

# STATES OF JERSEY



## **DRAFT SHOPS (REGULATION OF OPENING) (AMENDMENT) (JERSEY) REGULATIONS 201- (P.76/2014): SECOND AMENDMENT**

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Lodged au Greffe on 10th June 2014  
by Deputy A.K.F. Green of St. Helier

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**STATES GREFFE**

**PAGES 9–10, REGULATION 3 –**

In the inserted Regulation 23A –

- (a) in paragraph (2), after sub-paragraph (c) insert the following sub-paragraph and renumber the remaining sub-paragraph accordingly –
  - “(d) notwithstanding Regulation 12(5) to (7) a Connétable must impose a condition on a general permit in respect of a larger shop that, throughout the time that the shop is open on the days mentioned in Regulation 6(2), an owner of the shop must be present in the retail sales area;”;
- (b) after paragraph (2) add the following paragraphs –
  - “(3) For the purposes of paragraph (2)(d), but subject to paragraph (4), an owner of a shop is –
    - (a) if the business of opening the shop is carried on by an individual, that individual;
    - (b) if the business of opening the shop is carried on by a body corporate or other entity having separate legal personality, an individual who is a director, partner or other officer of the body corporate or other entity; or
    - (c) if the business of opening the shop is carried on by a partnership that does not have separate legal personality or by an unincorporated association, an individual who is a partner or officer of the partnership or association.
  - (4) If none of the individuals who would be an owner of the shop, by virtue of paragraph (3), is resident in Jersey, the manager of the shop is, for the purposes of paragraph (2)(d), the owner of the shop.”.

DEPUTY A.K.F. GREEN OF ST. HELIER

## **REPORT**

P.76/2014 is intended to facilitate wider Sunday trading, allowing over an 18 month period a trial during which any shop with a permit may open on a Sunday for up to 6 hours within the opening times of 10:00 a.m. to 6.00 p.m. The trial ends on 31st December 2015.

To understand if a trial is successful or otherwise, it is essential that ongoing evaluation takes place; clearly the indicators of success must be specific and measurable. Indicators must also be wider than just financial; for example, the effects on staff and family life, the inconvenience to neighbours whose only quiet day, free of noisy deliveries, is until now a Sunday. Such factors must be measured and considered in any evaluation.

Financial evaluation, profit and/or loss are simply measured, whilst the environmental effects on neighbours and the social disruption to family life is more difficult to measure, but are nonetheless important factors in evaluating the trial. Such evaluation requires a good deal of skill and will necessitate observation and recording. This really can only be carried out by a senior member of the management team who is not actually working in an operational capacity. It is for this reason that my amendment seeks to have a named director, partner or owner present in the shop retail area during the hours of opening on a Sunday as a condition of the permit.

### **Financial and manpower implications**

There are no additional financial or manpower implications for the States arising from this amendment.