



## **Home Office Select Committee: Draft Anti-social Behaviour Bill**

### **Written Evidence from the Association of Convenience Stores**

#### **Introduction**

1. ACS (the Association of Convenience Stores) welcomes the opportunity to submit evidence to this inquiry. ACS represents 33,500 local shops across the UK and encourages retailers to combat retail crime and antisocial behaviour through staff training, age verification initiatives and crime reduction partnerships. ACS works closely with the Home Office on a range of retail crime issues and is a member of the National Retail Crime Steering Group.
2. ACS welcomes the Anti-Social Behaviour Bill and has been working with the Home Office from the outset to ensure that Bill will deliver effective measures to support local shops and the communities they serve. Local shops regularly suffer from anti-social behaviour whether through direct abuse and property damage
3. ACS supports the swift implementation of the Bill so that the Police, Local Authorities and communities should have access to robust powers to tackle anti-social behaviour and be able to deliver visible and effective outcomes.

#### **Local Shops and Anti-Social Behaviour**

4. The latest retail industry crime figures<sup>1</sup> shows that out of the categories of retailers affected by antisocial behaviour, convenience stores are particularly vulnerable with 53% of incidents per 1000 employees in 2010-11 against convenience stores.
5. ACS Voice of Local Shops Survey<sup>2</sup> on crime shows that anti-social behaviour remains a significant problem for convenience retailers. 41% of retailers surveyed in the last quarter said that levels of violence and verbal abuse had stayed the same and 18% reported an increase. Members also reported high levels of shop theft, with no more than 11% of retailers reporting no instances of shop theft for the entire four quarters.
6. Anti-social behaviour goes beyond staff intimidation, violence and theft, retailers also have to contend with environmental anti-social behaviour such as graffiti, littering and vandalism and staff intimidation. These issues cause a significant amount of lost trade to

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<sup>1</sup> [BRC Retail Crime Survey 2011](#)

<sup>2</sup> [ACS Voice of Local Shops Survey 4](#)

retailers and compel them to further invest in crime reduction measures, thus taking money away from other areas of their business.

7. Research recently commissioned by ACS called *Local Services: Happy Places*<sup>3</sup> identified that two of the key drivers for citizens' satisfactions within their community are safety and security and appearance and cleanliness. Local shops are at the heart of the community and they work hard to mitigate any perception that they are the sources of environmental or physical anti-social behaviour.
8. The perception that local shops are the source of drink-fuelled anti-social behaviour is a simplistic assumption, particularly in relation to the supply of alcohol to underage drinkers. Independent industry figures<sup>4</sup> show that local shops match supermarkets in test purchase pass rates and perform better than pubs and clubs. There are also strong industry commitments to age verification schemes, Community Alcohol Partnerships and the Government's Responsibility Deal reducing the number of alcohol units in store.

## **New Powers**

9. The most relevant new powers set out in the bill for ACS and included in our written evidence are:
  - Community Trigger
  - Community Remedy
  - Community Protection Notices
  - Community Harm Statement

## **Community Trigger**

10. ACS welcomes the inclusion of the Community Trigger policy in the Bill. This policy did not originally include businesses within its scope but the Home Office have been responsive to our concerns that businesses need to be allowed to use the trigger.
11. Providing local shops with a consistent and guaranteed response to anti-social behaviour and level one criminal activity is of fundamental importance. Currently, inconsistent police response to offenders against local shops reinforces the view that retail crime is victimless and encourages reoffending. The Community Trigger will go some way to ensuring that shops can get a joined up consistent approach to persistent offenders.
12. The provisions in the draft bill for the Community Trigger should provide a maximum threshold for the number of instances of reported crime in a prescribed timeframe. We understand the importance and value of Ministers' intention to allow the relevant local bodies to set their own threshold for this, but a statutory maximum would ensure an easy

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<sup>3</sup> [Local Services Happy Places](#)

<sup>4</sup> [Checked out: The Role of ID Checks in controlling under-age drinking](#)

to understand and consistent standard across the country. Local authorities would be free to vary their thresholds below the maximum according to local priorities.

13. The danger of not having a limit to response level set out in legislation is that the community trigger becomes inconsistent in its application and therefore confuses the victims that it is designed to reassure. The trigger is after all first and foremost a reassurance for victims that low level crimes that cause distress and worry will be taken seriously, especially where they are persistent.

### **Community Remedy**

14. ACS welcomes the Community Remedy policy in the Bill and will be responding in full to the Home Office's public consultation. Consultation with victims of all types of crime is a vital to the credibility and effectiveness of our justice system. The Community Remedy policy is a great opportunity to give citizens a visible and accountable response to low level offences and anti-social behaviour.
15. To be effective the Community Remedy must be implemented effectively and the business community needs to be a key consultee on the penalties available under the list of sanctions. In the majority of cases retailers are likely to favour payment of direct financial compensation for lost stock or damage to the property, such as cleaning graffiti from walls. The inclusion of direct compensation in the list of options for victims is important to making this proposal credible with victims.
16. Implementation of the Community Remedy must not compound the problem of over use of out-of-court penalties or the inappropriate application of penalties. Appearances at magistrates' courts and the application of custodial sentences are important elements in dealing with prolific and violent offenders. A number of retailers have been so disillusioned by the ability of the criminal justice system to deal with offenders that they have now pursued civil proceedings against offenders, banning them from stores and seeking compensation.
17. Previous experience of Restorative Justice Programmes has shown that retailers and retail staff are not always consulted on penalties given to offenders. This has resulted in a number of unsatisfactory outcomes for retailers and lack of reparation for the harm they have received. There has been extensive debate about the application of out-of-court penalties and their effectiveness in delivering victim satisfaction and preventing reoffending. The latest data<sup>5</sup> on fixed penalty notices shows that there were 127,530 notices issued in 2011. 34,688 notices were issued for retail theft under £200; over half of these notices (18,411 notices) went unpaid. Moreover, retailers report that police are not issuing fixed penalty notices appropriately i.e. for repeat offenders or where there has been aggression to staff.

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<sup>5</sup> [Nick Debois MP, Parliamentary Question, 03/09/2012](#)

## **Community Protection Notices**

18. Retailers want to ensure that their premises are not a source of any form of anti-social behaviour in their community. ACS acknowledges that Community Protection Notices (CPNs) have a role to play in the elimination of antisocial behaviour, but want to ensure that the guidance on how they are implemented is fair and consistent if used against businesses.
19. For example, to what extent is a local shop responsible for litter outside their store if refuse facilities are made available to customers, or the presence of street drinkers if all licensing conditions and due diligence procedures have been met by a retailer? CPNs would only affect retailers that persistently choose not to manage anti-social behaviour that they are directly responsible for affecting their local community; this will have no impact on responsible businesses.

## **Community Harm Statement**

20. A mechanism to report the wider impact of crime on the community, including businesses, would be a welcome measure. ACS has been working with the Ministry of Justice on improvements to the provision for business in the Victims' Code and Victim Personal Statement. ACS has recommended that the Ministry of Justice create a business impact statement allowing businesses to report the wider impact of crime against them. Community Harm Statements would also provide Magistrates' Court with more information to deliver informed sentencing decisions.
21. For further information on this evidence please contact Edward Woodall, Public Affairs Manager via email on [Edward.woodall@acs.org.uk](mailto:Edward.woodall@acs.org.uk) or 01252 533014. ACS would be willing to provide oral evidence to the Home Affairs Select Committee.