950 There were 29 in favour, 13 against. I declare that motion carried, as it secured the necessary one third majority. So Part A of the amendment will not be debated but debate will continue on Part B.

Deputy Fallaize, you wish to speak.

1955 **Deputy Fallaize:** Yes, please, thank you, sir.

Effectively, the amendment now is in the top line. From the word 'and' through 'until', and including the letter 'B' has, basically, been deleted and we are just faced with –

1960 **The Bailiff:** Just to make it clear, what I understand we have deleted is from the word 'A' to the word 'or' – and 'B', yes, sorry. So it now reads 'to delete the Propositions and substitute therefor 1. To direct etc.'

That is how it now reads.

1965 **Deputy Fallaize:** Thank you, sir.

Deputy Stewart yesterday laid an amendment which he promoted quite understandably, and correctly, as politically neutral on the question of Sunday trading but he moved it in an attempt to clear up what he described as, I think, the mess created by the way that the Propositions in the Requête were worded originally. This amendment is in a similar spirit.

1970 This amendment is neither for nor against Sunday trading of itself but there is, very obviously – as I think was confirmed by H. M. Comptroller this morning – a problem with the wording of the Requête, as it stands, in that it would be illogical for the States to suspend Sunday trading legislation for the period of twelve months and then, at the end of that twelve month period – evidence having been collected by Commerce and Employment – have the Department come back to have, not just a similar or identical debate to the debate we have had today, but to do it with the present Sunday trading legislation which, by then, the suspension having taken effect, would be the *previous* legislation, effectively re-imposed on those businesses which have decided to trade during the period of the suspension.

1975 So as to avoid all of that, this amendment has pushed out the date in Proposition 1 of the Requête so that there is an 18-month trial period and, during the first 12 months of that period – more or less the first twelve months – Commerce and Employment Department collect data, collect evidence, and then they report back to the States by no later than 30th June 2014 with any proposals or changes to legislation which they consider necessary, so that the States can *then* decide that the suspension has not worked and re-impose the old legislation so everything would carry on as now, *or* the States can decide that the trial period has worked and can repeal, rather just

1985 suspend, the legislation and everything will carry on as it has been working for the last fifteen or eighteen months. Clearly, that is a more sensible choice to put before the States than the way the Requête is worded at the moment.

So I would ask the States, *irrespective* of whether Members are in favour, or against, the concept of Sunday trading, we really ought, when we have debates, particularly when it is a lengthy debate as this one has been, we *ought* to be debating Propositions which are at least workable and practical and, on that basis, I would ask the States to vote in favour of this amendment.

Thank you, sir.

1995 **The Bailiff:** Does anyone – yes, Deputy Gollop.

Deputy Gollop: Yes, this amendment actually, though, raises a new set of problems.

I certainly appreciated Deputy Gillson’s speech this morning, when he talked about the difficulties of the trial period and our own timetable. If you look at B.2, or what *was* B.2 – what is now point 2 –

2000 ‘To direct the States Commerce and Employment to collect data [etc]... and report back to the States *no later than* 30th June 2014 with its conclusions and any recommendations arising therefrom.’

2005 The first point, of course, is that if we had a busy three day meeting it might get postponed in July, unless it was prioritised within the Agenda of the day.

The second point would be that there *may* well be, dare I use the phrase, unforeseen consequences, which would then mean that legislation might have to be prepared and that would take more than two months because the period elapses on 31st August 2014.

2010 Also, of course, there is another issue here that, if the States Commerce and Employment Department were wanting to make a few fundamental changes to the *existing* legislation, for the sake of argument, Do-it-Yourself or Christmas legislation, or whatever, they would not have time to get that changed prior to the temporary period ending, so you would be in a funny situation of the temporary period ending and, unless there was a new Proposition ‘to suspend’, you would go back to the old regime and *then* the Commerce and Employment future amendments, should there be any, would come into force the following year.

2015 But, actually, there is a more fundamental objection to it than that because, if you look at Proposition 1, ‘to direct the preparation of such legislation as may be suspended’, that indicates that the legislation will be done. Where it includes Christmas 2013, we are not sure because *no* trader has been consulted about it, because the whole concept was based on a trial period that would go on until the end of the winter season, not including the next summer. So we have had amendment after amendment and, on Proposition 2, we are directing the States Commerce and Employment Department ‘to collect data from relevant businesses, consumers and other organisations and to canvass local opinion.’

2020 That is a *lot of work* for them to do. It not only changes their order of prioritisation but it, potentially, would cost them money, especially if they were obliged to outsource it, which would fall foul of *another* States Resolution. So we are now giving them a large task of government, which is not only different from what the Board originally wanted but, I think, is not part of our States Strategic Plan.

2030 **The Bailiff:** Thank you.
Deputy Stewart.

Deputy Stewart: There is a fundamental difference and Deputy Gollop was alluding to this, sir.

2035 On the original Requête:

‘To direct the States Commerce and Employment Department to collect data from relevant businesses, consumers and other relevant organisations and to canvass local opinion during those 12 months concerning the social, economic and other consequences... and to report back to the States *as soon as possible*...’

2040 This amendment gives us a deadline and, to echo what Deputy Ogier said in his speech earlier and what Deputy Gollop has alluded to, if I can remind Members, sir, by a majority, C & E Board members did not consider the topic of Sunday trading, or a review of it, to be of sufficient practical economic importance to the Island for it to be given a priority for action at the present time. Furthermore, for information, the Requête has already taken a good deal of staff time from

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other tasks which have *not* been progressed, as anticipated in the 2012 Department Business Plan and, if approved in any form, the Requête will bring about the situation where the current postponed review will have to commence at some time in 2013 and then conclude by June 2014. This is going to remove resources from work the Department considers may have a higher priority, in that it will have a direct impact on the Island's economic activity.

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This may be a step too far, but I am going to ask the States to be consistent. Yesterday, during the SSD debate, when we were talking through the benefits, you decided to give the SSD Board the chance to come back to the States with their proposals and to look at the benefits in the round and to bring it back to the States, as they decide. What *I* am asking you to do is not try and make the priorities for the C & E Board and for *us*, as a duly elected Board, to make the decisions and prioritise the way that we feel is best for this Island's economic future. I think this is a very small piece of legislation. However, it seems one that the States repeatedly wants to revisit and, certainly, as Minister, I am not happy at this point having such a small item being dictated to us, that we have to report back by June 2014. I can see that, maybe, more pressing matters, as Deputy Gollop has pointed out, may have to be put on the back burner because of it.

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The Bailiff: Deputy Brouard.

Deputy Brouard: Can I just, very quickly, support my Minister in this.

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We have just gone through one of the major economic crises the world has seen in our generation and, there we are, the Commerce and Employment are meant to be the engine room for the Island – and we are now having to tug around Sunday Trading for another two years!

You can see, from the description, with all the information gathering etc, this is *not* something we should be doing now. So while Rome burns, there we are *fiddling* – so please reject it.

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The Bailiff: Deputy Brehaut.

Deputy Brehaut: Thank you.

This is on the amendment because I have relinquished my speech.

2075

This is just, perhaps, to say to Deputy Stewart, in the context of the amendment, I suppose, welcome to politics! This House will dictate, as it will, as a debating chamber, what course of action will be taken...

Could I suggest to him, if he seeks, or wishes, to prioritise something, sir, through you, he may wish to part with the exploration of 'white van man' on the hard shoulder and prioritise *this* workstream over that.

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The Bailiff: No, no. I was indicating to put your microphone off...

Deputy Adam. You have spoken, Deputy Stewart.

Deputy Adam.

2085

Deputy Adam: Can I ask the Minister of Commerce and Employment whether – because of this issue in relation to resources, and how much resources are going to cost the Department – it comes under Rule 15.(2)? We have already had one speech last term, which was the review of the Government, when revenue had to be found for that. It was brought back to *this* Assembly to be re-debated and, because it was at this Assembly *twice*, it was considered – it was the wish of the Assembly for the review to go ahead.

