

PE1780/H

Minister for Business, Fair Work and Skills submission of 23 December 2020

When I wrote to the Committee on 17 December I undertook to write again once I had deliberated further.

I would like to reiterate again the Scottish Government's recognition of the work that retailers and their workforce have undertaken over the last year which has been an exacting period. They have helped the country keep going and I am extraordinarily grateful for the efforts they have made.

Since issuing my letter to you I have had the opportunity for further discussion on the issue. On 18 December I had a call with Jackie Baillie and Maurice Golden in their capacity as party spokespeople. Other party representatives were invited but did not attend. I was grateful to both Ms Baillie and Mr Golden for the chance to speak with them.

As I indicated in my last letter I also had a call on 21 December with Stewart Forrest and Tracy Gilbert of Usdaw and David Lonsdale of the Scottish Retail Consortium. This was a helpful opportunity to build on the engagement I have had previously to discuss in detail the proposition in petition PE1780 that your Committee continues to consider.

In addition, I asked my officials to thoroughly examine and reconsider all possible vehicles that could be used to enact legislation by 1 January 2021. That detailed assessment has led me to conclude that the position set out in my letter – that utilising legislative means to put in place the closure of large retailers on New Year's Day on 1 January 2021 in a robust and legally defensible way in the time available is I am afraid to say not possible.

We have of course moved into a different phase of responding to the pandemic since we exchanged correspondence that sees us now heading into a period of further measures which will see mainland Scotland moving into level 4 and bringing further restrictions in regulations to the list of essential retail sector that will require a larger cohort of retail businesses to close from 26 December. This itself greatly reduces the number of large retailers as defined in the Christmas Day and New Year's Day (Trading) (Scotland) Act 2007 which will be able to open on 1 January 2021.

On the matter set out in the petition I want to signal my intent to continue to give this matter very careful consideration and to revisit this early in 2021 based on the helpful dialogue I have had with unions and retailers. I will therefore write to the Committee again as early into the New Year as I possibly can.

I will of course also be informed by any recommendations that the Committee makes.

I trust the details I have laid out here are helpful but please do not hesitate to revert back to me as necessary.