

## **ACS Consultation Response: Sentencing Council Guidelines Burglary Offences**

ACS (the Association of Convenience Stores) welcomes the opportunity to provide evidence to the Sentencing Council on sentencing guidelines for burglary offences. ACS represents 33,500 local shops across the country including the Co-op, Spar, Londis and thousands of independent retailers.

### **Overview**

Retail crime is a significant concern for retailers and burglaries have been highlighted as a particular problem. In ACS 2010 crime survey<sup>1</sup> burglaries were shown to be one of the most high cost crimes against retailers. ACS crime survey gathered responses from 3,584 local shops and recorded 552 instances of burglaries with a total cost of £1.8 million in 2010. This means that out of every 100 hundred convenience stores 15 were victims of burglaries in 2010, costing each victim on average £3,306. These figures provide a snapshot of the extent of the problem of burglaries against retailers.

As a result of significant investment in loss prevention measures across the retail sector the rate of burglaries has reduced in recent years according to the British Retail Crime Survey 2010<sup>2</sup>. Overall retailers have invested £210 million in crime prevention measures but burglaries remain one of the top three priorities that retailers would like to see an effective response to. Therefore the Sentencing Council's consultation on sentencing for burglary offences is of great interest.

### **Sentencing Guidelines**

#### *Non-Domestic and Residential*

Sentencing guidelines for burglaries are an important deterrent for criminals contemplating burgling homes and businesses. The Sentencing Council has made a very clear distinction in their guidelines that non-domestic burglaries are not as serious as domestic burglaries. ACS believes that the distinction between domestic and non-domestic may not be as clear cut for operators in the convenience sector.

The largest proportion of the convenience sector remains independent retailers, many of which will live above or in close vicinity to their store. This means that an intrusion of their shop would be the same as an intrusion of their home by a burglar. The emotional harm and monetary loss for retailers that live above the store is likely to be equal to or greater than a normal domestic burglary and this should be reflected in the sentencing guidelines.

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<sup>1</sup> ACS Crime Survey 2010

<sup>2</sup> [British Retail Crime Survey 2010](#)

Sentencing guidelines must recognise non-domestic burglaries that have residential properties attached and lived in by the business owner or manager as an aggravating factor.

### *Non-Domestic Burglary Aggravating Factors*

Businesses are likely to be more favourably targeted by offenders because the value and stock held is of greater value. Convenience stores remain predominately cash businesses and also stock high cost items such as tobacco and alcohol. Recorded crime figures show there are more burglaries committed in buildings that are not dwellings<sup>3</sup>.

Taking into account the investment that businesses have made in crime prevention equipment it is also more likely that an offence against a business would require more planning and specialist equipment than a domestic burglary and are thus more likely to be committed by professional criminals. Therefore the Sentencing should consider aligning all or at least category 1 offence for non domestic burglaries to the same penalties thresholds for domestic burglaries.

### *Defining Harm*

It is undeniable that there is significant financial and emotional harm caused by burglaries against non-domestic properties, and the sentencing council rightly recognises this in the consultation. However, ACS believes that greater emphasis should also be placed on harm to communities as a result of non domestic burglaries.

Burglaries against businesses are likely to cause significant operational damage. This damage will impact a shop's ability to trade, firstly because the shop becomes a crime scene where police will need to gather evidence and secondly the operational ability of the store will be undermined. Burglars will target high value items like tobacco where stock and gantries may need to be replaced. If cash is targeted through ram raids this will also cause significant damage resulting in the shops closure for health and safety reasons.

The closure of a store will have implications for the surrounding communities, particularly for the most vulnerable like the elderly, and households that do not have access to a car. The current use of community impact statements by the police and business community is limited and is therefore unlikely to sufficiently communicate the wider impact. The sentencing council should place greater emphasis in guidelines on the impact burglaries against non domestic properties have on the surrounding community.

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<sup>3</sup> Home Office Statistical Bulletin: Crimes Detected in England and Wales 2010/11



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