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On this occasion, we are going down the same road with both the Requête and the amendment and now the Minister of Commerce and Employment is saying, 'Hold on a minute, you are changing our priorities. It is going to take a lot of our resources to do this work.' Therefore, either we say where the money is coming from or the Minister accepts that he has to provide the resources to do this investigation, as laid out in the amendment.

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The Bailiff: The Minister has already spoken.

I do not know if the Procureur has any views as to whether this engages Rule 15.(2)?

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The Procureur: No. Rule 15.(2) relates directly to an increase in revenue and expenditure. Practically every proposition which is approved involves some staff time and you have just got to accept that, I am afraid.

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The Bailiff: Yes, it is just a question of prioritising within existing resources, not employing additional resources, yes.

Does anyone else wish to speak? Deputy Hadley will, obviously, have the right to speak if he wishes to, immediately before Deputy St Pier closes on the amendment. Do you wish to speak now?

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Deputy Hadley: I wish to speak on the amendment –

The Bailiff: Do you wish to speak now, or do you wish to reserve your right to speak later?

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Deputy Hadley: I reserve my right to speak at the end of the debate, sir.

The Bailiff: Deputy Le Lièvre.

2120 **Deputy Le Lièvre:** Mr Bailiff, Members of the Assembly, Deputy Duquemin raised the question of the number of words in the Requête and suggested that 338 was insufficient... Well, I tried 25,000 and that was... (*Laughter*) that was probably insufficient, as well, but never mind. (*Applause and laughter*) Perhaps I should have tried harder. Next time I will!

2125 There was a sort of air around the Assembly this morning – not so much this afternoon – as though we can hold back the progression of time and keep Sundays as they were, as they are at the moment. Of course, that really smacks of ‘Canutism’.

2130 The Sunday of my parents – which I remember very, very well – was very different to my Sunday and my mother, who is 98, going on 99, *her* Sunday remains the same. I take her to church every Sunday – I go no further than the steps – and I pick her up afterwards and take her home again. Her Sunday has not changed from when she was a little girl, same church as well. But mine has. Mine has changed from the 50s and 60s very much and is very different now and the Sundays of my children are very different to mine and I suspect the Sunday of my grandson will be different to theirs. There is no going back and there has been a lot of rose-tinted spectacles of how Guernsey was.

2135 Well, Deputy Lowe is good at counting things – closed shops – and we collectively counted the numbers of people who might have been here in the 50s and I think there are only twelve of us. I remember the 50s fairly well. I remember it because there were only about 5,500 cars on the road then. It was great if you had one but, if you did not, then Vazon a became birthday treat. It was a birthday treat to go to Vazon and Grand Rocques: I can remember them well.

2140 What I also remember – because I read Billets, especially the old ones – is that the death rate on the roads was incredible. Twelve people killed in 1959 on the roads – massacred almost – and nowadays there would be nearly 100 if we had the same rate of attrition. We would have 3,000 *serious* motorcycle accidents per annum, if we had the same rate of –

2145 **The Bailiff:** I think Deputy Storey is rising, perhaps to challenge whether you are speaking on the amendment –

Deputy Storey: Yes, sir.

2150 **Deputy Le Lièvre:** I am just speaking generally, sir. Generally, yes.

The Bailiff: As you have not yet spoken in general debate, I assume you are speaking on general debate *and* on the amendment.

2155 **Deputy Le Lièvre:** General debate and –

Deputy Storey: So we are not speaking in general now, sir, are we?

The Bailiff: I assume that Deputy Le Lièvre is speaking on both.

2160 **Deputy Le Lièvre:** Yes, I am speaking on both, sir.

Deputy Storey: Right.

2165 **The Bailiff:** He has not yet spoken in general debate.

Deputy Le Lièvre: No, no.

Deputy Storey: But, with respect, sir, is he even speaking on the Requête?

2170 **The Bailiff:** I assume that he will –

Deputy Le Lièvre: Well, I am... (*Laughter*)

2175 **The Bailiff:** He is not so far!

Deputy Le Lièvre: I am, only insofar as there was a lot of talk of how Guernsey *was* and, of course, H. M. Procureur, you were not here then, (*Laughter and applause*) so you would not remember them, I am afraid. Whatever, they were, indeed, memorable but for the *wrong reasons*, so I would not want to go back there. I would not want to go back there.

2180 Sundays are, in fact, not controlled by shops opening. They are controlled, for many, because we live on an Island, for many Guernsey men and women, by the height of the tide and the speed of the wind and the direction of the wind and the temperature of the day. That will dictate what Sundays are used for, for hundreds and hundreds of people, and it will be dictated by whether they have no children, or young children, or older children or, indeed, grandchildren. They will be dictated by the fact whether you are a DIY or a home mechanic. They will be dictated whether you are a churchgoer.

2185 What will not change Sundays is whether you have to buy a packet of Spax screws from B & Q. Well, you wouldn't because they don't sell them, in any event. But that is what is at the essence of this. We cannot change things. They will change organically because the way you use your Sunday is an organic thing.

2190 I would have preferred that we discussed Part 'A' of this amendment – which we obviously did not get the opportunity to do – but I would have preferred that because then we would not have eaten into C & E's time *at all* and we would have gone for complete deregulation and life would have changed, I suspect, *not a lot* – because it is not governed by whether shops are open.

2195 So I really think, sir, that is the essence of it for me. If this amendment is thrown out, I *will* vote for the Requête, if that still survives. I do not know, but I will vote for what is, effectively, Sunday opening and hope that it does not cause C & E too much trouble.

Thank you, sir.

2200 **The Bailiff:** Does anyone else wish to speak on the amendment?
Yes, Deputy Duquemin.

Deputy Duquemin: I may have raised a few more eyebrows from Deputy Fallaize and Deputy St Pier with what I am going to say, having made my speech this morning.

2205 Just to pick up on what Deputy Le Lièvre said about the amendments, I, too, would probably have liked to have discussed and debated Proposition 'A' because, hopefully, just like the Proposition 'B', if it gets through as an amendment, that, too, would have been lost and, hopefully, we could put this to bed for exactly... well, at least the term of this Assembly.

2210 I am struggling now with the new amendment because, whilst I hope and trust this Assembly will send this Requête back where... somewhere where it deserves to be, into the history books, given the choice of the proposition, as it stands now, and the amendment, the sensible solution *is* the amendment. The amendment has been put forward by Deputy St Pier and seconded by Deputy Fallaize and I *will* vote for that, but there is no chance that I will be voting for the Requête.

Thank you, sir.

2215 **The Bailiff:** Does anyone else wish to speak on the amendment?
Yes, Deputy De Lisle.

2220 **Deputy De Lisle:** Sir, I just wanted to point out that it may be difficult, actually – and I agree with some of the earlier speakers, the Minister included – that June 2014, it might be difficult for the Department to actually come back with a full Report with recommendations at that time.

2225 I feel, actually, that the more pressure is being put on the Department for resources in order to meet this new deadline and, through that reasoning, I believe that this goes *beyond* the original proposition because we are being *forced* into something *totally different* here. We are being forced to report by a certain deadline whereas, before, we could just prepare a Report and come back to this House at our own time. I think, also, that it is going to have an effect on what is brought back to this Chamber.

2230 I feel that, by having to report back in a short time period, then we will not have time to do full justice to this particular task and I think we will not be able to produce the Report that I would have hoped would have been produced by the Department, in the way we were originally suggesting we would come back to the House.

The Bailiff: Thank you.

2235 Yes, Deputy Hadley do you wish to speak now?

Deputy Hadley: On the amendment.

The Bailiff: Yes.

2240 **Deputy Hadley:** I think, it seems to me that Deputy Stewart, indeed aided and abetted by Deputies Brouard and De Lisle, seems to want to throw every conceivable objection to this amendment – even though it makes no sense at all, because I would remind the Members of the Assembly – through you, Mr Bailiff – that the *previous* Minister for Commerce and Employment undertook to do a *full review* of Sunday trading. At an early stage, Deputy Stewart said that this was not a priority of the Board and he would not be doing it. After some pressure from the *Press* and other people, he said ‘Ah, I did not say we were *not going to do it*. I said it was not a priority at the present time and we would do it in a couple of years’ time.’ Well, that is exactly what he is going to have to do, *anyway*, unless he has now changed his mind and decided he is not going to do the review *at all*. It makes no difference.

