



ACS Submission: Community Remedy Consultation

1. ACS (the Association of Convenience Stores) welcomes the opportunity to give evidence to the Home Office consultation on the Community Remedy policy included in the Anti-Social Behaviour Bill. ACS represents 33,500 local shops across the country including the Co-op, Spar, Costcutter, Nisa Retail and thousands of independent retailers.
2. ACS welcomes the Community Remedy policy in the Bill. 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.

Local Shops and Anti-Social Behaviour

3. The latest retail industry crime figures¹ 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.
4. ACS Voice of Local Shops Survey² on crime shows that anti-social behaviour remains a significant problem for convenience retailers. 37% of retailers surveyed in the last quarter said that levels of violence and verbal abuse had stayed the same and 14% reported an increase. Members also reported high levels of shop theft, with no more than 16% of retailers reporting no instances of shop theft for the entire four quarters.
5. 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 retailers and compel them to further invest in crime reduction measures, thus taking money away from other areas of their business.
6. Research recently commissioned by ACS called *Local Services: Happy Places*³ 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.

¹ [BRC Retail Crime Survey 2011](#)

² ACS Voice of Local Shops Survey 5

³ [Local Services Happy Places](#)

7. 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 figures⁴ 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.

Community Remedy

Consultation

8. 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.
9. PCCs should be encouraged to consult directly with the business community through neighbourhood policing teams, local business networks, business crime reduction partnerships and national representative bodies to promote engagement. Businesses as victims of anti-social behaviour will have different priorities than individual victims. The inclusion of direct compensation in the list of options will be important for the business community and also aligns with the Ministry of Justice move towards more direct compensation for victims.

Application of Out-of-Court Penalties

10. Implementation of the Community Remedy must not compound the problem of over use of out-of-court penalties or the inappropriate application of penalties. Out-of-court penalties are an effective sanction for first time offenders only, issuing these penalties to persistent offenders will only serve to encourage reoffending. Appearances at magistrates' courts and the application of custodial sentences are important elements in dealing with prolific and violent offenders.
11. The recording and application of the sanctions under the community remedy scheme must avoid the same pitfalls of existing out-of-court penalties. The use of the Community Remedy mechanism should be restricted to first time offenders, where there have been no acts of violence or excessive damage to property. ACS recommends that the community remedy must adhere to the same standards as penalty notices for disorder⁵.
12. 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. Previous experience of Restorative Justice

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

⁵ [Home Office: Main Offences, penalty amounts and procedures](#)

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.

13. 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 data⁶ 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.
14. For further information on this Submission please contact Edward Woodall, Public Affairs Manager, Edward.woodall@acs.org.uk or 01252 533014

⁶ [Nick Debois MP, Parliamentary Question, 03/09/2012](#)