

2.4 Deputy R.G. Le Hérissier of the Connétable of St. Clement, rapporteur for the Comité des Connétables regarding the processing of applications for Sunday Trading licences:

Would the Chairman outline the steps taken by the Comité to ensure applications for Sunday Trading licences are subject to a minimum of bureaucracy and expense?

Connétable J.L.S. Gallichan of Trinity (Chairman of the Comité des Connétables):

The Connétable of St. Clement will act as rapporteur for this question.

Connétable L Norman of St. Clement - rapporteur:

It is difficult to conceive that applications for Sunday Trading permits could involve less bureaucracy and expense to comply with the law and regulations approved by the States last year. How it works is a business submits a formal application to the Constable, the form for which is supplied by the Parish Hall. The Constable then decides whether the application should be allowed and if so whether any conditions shall be applied to the permit such as number of deliveries and opening hours and so on. The permit is then issued. In the case of a general permit, which allows the business to open 52 Sundays a year plus Liberation Day, Good Friday and 26th December, a floor plan is required to be submitted with the first application to ensure that the premises are entitled to that type of permit. The fee for a permit is £50 which equates to 90 pence for each day which the general permit can apply during a year.

2.4.1 Deputy R.G. Le Hérissier:

Would the Connétable confirm whether or not the provision, for example, of the floor permit requires the employment of a surveyor in order to attest as to the size of the floor and, if so, why the word of the owner of the business cannot be taken at face value?

The Connétable of St. Clement:

The vast majority of businesses, when they take out a lease or purchase a business premises or extend the business premises, obviously have plans attached to the various consents and paperwork and those are perfectly acceptable to the Constable.

2.4.2 Deputy R.G. Le Hérissier:

Can we, therefore, gain comfort from the Connétable in that it is not necessary that there be submitted a form attested to by a surveyor as to the amount of floor space in a business, that is not necessary and the cost, therefore, need not be entered into?

The Connétable of St. Clement:

Provided that the business has a floor plan which has been prepared when the lease of the premises or the contract for sale of the premises or when the premises were extended or built is then shown to the Constable, which clearly would be done by a professional surveyor or architect, that is perfectly acceptable to the Constable.

2.4.3 Deputy S. Power of St. Brelade:

Can I ask the Constable a supplementary question on this? In a business where a forecourt, for instance, trades on a Sunday and has a trading licence for a Sunday, but whose workshop is closed on a Sunday, that business has to submit an application for and on behalf of the whole gross area even though 75 per cent or 80 per cent of the business is closed on a Sunday. Would he agree that this is an anomaly and needs to be looked at?

The Connétable of St. Clement:

Well, I am not sure if it is an anomaly. It is part of the law and regulations which were approved by the States last year for business premises which apply for a Sunday Trading permit. The premises are as is normally operated during the week so it is a perfectly clear part of the regulation. The whole of the premises is the one which a permit would be applied for.

2.4.4 Deputy J.G. Reed of St. Ouen:

Could the Constable confirm that, indeed, all commercial businesses are charged rates on the square footage of the premises?

The Bailiff:

What has rates got to do with Sunday Trading?

The Deputy of St. Ouen:

It is the second part of the question that is perhaps more relevant because if businesses are required to pay rates on the square footage of their business then it makes sense if the business ensures that the square footage is properly identified so that they pay appropriate rates.

The Connétable of St. Clement:

Clearly the business premises and, indeed, normal householders, have to submit their rates form, their rate returns, which indicate the square footage of the property. Unfortunately, the Deputy may remember that when we brought the regulations last year it was discovered that at least 2 business premises had underestimated on their rates return the amount of square footage of their properties so the rates returns cannot be relied on for the purposes of the Sunday Trading Law.

2.4.5 Deputy M. Tadier:

Will the rapporteur say whether there are currently any legal challenges from disgruntled applicants on human rights grounds because the Constables are both those who administer the Sunday Trading Law and the ones who, in the States, have participated in voting for the Sunday Trading Law?

The Connétable of St. Clement:

No.

2.4.6 Deputy M. Tadier:

Does the Chairman anticipate that they are likely after this Assembly... that there will be in future challenges from members of the public on human rights grounds because Constables are the ones who both administer the Sunday Trading Law and have been involved in making that Sunday Trading Law in our government?

The Connétable of St. Clement:

I have absolutely no idea. That is pure speculation.

[10:00]

Deputy T.A. Vallois of St. Saviour:

I was going to ask a question with regards to appeal mechanisms and I am sure that would fall under the last question so I will not bother asking.

The Bailiff:

Do you wish a final question then, Deputy Le Hérissier?

2.4.7 Deputy R.G. Le Hérissier:

Apropos what Deputy Power said, could the Connétable confirm, therefore, that the application for a Sunday licence applies to the gross square footage not to the active business area that will be used on the Sunday?

The Connétable of St. Clement:

It applies to the area to which the general public normally have access during the week.