2250 As far as resource is concerned, I think this is somewhat amazing. I have already explained to the Assembly that an awful lot of the Department’s time is taken up in administering this Law which we are trying to suspend. Now, he knows well that, originally, when asked the question by Board members as to how much time this took up, we were told that it would take up about one person’s time and then this was corrected to half a person’s time. They do not actually know, but they *do know* it takes a significant amount of staff time to actually do the administration for the granting of the licences and, if anybody wants to go down to Commerce and Employment and doubt this, you can look at the huge files of data on Sunday licensing.

2260 **The Bailiff:** Deputy De Lisle.

Deputy De Lisle: On a point of correction, the Department was told, sir, that half a staff man-year was used for administrating the Law, as it stands. There was *no time* given to the amount of period and resources that were required to undertake the study itself.

2265 **The Bailiff:** Deputy Hadley.
You have just switched your microphone off!

Deputy Hadley: Sorry, sir.

2270 The point is that half a full-time member of staff should be adequate to collect the small amount of data that will be necessary, after a trial, because it is *nothing like* as extensive as would be needed to take the full review of the whole industry and we would, of course, be finding out the actual effects, rather than presumption of what might happen.

2275 **Deputy Stewart:** I would say that Deputy Hadley cannot say that, because we do not know what the terms of the review will actually be – because the Board has not set them!

The Bailiff: Deputy Dorey.

2280 **Deputy Dorey:** I will not be supporting this amendment because I thought the whole idea, originally, was that you would have a twelve-month trial period and then you would be able to... based on that twelve month trial period, you collect the information, you get the public opinion and then you report back to the States.

2285 But having reporting back to the States within fifteen months of the start of the trial period, you just cannot go through twelve months, then go out to public consultation, collect all the information and come back to this House. The timetable for reporting back to this House is such that, in that three-month period, you will not be able to do collection analysis, so you will have to do it during the twelve month period, which means that you have not had a sufficient trial. Therefore, *I think* the timetable is too short, so I will not be supporting it.

2290 **The Bailiff:** Deputy Le Tocq.

Deputy Le Tocq: Sir, I rise to speak on the amendment.

My sympathy is with what Deputy Fallaize said in support of the amendment but my question would be, why eighteen months? What is so right about eighteen months and not fifteen, twenty-
2295 four or thirty-six? I think a trial period... you have got no evidence as to whether that would be *even for a year*, whether it would be a fluke or not. Could we make a judgement on that sort of basis?

I have seen no evidence as to why the trial *has* to be a particular length of time. I would like to know what particularly we will be able to judge after different lengths of time, apart from the
2300 Christmas issue, which has been sort of dealt with.

Deputy Brehaut I agree with, when he talked about politics. It is politics. Absolutely right, but I believe this is not good governance, it is not good politics, it is not *wise* what we are doing. This is legislating, or policy-making, through poorly-worded Requêtees and ‘hastily drafted amendments’, to use your term, sir, and I think this is not what this House should be doing.

2305 I think, if we are to gain the support of the public, no matter what issue we are looking at, we have to have properly researched documents and, to take up Deputy Le Lièvre’s point, I was very grateful for his hard work on this. I believe we should recognise the importance of that, even if we disagree with them. A few fewer words might be better but I certainly think that, in terms of the emotion generated, we ought to recognise that before us today, whether it is in the amendment or
2310 the Requête itself, we have very little evidence and not very well put together in terms of an argument. We are trying to come up with arguments *now* on the hoof.

Deputy Le Lièvre I would also agree with, in terms of what brings about a change in culture. It is not particularly Sunday trading, or any particular Law of that type, but it is a *combination* of factors, of which this sort of rule can have an effect. I would say to him that the problem with
2315 certain people in our constituency, in our jurisdiction here – and I am not one of them, but I understand – is to do with fear and perception of the *speed* of change. And what has been suggested would affect the speed of that change.

There is no doubt that Guernsey has changed over the years. Why should we follow the speed or, indeed, increase the speed in this jurisdiction over other places, where we are very quick to say
2320 ‘I am glad I don’t live there’, or where they have more deregulation than we have here. That is the perception and, for some people in our society, perception is reality. I think this is more about an issue of the speed of change and so, with regard to the amendment, I see it does *nothing* to alleviate those concerns, so I will not be supporting it.

2325 **The Bailiff:** Deputy Lowe.

Deputy Lowe: Thank you, sir.

I am pleased I held back because listening to Deputy Stewart and a couple of the speeches from his Members, it is very clear that they have *no intention whatsoever* of coming back to this
2330 Assembly in this term because, if their argument is that, actually, 18 months is not long enough – and goodness knows why 18 months is not long enough – and they are talking about 2014 as too restricted... There is an Election in 2016, so that only leaves you the same time distance again to be able to get that Report done, do the suspension, get the Report done before coming back to the States.

2335 So, let us be honest here, Commerce and Employment do not want this, anyway. They do not even want to do it in this term because, suddenly, they have not got enough time. Eighteen months we are talking about here! We have got the trial period and suspension for the year, so you have got the full data to be able to work on, three months to be able to go out to consultation, analyse that data. Well, if they cannot do it in three months, give me the job: I will do it. Then you have
2340 got the lead-in time for three months for the Report.

What happened to the Deputy Stewart who, when he stood for election: ‘*We must have a can-do and will-do?*’ That is what we are going to do. (*Laughter*) We are not going to be slow; can-do and will-do.’ Deputy Stewart, you said it over and over again.

2345 **Deputy Stewart:** It depends what you want to *do* in the first place, doesn’t it? Whether you want to take care of the wider aspects of the economy, or not.

The Bailiff: You have already spoken, Deputy Stewart. You have already spoken.
Deputy Dorey.

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Deputy Dorey: Point of correction.

Deputy Lowe is misleading the Assembly when she said they would have three months to collect the data, then three months with the Report. They would not, because there is only... it is 15 months after the beginning of the trial, so if you said that they have three months to collect their data, they would have to start after nine months and then there is three months for a Report. So I think she is misleading the House.

2355

Deputy Lowe: No, in my opinion, to give it full credence, I would give a full year. The wording actually states that you can do the data *any time in that time*. I think it is fair to do it after that year. If you actually read it, it says,

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‘to collect data from relevant businesses, consumers and other relevant organisations and to canvass local opinion during the trial period concerning the social, economic and other consequences of the suspension and to report back to the States no later than 30th June 2014.

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In that 18 months they could start collecting that data, if they wanted to, in March, April, May, June, July, August, September, October. They could do it whenever they like. They do not have to wait for the year. I think the ideal way to do it is to wait for the year, but if they are saying that is too tight to get that data, to bring it back to the States, start collecting it in October, whenever they like. To get a true record, I believe they should wait for the year, but that will be a decision for the Board. The decision for *this* States is to direct them to go away and do that, at the time that is most suitable to *them*.

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I ask Members to please support this amendment, because it is *not* going to go away and I do believe that we owe it to the public to combat, one way or another... to make a decision on the Sunday trading, rather than put it in the ‘too difficult’ drawer, because it *is* one thing that we can do and will do.

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The Bailiff: Deputy Sillars.

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Deputy Sillars: Sir, to help me make a decision, when the Commerce and Employment Minister does his summing up, can he confirm that his Department will, or will not, come back to this Assembly in this term with a Report on Sunday trading? Yes or no will be fine.

Thank you.

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The Bailiff: Deputy Harwood.

Deputy Harwood: Before I speak, can I declare an interest? I am a shareholder and director of a local retail wine company, purveyors supplying wine to the gentry, including one or two people in this Assembly. (*Laughter*) I also should declare that I am a non-executive director of a captive insurance company, which is a subsidiary of the John Lewis Group.

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Mr Bailiff, I am concerned that the process of this debate is moving into farce and I appeal for common sense and hope we can move to conclude this debate, both on the substantive Requête and on the amendment, without undue delay. Others have commented that the true purpose of the Requête is to achieve the full-scale abolition of the present Sunday trading regime: the ‘Trojan Guernsey horse’ and the ‘genie out of the bottle’. Whichever analogy one uses, the effect is the same. If this flawed Requête, whether or not amended, as proposed, is passed, there will be no going back. This is manifestly evident by the valued, though misguided, attempt to introduce Part ‘A’ of the further amendment that was tabled earlier today.

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As Deputy Gavin St Pier has said, he recognises that the *whole* of the Requête is a mirage and that the real intention behind the Requête *is* to abolish Sunday Trading Law. To contemplate the abolition of the Sunday Trading Law, in the absence of a detailed Policy Letter, on the back of a single side of A4 paper, is blatantly wrong. I accept that there are many anomalies in the present Law, but to introduce another analogy, I suggest we should use a spanner, rather than a sledgehammer, to fine tune the Law.

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I therefore urge all Members, please, to allow the Department of Commerce and Employment time to review the Law in its entirety, in *all* its applications and to bring back a detailed and fully researched Policy Letter. (**Members:** Hear, hear.)

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The Bailiff: Does anyone else wish to speak on the amendment?

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Yes, Deputy Lester Queripel.

2415 **Deputy Lester Queripel:** I am sitting here, wondering if I have missed a fundamental point. We are being asked to debate the *length* of the review, the *duration* of the review, but we don't even know the format. The questions I asked this morning were: what would the review actually consist of, the questions? Who is going to be asked these questions? And the nuts and bolts of the review... so are we not being asked to do things in a roundabout fashion here?

Should we not know the format of the review first, before we decide the duration of the review? I am hoping someone can enlighten me on that one, sir.

2420 **The Bailiff:** Does anyone else...

Yes, Deputy Robert Jones. Sorry, you are wanting to speak on this.

2425 **Deputy Robert Jones:** Just briefly, because I do not think I have got much more to add than the for and against arguments that we have already heard throughout the morning and this afternoon. I do thank Deputy Harwood for his words there, because I, too, am not convinced that this is the correct process, from a pragmatic point of view, so I am not entirely convinced.

2430 I would urge C & E to come back, as Deputy Harwood said, with a well-thought-out Policy Letter. We have been left with three dogs' meals here. We have had the dog's breakfast of the legislation itself, we have had the ill-thought-out Requête, which forms the dog's lunch, and we have had the hastily-drafted amendment, which has now been split, which I could probably describe as the dog's dinner.

2435 Within all of that, I think, one of the things that did concern *me* this morning was the way that we were proceeding on dealing with what is a complex issue, that we tended to dismiss some of the small convenience stores and also some of the small independent traders. My concern is that those businesses, since 2002, have done very well to compete with some of the larger stores that are already open on a Sunday: they are competing against the Marks & Spencer's, the food halls etc. They have survived during that period, but one thing that does bother me is that they are going to find it *even harder* to survive and one thing that is not reversible – no matter what we are told in terms of this Requête only lasting for a trial period – what is not reversible is the loss of the livelihoods of those particular stores.

2440 I cannot tell you whether those stores will go bankrupt, but I do not want to take the risk that maybe they will. I am not convinced that, if Government can stand here, in the current economic climate, and pass a Requête that leaves the livelihoods of albeit a small number of people, particularly in my Parish as well... We have got numerous stores that are relied upon by the elderly, those who do not have cars to travel off to Waitrose or Marks & Spencers. These stores are relied upon by quite a large number of people and I am not willing to stand here today and vote for a Requête that puts the livelihood of hard-working Guernsey people in jeopardy. (**Several**

Members: Hear, hear.)

2450 Thank you.

The Bailiff: Does anyone else wish to speak on the amendment?

No? Then Deputy St Pier will reply to the debate.

2455 **Deputy St Pier:** Thank you, sir and I will be as brief as possible and respond to the points. I will also deal with speaking in the debate and also as Minister, as well, in one go, so that I am –

The Bailiff: You are just replying to the debate on the amendment at this stage.

2460 **Deputy St Pier:** Well, I am advising that I will not be speaking again, sir. I am going to cover all the same points, so –

The Bailiff: I think your right to speak at this stage is in reply to the amendment.

2465 **Deputy St Pier:** I will reply to –

The Procureur: Don't look a gift horse in the mouth, sir. If Deputy St Pier (*Laughter*) says he is not –

2470 **The Bailiff:** A Guernsey gift – *aen ch 'va* – in the mouth!
If you want to speak only once –

Deputy St Pier: We could always take a vote on this!

2475 With regard to Deputy Gollop's points, the trial period is *not* for 12 months, as was previously, or as is currently, provided in the existing proposition. It could be shorter and this, to some extent, addresses the issue – which Deputy Dorey was raising – about the period over which data would be collected. This amendment is seeking to provide a greater flexibility to Commerce and Employment on how they can make this whole Requête actually work.

2480 In relation to Deputy Gollop's point about the resources required, again the amendment is no different from the previous version, in terms of its requirements of Commerce and Employment. It does impose a deadline, but that deadline was effectively there, or was implicit, in the current proposition, because if the trial period was *only* going to be for 12 months after which point the suspension of the Law would be lifted, then the decision would have to be made prior to that. So Commerce and Employment would have to come back to enable that decision to be made.

2485 In relation to Deputy Duquemin's speech, thank you for your support on this amendment.

With Deputy De Lisle's questions, I think, again, this is, really, reflecting a number of the interventions by Members. This is seeking to make this... all this amendment does, is make the Requête more practical and workable. It is up to Commerce and Employment, in response to Deputy Dorey, to work out exactly how best to use the trial period.

2490 So far as Deputy Le Tocq's question, as to why it is 18 months, frankly, all we are trying to do – Deputy Fallaize and myself – is put pig on the lipstick! (*Laughter*) It is the closest period to 12 months that would actually make this Requête workable, to allow some time for the data to be collected, and so on. Like Deputy Duquemin, personally I am sorry that the Assembly did not want to debate the option to suspend the legislation permanently, because that would at least have allowed the opportunity to kill this issue once and for all, at least for this term, anyway.

2495 I also agree with Deputy Le Tocq, that this is absolutely no way to conduct government. It is not good government and I think, essentially, that answers Deputy Queripel's point of raising questions about the conduct, or what is in or without, the review – we do not know – which is precisely why we should not be seeking to deal with this issue by Requête, which is one of the points I made in introducing the amendment.

2500 Deputy Stewart said this amendment was not workable. He made a *very valid* point that he was looking for this Assembly's support, in the same way as Social Security had it yesterday, to go away and come back with something more workable than the current Requête. I think it *would be* very useful if he is in a position to give an indication of *when* he is likely to be able to do that, because I think, actually, had he been able to do that, then we may not have got this far in this whole, very sorry saga.

2510 This whole issue, as I said, in introducing the amendment, is a metaphor. It has been messy, it has been shambolic. It is a metaphor for the Law itself. Personally, I do not believe that this kind of regulation has any place, but neither is this the way to necessarily deal with it. *We do have far more important issues to be talking about.* There have been many meetings today which have been cancelled as a result of dragging on into today. There was the Social Policy group this morning, which had a very weighty agenda, which is trying to be rearranged – and I am likely to miss that, as a result, which is a great shame. Personally, I had a meeting this afternoon with Commerce and Employment, talking about the regulation of utilities, and I know there were many other meetings scheduled for today, which have gone by the wayside. We do have many more important issues to talk about, which is why I am so sorry that we have been unable to deal with this issue with finality today, whatever the outcome of *this* amendment.

2520 Finally, sir, just to re-emphasise that, if this amendment is rejected, then we are very firmly left with the choice between, as I said at the beginning, a dog's dinner of a Law and a dog's dinner of a Requête. This may not improve it much, but it does, hopefully, help a little. I would, finally, in closing, re-emphasise that if Deputy Stewart *could give* an indication to the Assembly of when he can come back with a more fully-worked proposal, that may help many Members make a decision between that difficult choice of a dog's dinner Law and a dog's dinner Requête.

Thank you, sir.

2525 **The Bailiff:** We then come to the vote on the amendment.
Deputy Lester Queripel?

2530 **Deputy Lester Queripel:** Sir, I am sorry to keep getting up and down, but I still have not had an answer to my question and I am kind of wondering why.
I will repeat it for a *third time*.

The Bailiff: Well, it can be... it is a question that is really directed to the Minister, isn't it, and he can reply to that when he replies, or when he speaks – if he so speaks – immediately before

- 2535 Deputy Hadley, just before the closure of the debate on the Requête.
As I understand it, it was not a question specifically directed at this amendment.
- Deputy Lester Queripel:** Yes, it is, sir.
- 2540 **The Bailiff:** It was not one that Deputy St Pier could answer.
- Deputy Lester Queripel:** It does relate to the amendment, because the amendment itself is still asking us to decide on the *duration* of the review – but we do not even know the format, we do not even know the nuts and bolts of the review.
- 2545 **The Bailiff:** Deputy St Pier cannot answer that, because he is not conducting the review – and Deputy Stewart had already spoken in respect of the amendment, before you asked the question.
- Deputy Lester Queripel:** So does that mean I will not get an answer to the question, sir?
- 2550 **The Bailiff:** Procureur, you are looking perplexed?
- The Procureur:** I have got a note, I might be wrong, but I do not have Deputy Lester Queripel as having spoken on the amendment at all.
- 2555 **The Bailiff:** Yes, he spoke on the amendment.
- The Procureur:** He did? I do beg your pardon.
- The Bailiff:** He spoke just after the Chief Minister.
- 2560 **The Procureur:** I beg his pardon.
- The Bailiff:** Deputy Fallaize.
- 2565 **Deputy Fallaize:** Sir, may I ask, through you, sir, that Deputy Stewart answers the question that was asked in terms of the timing of the review his Department intends to carry out, before we go to the vote, because I think what Deputies Sillars and St Pier were indicating was that was *material* to the vote.
- 2570 **The Bailiff:** If he answers *that* question, then there can be any number of questions he – There is no provision, under the Rules, for him to do that, but if it is the wish of the Assembly that he does so, then Deputy Stewart, can you answer those questions now?
- Deputy Stewart:** Fairly quickly, actually.
- 2575 First of all, I *have not a clue* what the review might be. That is for us to look at and decide how we might conduct that review. I need to take advice from the States economist, various other people, and then come up with what the review might be, so standing here today – and, of course, the Board has input to that, so what actual form the review will take, I do not know, we have to decide that.
- 2580 Secondly, *when* will we bring it? The answer to that is, really, *we* decided, as a Board, that there was no real economic value – which I will speak later on and I will give evidence to that – at the moment. There are far more important things that my Board wanted to tackle.
That is our position at the moment until we review the business plan.
- 2585 **The Bailiff:** We come, then, to the vote on the amendment.
Those in favour; those against.
- Members voted Contre.*
- 2590 **The Bailiff:** I declare the amendment lost.
So we return, then, to the debate on the Requête itself. Does anybody else wish to speak?
Yes, Deputy James.
- Deputy James:** Thank you, sir.

2595 I will attempt to raise three points, hopefully, that have not already been addressed and I will, in fact, do it briefly.

My *declared* interest in this is having chosen a profession which required me to work 24/7, basically. I was not alone in that; many thousands of people do, in fact, have to work and, yes, it is choice, but many of those final years were as a senior manager in organising duty rosters for staff.
2600 Without any shadow of a doubt, sir, there were *many* staff, particularly women, who were queuing up to work both at weekends and night duty. What was the reason for that? It was because they had greater childcare assistance, both *at* weekends and during the evening. So there are quite a lot of women that find working weekends and night duty much more convenient. That suits their domestic arrangements.

2605 Secondly, sir, I would like to say that I *believe* – and I am sure he will correct me, if I am wrong – that Deputy Stewart did, in fact, say that this was not an economic priority. With respect, I would suggest that it *is* an economic priority. The Members will, I am sure, recall on Wednesday, when I spoke in support of Deputy Le Lièvre’s amendment on the reclassification of single parents, I drew to the attention of this Assembly that, during that reclassification, there will be 130
2610 *extra* single parents that Social Security will need to help back into work. With respect also, I would suggest that, maybe, a large proportion of those 130 would be interested in working in the retail sector. So I would suggest the *more* people, the *more* job opportunities there are for this group of people, the better it would be for the Island and the less draw on Supplementary Benefit claimants.

2615 Thirdly, I believe that there is a very strong *gender perspective* on this debate and, as much as I would like to take a straw poll in this Assembly, I will not go that far. (*Laughter*) It cannot have escaped notice that there is a certain gender equality balance in this House and it has been quite interesting, has it not, to see the opinions and results of the Douzaine reps, which, again, I would guess perhaps are predominantly men. As I see it, currently, as Saturdays and Sundays... and I do
2620 go to supermarkets and I can *assure* certain Members that the preponderance of people shopping on a Saturday are *women*, it may surprise you.

Where are most of the men on Saturday and Sunday? I would be so bold as to suggest that they, *maybe*, are engaging, or participating, or observing their football, their cricket, their rugby, their tennis, their horse racing, etc.

2625 **Deputy Brehaut:** I am sorry, but I really do object to that stereotype: I am at home, looking after my children.

Deputy James: I said *some*. I was *particularly careful*.
2630 I am sure – and no doubt aware – there are a number of men in this House who do have a feminine side (*Laughter*) and I –

Deputy Brehaut: Sorry, sir, but for Deputy James to imply that you have to be of the female gender, or have a thread of it, to take care of your children, makes no sense whatsoever.

2635 **The Bailiff:** Deputy James.

Deputy James: I withdraw that comment, sir.
2640 My final comment is I wonder what the great anxiety *is* about having shops open on a Sunday? Dare I suggest that the preferred option is for Mum to be at home, cooking Sunday lunch and not out shopping?

The Bailiff: Does anyone else wish to speak?
2645 No? Well, if no-one wishes to speak, then we go through the closing procedure, which is a lengthy one, in the case of a Requête, Members will be aware, because the Chairmen and Ministers who were consulted are entitled to speak in the reverse order in which they spoke at the commencement of the debate.

So I will call, first, Alderney Representative Arditti and then the Home Minister, Deputy Le Tocq.
2650 Alderney Representative Arditti.

Alderney Representative Arditti: Thank you, sir.
As previously, I have nothing to say on behalf of my Committee, for the reasons I gave at the outset. These are *my own* views.

2655 Yesterday, Alderney Representative Kelly and I refrained from voting on the various

preliminary resolutions spawned by this Requête. I *may* do so again, when the Assembly votes on the Requête itself. *If* I do not vote, it will not be because this is not about Alderney, or because Alderney has nothing to gain from this debate, or does not care. This Assembly and the people of Guernsey *care* about Alderney and I, in common with the people of Alderney, *care* about this Assembly and about the people of Guernsey. I am pleased and proud to serve the Assembly and the people of Guernsey, both as a Member of their States and as Chair of their Scrutiny Committee. This is the answer to what is called, in another place, ‘the West Lothian question’. Therefore, as a full Member of the States of Guernsey I will contribute to the best of my ability on *any* issue facing the Assembly if I think I can be of use.

2665 However, there are perhaps a handful of issues, where the participation of an Alderney Representative could be insensitive, or unwelcome. The Report from the Parochial Ecclesiastical Rates Review Committee in the last term was one instance where I felt it would be *insensitive* to vote on the Report itself.

2670 I *may* not vote on this Requête, but whether I do or I do not, I will offer *this* view for Members’ consideration, in the hope that it may be useful, because I believe the point has not yet been made. Some democratic governments do not see beyond the majority, at least what they think are the majority, but the governments *we* tend to admire try to identify interests which need some modicum of protection. For me, the question is: who needs looking after on this issue? The community is *one* community. One person’s choice can be another person’s restriction. Those who have to make long-haul flights from our longitude may prefer to start their journey in the early hours of the morning, but airports are closed at that time in the interests of others. The question is, in *my* view, do we need to protect those who want the freedom for everyone to shop every day of the week, or do we need to protect those who say, could we just keep *one* of those days as it is, please? My sense is that the balanced view, the balanced society says six days shops open, one day shops closed. This *surely* caters reasonably and fairly for *everyone* and does not, in truth, *impose anything* on anyone, at least in the eyes of fair-minded people. Yes, the Law *is* a dog’s breakfast, but balance is about compromise and compromise can *often* be ridiculed in this way. If the dog’s breakfast should be improved, let there be a Requête to instruct Commerce and Employment to look at a better one in the time and priorities that are available to it. Better still, let the Board proceed in the way that Deputies Gillson and Ogier have suggested. Ultimately, however, the Chief Minister, in my view, has put his finger on it, we should decide this matter on the basis of a *proper* Report from the relevant Department, not this mere Requête.

2690 **The Bailiff:** Deputy Le Tocq and then it will be Deputy Domaille.

Deputy Le Tocq: *Mess Bailli. J’c’menche dauve chiques phrases en Guernésiais, pour vous dounnair enne examplle dé not’ héritage qui vians daette coupai aen p’tit par aen p’tit chaque onnaïe.*

2695 I started with a few phrases in Guernsey French just to demonstrate my Guernsey heritage, in case some of the things that I now say may be misconstrued by some people, because I do think some people have mentioned Guernsey culture and Guernsey heritage and, like it or not, for some people, again coming to perceptions, this is about our culture and our heritage.

2700 I am speaking now not on behalf of the Home Department. Trying to save time, I could have spoken before and, sir, I took your advice on that. Just to get that clear, what I am about to say are my own views.

2705 I am grateful for what Deputy Bebb said yesterday, although he is not in the Assembly today, because many people have thought, and do think, that I would be a Sabbatarian, a ‘Keep Sunday Special’ campaigner, a Lord’s Day Observance Society member, and the fact is, sir, I am not. As a Christian and believer in the Bible, particularly in the New Testament, I find no reason whatsoever that should indicate why Sunday – or, indeed, any particular day – should be treated as more holy than any other day. In fact, St Paul in his Epistle to the Romans makes it very clear that Christians should *not* dictate to other Christians, let alone anybody else, what that should be.

2710 I think the problems occurred in the fourth century, sir. Just to elaborate a little bit more, therefore, on that to see where we have come to today... Up to that point, for 300 years, the Church survived with Sunday being a working day for most people and, in fact, did very well. Arguably, a little bit of persecution might *help* us to some degree, although I would not call Sunday trading ‘persecution’, by any stretch of the imagination.

2715 During that time no Christian writer – and I have copies of all the stuff that was written by the Ante-Nicene Fathers – *ever asked* for Sundays to be treated as a day of work. In fact, the Roman Empire had many different days, depending on the parts of the Empire. Obviously, in places like Israel, Saturday was the day of rest; the days off work were, in fact, sundown on Friday to sunset

on Saturday and, in other parts, it was dependent upon the particular religion and deity of that particular section of the Roman Empire.

2720 Ironically, in some parts of the Roman Empire it is very clear that the day of difference was actually the market day, when people would stop their normal activities and go to market to shop. It was the Emperor Constantine, when he converted – there is some dispute about that – but he was a man who liked order. He did not like messy desks and he wanted everything to be the same in his Empire and he started instituting things that he thought would benefit his particular views and, particularly, the Christian faith.

2725 From his institution we have Sunday as a day off. We have a standardisation of Christmas Day and all sorts of other things. In my view, that was a big mistake. It was the beginning of the State and the Church being linked and I am not going into that today. I want to make it clear that my own views do not come from belief that that is the correct way to go.

2730 Whilst I am not a supporter of... I am not *against* Sunday trading, if I put it that way. I am a supporter of a communal day off – a communal general day, where we do not do the same things we do for the other days. I believe that is a healthy thing for society, for families, for communities and for the welfare of a place like Guernsey – in fact, many parts of the world have demonstrated that.

2735 Coming to the Requête which is before us, specifically, suspending for a trial period: Deputy Hadley assured us this was a *genuine* trial. A further debate would be required. We have had various views on *how* that might take place and how effective it might be, on the basis of what Commerce and Employment are instructed to do. But my question is this: how can we tell if it *works*? Deputy Fallaize and others have said, ‘We will see whether it *works* or not.’ How do you define success, sir, because some people here seem to think success would be more people out of unemployment and, therefore, more shops opening and providing opportunities for employment? Whereas others seem to be saying success will be ‘There will not be any change.’

2740 I would like to hope, sir, that there would not be any rapid change, as Deputy Le Lièvre and others have suggested. In which case, I think, sir, 12 months certainly is not long enough to check that because economic cycles, let alone social *mores* and culture change, takes a lot longer than that. So you could not judge, in 12 months – whatever your definition of success is, and it might be very different, based on what people have said here, contradictory views of whether it works or not – how that would be managed. I cannot understand how we could come to a judgement on such a timescale unless *proper* consultation is done because this is, to use the author who Deputy Le Clerc mentioned before, an E L James situation – it is ‘shades of grey’ – and wherever you have to draw a line in a compromise, as Alderney Representative Arditti has so ably said, you are bound to have the opportunity of people saying that that is ‘ridiculous’ and that is ‘not right’. So we have to keep on reviewing it. There has to be that and, as we live in a society that is democratic, there are certain things we are going to have to compromise. We have to live with one another.

2755 I, sir, do not feel threatened by a change in the law on Sunday trading and, certainly, as I have mentioned already, my church, and the vast majority of Christians, would not. In many parts of the world where they meet, Sunday is still a working day – that is not an issue. For some, however, it would be an issue, particularly if they, for example, lived – as has been mentioned already and I will mention again a different example – on the Bridge or in the Rohais. Deputy Hadley has said, ‘If you do not want to see shops opening, don’t go near them.’ What if you *live* near them? That is a *big* issue for many people who have contacted me. They are not coming from a religious angle or anything else. In fact, some feel already there are problems and we know that is because of the compromise situation we are in. Definitely, the Law needs adjusting. Definitely, there are anomalies because, whenever you have a ‘shades of grey’ situation, you are going to have some anomalies that occur and probably will change from time to time. We have to live with it. So I am not certain, sir, how we would judge how this would work.

2760 On the other hand – and to come back to this mention of how long the 12 months is – I do not believe that we can, in 12 months’ time, find evidence, effectively, here – whether it is from the research that is done or whether it is from the UK – as to whether a place the size of Guernsey would be affected one way or the other. It would be very difficult. I have looked at research in the UK, similar sized towns and, over that period of time, where they have had some deregulation in the UK, some have seen nothing much change, and others it has taken a lot longer to see change, but change has come. Still others, it has happened, almost overnight, that there have been more social issues, there has been anti-social behaviour on the streets and Sunday has become like Saturday etc. It is very difficult to say where Guernsey would fit. That could be an argument to give it a go, but the problem with doing that, over that timescale, is the difficulty in then coming back afterwards and changing it because, I think, it would be like *unspreading* butter.

2780 Deputy Hadley said that people should be allowed to do what they want. I hope, and I believe, he was referring in terms of Sunday trading and perhaps a few other things, but *not generally*. We do not say that about other things. I believe that we do legislate, and rightly so, and we feel it is in the best interests of a community as a whole. I understand, if he is talking about individuals, because I am quite happy shopping on a Sunday and I do get frustrated sometimes when I go to France – which has, I think, very liberal laws on Sunday trading, if I remember correctly – when I cannot even find petrol on Sundays; but, you know, it is not my ‘human right’ to be able to shop when I like.

2785 Unlike somebody, when I was first canvassing in the year 2000, who thought I would be very much in favour of Sunday Observance laws, who told me it was a *human right* to be able to shop on a Sunday, and I said, ‘Well, that is all very well. I would like to shop at IKEA. Is it my ‘human right’ to have IKEA move here so that I can shop here?’ It is *not* a human right. It is not as important as that. That is why, in some ways, it is a shame that we have had this whole debate today, based on the flimsy information that we have got here.

2790 I understand, sir, the support that the media give, particularly the *Press*. Obviously, they have their advertisers to support and most of their advertisers probably would want Sunday trading. But we have a problem here, as well, in terms of the free market because, sir, I am a free market believer, but I am not certain that, in respect of retail at the moment, with a handful of Gullivers as retailers and a score, perhaps a couple of score, of Lilliputian tiny retailers, that the market is fair at the moment. I think opening it up makes it much worse.

2795 Shopping online has been mentioned, sir, and I would contend that, actually, this is a very different experience to shopping in the way that might happen, were the Requête to be successful. Shopping online is something, obviously, that happens in your home. It has different social, community and economic, even, implications and I would not bring that into this debate.

2800 With regard to waste food, I suggest, sir, that Deputy Hadley and the requérants contact the Guernsey Welfare Service, who have just started a food bank and I believe have actually come to an agreement with Waitrose, but I may be wrong on that.

2805 Sir, I like to think of myself as a libertarian. I like to *believe* in freedom, but there are always costs and balances to that freedom.

2810 It was, in fact, *this year* that the UK government decided to allow some deregulation of Sunday trading for the purpose of the Olympics, for a *temporary* period. That was challenged to some degree afterwards because people did think... and, in fact, the government, I understand, did want to open it up further, but even in such an organ as the *New Statesman*, sir, it quotes:

‘The hardest of economic libertarians, Professor Michael Samuel, is asking John Redwood whether he was up for a free market in kidneys.’

2815 The free market is not, and should not, be just given in every situation as the panacea to cure all problems. We are here in Government and sometimes we have got to make a decision that recognises that it is a shade of grey, it is a middle ground and we need to work with that for the benefit of everyone in our society.

2820 I am not *absolutely certain*, either, of the benefits economically to Islanders that some Members have stated and this is where it would be very important to get all of that information from Commerce and Employment in a proper way. Our unemployment situation at the moment is *very different*, in terms of having so many out of work that the UK have. We are in a different situation altogether.

2825 Sir, Napoleon is quoted as saying, ‘Britain is a nation of shopkeepers’ – in a derogatory way. I am quite glad that, in a way, Guernsey is not like that. We are different from the UK. We are different from elsewhere. I do not think it is right for us to follow that.

I am a libertarian, as I mentioned before. I believe in the free market. I am also a Calvinist, but I am not a fatalist. I am more like the Presbyterian who fell downstairs and said, ‘I’m glad that’s over with!’ (*Laughter*)

2830 I do not think it would be right for us to go ahead with the sort of trial that is demonstrated here and come up, in the end, and have the same debate all over again. What we need is the proper, informed, planned review, looking at the anomalies that Commerce and Employment have promised us, and I, for one, trust them to deliver on that.

2835 Sir, there have been other examples in history that have tried to tinker with seven days – six days working and one day off. The French Revolution comes to mind with their *décardine*, the day off of one in 10, and that did not work, sir. There are plenty of other examples. It does not work because it is good for the community to have a day that is *different* and I, for one, certainly believe it is right to do that. We have *other* legislation that we could say we could tighten up on, or we

2840 could do something else. We could have a 20 m.p.h. speed limit, as it would be safer than 30 m.p.h. We do not, because we have come to an agreement – a compromise – on some of these things. We agree on them and, sir, I believe it is better to do that here.

Deputy Fallaize has mentioned that there is an affluent core divide, currently a core providing the services for the *affluent* on Sunday. Well, what would change if more retail outlets opened? More of the same, surely? This is not a cogent argument.

2845 Sir, I come back to my initial comments. I believe we need to review the Law in a proper way. If it is not currently a priority of Commerce and Employment, there are good reasons for that. They have looked at the economic benefit, they have looked at the social benefits of doing that *now*, and they say, no, that is for another time; there are *other* priorities.

2850 So I think we should respect that, as an Assembly – certainly, it should not be challenged with the sort of Requête that we have got here, that does not provide *adequate* cogent arguments to change the Law or to have a trial, as has been suggested at the moment.

I urge Members of this Assembly, sir, to vote against the Requête.

2855 **The Bailiff:** Deputy St Pier, you have spoken; you do not wish to speak again, do you, sir?

Deputy St Pier: Just a brief point of clarification, sir.

Could we have the assurance of the Deputy Chief Minister that he will give his wholehearted support to the *Hansard* people who have to record his opening comments? (*Laughter*)

2860 **Deputy Le Tocq:** Sir, I was actually interested to see how they would do that. That is another reason for doing it!

The Bailiff: Deputy Domaille, and then it will be Deputy Stewart.

2865 **Deputy Domaille:** Thank you, sir.

Nothing has been said in the debate that impacts at all on the Environment Department's comments only to the Requête, so I am going to speak purely personally.

2870 I think what I would like from Deputy Stewart, because I have just heard Deputy Le Tocq say that Deputy Stewart has *promised* to come back with a report... That was not quite the answer I had understood, so I will just ask again if, in his summing up, if Deputy Stewart would give an undertaking to promise – if that is the right word – to come back during the lifetime of *this* Assembly *with* a full Report. That may well impact on how I vote for this Requête.

2875 I think the point here, really, is that everyone, I think, is agreed that the existing situation is a *mess*. In my opinion, at least – and in the opinion of many Members – it is actually indefensible, for the reasons that many Members have already stated.

Mention has been made of *old* Guernsey values: freedom of choice and fairness are two such values. The existing situation restricts freedom of choice for the people of Guernsey and is *patently* unfair. I cannot condone the existing situation, and unless I receive that assurance from Deputy Stewart, I *will be* voting for the Requête.

2880 Thank you, sir.

The Bailiff: Deputy Stewart.

2885 **Deputy Stewart:** I am here to please, sir!

During the speeches, I managed to confer with my Board under the terms of good collective responsibility, and my Board has indicated that we will come back, during this term, with a Report to this Assembly, sir.

2890 The other *facts* that I would like to raise, just to clear up on something that was said yesterday, about a survey done with Island FM: I took the liberty to phone them this morning. They have received 217 votes, and this is primarily 15 to 45-year-olds – that is their remit, in their format, that is who they broadcast to – 53% wanted to keep the Law as is; 46% voted for change. So that just clears up that.

I would say to Deputy Mary Lowe: workers' rights was not a red herring. When we do the review, workers' rights will have to, obviously, be part of that.

2895 Because so much has been said – but just to clear up on a couple of facts that I do have to hand, and Deputy Le Tocq mentioned the Olympics and the trading suspension – the figures released in September by the Office for National Statistics show retail sales in August fell by 0.2%. USDAW, basically, their comment, off the back of those figures – who represent the workers – their General Secretary said:

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‘Our survey, together with the ONS figures and those from retailers such as Lakeland, show the Government’s decision to suspend Sunday trading laws for the Olympic and Paralympic Games was a mistake – both socially and economically.

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As we warned at the time, opening stores for longer doesn’t increase consumer spending, but it does increase retailers’ costs...’ –

and that is one point that has been made to me by local retailers.

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I think Deputy Luxon asked for something to make him vote one way or the other. He is a businessman, and I think he can understand increased costs for the same revenue actually do not add up. That is the experience that has come back from the experiment.

We will come back with a full review, and that is why I would suggest Members vote against this Requête, give us a chance to come back with a proper Report that is well researched to the Assembly. Give C & E a chance to do its job.

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The Bailiff: Chief Minister – and then, after this, it will be Deputy Hadley to reply to the debate.

Deputy Harwood: Mr Bailiff, I have already spoken in my personal capacity.

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In my capacity as Chief Minister, I would wish to draw to the attention of all Members the comments received from the Douzaines, which are annexed to the formal Requête. You will see there, I think, an example of voices expressing the interests of their local communities. I appreciate they may not be ‘political’ voices; they are nevertheless, I believe, expressions of views which should be taken into account. (**A Member:** Hear, hear.)

2925

Thank you, sir.

The Bailiff: Deputy Hadley now will reply to the debate.

Deputy Hadley: Thank you, Mr Bailiff.

2930

We started this debate with Deputy Duquemin saying that the current Law is needed to keep Sunday special. Well, I would say to him the Law does not keep Sunday special. People’s attitudes and behaviours keep Sunday special and whether it is special for them, it might not be the same for something else. So many shops open now that, in fact, as I have said before, I do not think the passage of this Requête will make a great deal of change.

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He referred to the issue of a UK supermarket, and I think he was probably referring to Waitrose. In fact, I would say this is a Guernsey-owned supermarket, because Waitrose is owned by its employees, so the employees of Waitrose own the company, and I think this is a very good concept. In fact, I often think it is very good because our two major supermarkets – one is owned by its staff, and one is owned by its customers.

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He asked for a 338-page Report. The States are very good at Reports. They produce numerous Reports. They often do not say very much when you boil it all down, but one thing you can be assured of is they will cost us a lot of money. Now, he wants us to... And to answer the ‘sit back and relax’ comments, I like sitting back and relaxing on a Sunday, now that I no longer have to work on a Sunday, and I often do it with my wife, on the days she is not working all day on a Sunday. But again, the quality of life is how you organise things.

2945

I thank Deputy Lowe for the very many important issues that she brought up in debate.

We then went on to Deputy Luxon. He wanted evidence about the economic benefits of Sunday trading. I have here a quote from the Institute of Fiscal Studies but, not being an economist, I conferred with Prof. Conder, who *assured* me that an opinion of the Institute of Fiscal Studies was, indeed, worth quoting. ‘You can’t get better than that’, I think is what he said.

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The Institute of Fiscal Studies, looking at the issue of Sunday trading in the United Kingdom, said:

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‘The increased efficiency of the retail sector will contribute to overall productivity growth and will tend to increase Britain’s competitiveness and increase employment and/or real incomes for everyone.’

That is the opinion of the Institute of Fiscal Studies on opening up Sunday trading.

Another report from the Department of Trade and Industry, at the same time, said:

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‘Increased capacity utilisation for retail stores would reduce energy and land use per unit of sale, since these inputs are required more or less independent of opening hours. Increased productivity and a reduced environmental impact therefore tend to go hand in hand.’

2965 One of the things that, if we are talking about environmental impact, people should bear in mind, because this has been raised, is that seven-day opening is using our assets much better, obviously: an asset which is only being used for six days is used for seven. There are fewer supermarkets than this Island can sustain, and Deputy Luxon and I were at a meeting together where it was suggested that, indeed, the Island could stand another supermarket, were the land or opportunity to be available. So, in fact, utilising our current assets might mean that we do not have another supermarket come in, taking up land use and so forth.

2970 Deputy Brouard went on to say that it was not really a trial. I think he thought there would be no going back. Well, as has been mentioned, in the UK, shops were open for the Olympics for a trial period and then, afterwards, that was ended. It does not necessarily mean that you are going to go.

2975 A number of people have talked about this issue of the character of the Island changing, and... Excuse me, I am forgetting who I am talking about now!

2980 Deputy Storey: the conclusions *he* seemed to draw were that opening on a Sunday, and with the small amount of extra business, will stop travel links and damn the Island forever, I would have thought he seemed to be saying. I think people are tending to extrapolate a very small change to try and predict really large results, which will not, in fact, happen.

I would rather not go through the rest of them, because I think we have all probably had enough! (**Several Members:** Hear, hear!) I think if we sum them all up, there *has been* the research that shows a boost for the economy. There is little doubt about that. The suspension of the restricting Ordinances has far more economic benefit than a downside. People have asked for... have been criticised by the Chief Minister, amongst others, for saying this is not the way we should be 'doing Government'. In fact, this is *always* the criticism of any Requête that comes from the floor. Obviously, there are not the resources of an individual Member that there would be for a whole Department in producing copious Reports. No business would run itself producing the sort of copious Reports we seem to be asking for. By all means, vote against the Requête if you *really believe* that Sunday trading is detrimental to the Island. This is a way of finding out.

2985 What is fairly certain is, if this Requête is rejected, we will then wait for a very expensive Report which may or may not come, because we know Departments do not always carry out the instructions of the Assembly. It will not be the first, and we have to go through this all over again.

2990 I would urge Members to support the Requête and give the people of Guernsey the freedom to live their lives as they wish.

2995 Thank you very much.

The Bailiff: Deputy Lester Queripel. (*Interjection*) It is a recorded vote, yes.
Deputy Lester Queripel.

3000 **Deputy Lester Queripel:** Yes, sir. Deputy Hadley did not answer my question, sir. Might I ask him to answer it, please – about the nuts and bolts of the content, the format of the review, please?

3005 **Deputy Hadley:** That is up to the Department. Personally, I think a review is just a waste of the States' money. It is up to the Commerce and Employment Department.

I note, incidentally, that the Board met at lunchtime: I see I have been kicked off it, because I was not told (*Laughter*) there was a meeting or invited to go! (*Laughter and interjections*)

3010 **The Bailiff:** Members, we come then to the vote on the propositions in the Requête, on page 2123 of the Requête, and I remind you that the propositions were amended by the successful amendment proposed by Deputy Stewart, seconded by Deputy Brouard.

There is a request for a recorded vote.

3015 I put both paragraphs 1 and 2 – Propositions 1 and 2 – to you together, unless anybody has requested –

Deputy Fallaize: Sir, I would like them taken separately, please.

The Bailiff: You would like them taken separately?

3020 In that case, Deputy Hadley, do you wish to have a recorded vote on both? (**Deputy Hadley:** Yes, sir.)

So what we are doing now, then, just so that everybody is clear, you are voting on Proposition 1 on page 2123, as amended by the Deputy Stewart/Deputy Brouard amendment:

3025 ‘The States are asked to decide:-
Whether, after consideration of the Requête dated 6th September, 2012 signed by Deputy M Hadley and six other Members of the States, they are of the opinion:-

3030 1. To direct the preparation of such legislation as may be necessary to suspend the operation of the Sunday Trading Ordinance, 2002 as amended, for a trial period of 12 calendar months commencing 1st March 2013 and to provide that any Sunday opening licences granted under that Ordinance which are due to expire on 31st December 2012, shall remain valid until 28th February, 2013.’

There was a recorded vote.

Lost – Pour 13, Contre 28, Abstained 1, Not Present 5

3035	POUR	CONTRE	ABSTAINED	NOT PRESENT
	Deputy Sillars	Deputy Perrot	Alderney Rep. Arditti	Deputy Inglis
	Deputy Hadley	Deputy Brouard		Alderney Rep. Kelly
	Deputy Kuttelwascher	Deputy Wilkie		Deputy Bebb
3040	Deputy Brehaut	Deputy De Lisle		Deputy Collins
	Deputy Domaille	Deputy Burford		Deputy Green
	Deputy Le Clerc	Deputy Soulsby		
	Deputy Sherbourne	Deputy Luxon		
	Deputy Conder	Deputy O’Hara		
3045	Deputy St Pier	Deputy Quin		
	Deputy Fallaize	Deputy Harwood		
	Deputy Lowe	Deputy Langlois		
	Deputy Le Lièvre	Deputy Robert Jones		
	Deputy James	Deputy Gollop		
3050		Deputy Storey		
		Deputy Lester Queripel		
		Deputy Stewart		
		Deputy Gillson		
		Deputy Le Pelley		
3055		Deputy Ogier		
		Deputy Trott		
		Deputy David Jones		
		Deputy Laurie Queripel		
3060		Deputy Spruce		
		Deputy Duquemin		
		Deputy Dorey		
		Deputy Paint		
		Deputy Le Tocq		
		Deputy Adam		

3065 **The Bailiff:** We will get the results in a moment, but I think that is lost.

If it *is* lost, it seems to me that Proposition 2 really falls away, doesn’t it? Yes. So there is no need to take a vote on it. (*Interjection*) No – because there will not be a 12-month period during which data can be collected.

3070 *There was a pause while the votes were counted.*

The Bailiff: Members of the States, the result of the vote on Proposition 1 of the Requête, as amended, was 13 votes in favour, 28 against, with one abstention. I declare the Proposition lost.

3075 As I say, Proposition 2 falls away, so that concludes debate on the Requête – and I believe concludes the business of the States meeting, does it not, Greffier?

Will you please close the meeting?

3080 *The Assembly adjourned at 4.18 p.m.*