



ACS Submission – Statutory Guidance for Offensive Weapons Act 2019

ACS (the Association of Convenience Stores) welcomes the opportunity to respond to the Home Office’s consultation on statutory guidance for the Offensive Weapons Act 2019. ACS’ response to this consultation relates specifically to making it an offence to sell products with certain corrosive substances to under 18s. ACS represents 33,500 local shops across the UK including the Co-op, Spar UK, McColls Retail and thousands of independent retailers. For more information on ACS see Annex A.

In our response to the Home Office’s consultation on new legislation on offensive and dangerous weapons, we expressed our support for the introduction of a new offensive preventing the sale of certain corrosive substances to under 18s. However, we called on the government to provide further clarification on the type of corrosive substances and the corrosive thresholds that the age restriction would apply to.

The guidance itself states that “it is the responsibility of the retailer to ensure that they are aware of any products they stock to which the age restriction applies” however “there is no requirement on manufacturers to tell retailers or sellers the substances and concentration levels of substances in their products”. Retailers are relying solely on the manufacturers of corrosive substances to provide details about the concentration levels to help them understand whether the age restriction affects these products. Where manufacturers do not provide this information to retailers, despite it being requested, we would welcome further guidance on what retailers should do in this circumstance. We believe this is not currently stipulated in the guidance and it integral to ensure retailers are able to comply with the regulations.

Please see below for ACS’ comments on specific areas of the guidance.

Guidance	ACS Comments
<p><i>Definitions (Page 8)</i></p> <p>“This type of approach is one which should be familiar to retailers and manufacturers and, by setting out the exact substance and the specific concentration limit, this will assist retailers and sellers in identifying those products that they are selling which would be captured by these age restrictions.”</p>	<p>Convenience retailers typically stock a very small range of household cleaning products and therefore will not be as familiar with this approach as a retailer which sells a large range of these types of products, e.g. hardware store.</p>
<p><i>Identification of products caught by age restrictions (Page 10)</i></p>	

“Whilst there is no requirement on manufacturers to tell retailers or sellers the substances and concentration levels of substances in their products, it is the responsibility of the retailer to ensure that they are aware of any products they stock to which the age restriction applies.”

“We would encourage manufacturers and wholesalers to provide assistance to them in confirming whether any of their products are captured by these age restrictions.”

“For EU manufacturers, there are existing regulations which require any manufacturer of hazardous chemicals or of products which contain hazardous chemicals to produce a safety data sheet which does set out the concentration limits of any hazardous chemicals that the product contains which includes corrosive substances. These sheets should be provided with the products and, if not, retailers and sellers need to ensure that the manufacturer provides these. If the purchasing of the products is done through wholesalers, then safety data sheets should also be available with the products but if not supplied this would be an issue to raise with the wholesaler to ensure that the products in question are not caught by these age restrictions.”

We believe that this is a huge flaw in the regulations.

Defences (Page 11)

“It is a defence for a retailer or seller if charged with the offence of selling a corrosive product to a person who is under the age of 18 that they had taken all reasonable precautions and exercised all due diligence to avoid committing the offence.”

“Requiring the person to produce recognised documents such as a passport or driving licence to prove that they are over the age of 18, or through the use of electronic age verification systems which will allow the purchaser to prove that they are over 18.”

Amending Schedule 1 (Page 12)

“We have placed a requirement on the face of the legislation that the national

<p>authority would only make any changes following consultation with persons likely to be affected”</p>	
<p><i>In store age verification (Page 13 &22)</i></p> <p>“This requires that it be in the form of a passport, a European Union photocard driving licence or other valid form of identification, including (for England and Wales) electronic age verification”</p>	
<p><i>Electronic and digital age verification (Page 13 & 22)</i></p> <p>“The legislation does not prescribe what age verification processes or systems should be used for the purposes of meeting one of the conditions for the defence to the offence of sale to an under 18 when the sale was made remotely”</p>	
<p><i>Enforcement of sections 1-4 (Page 16)</i></p> <p>“The legislation does not require sellers to register in their local area but this does not preclude the police or trading standards from setting one up for their local area.”</p>	<p>Welcome clarification that there is no enforcement if a retailer has not signed up to a local registration scheme with their trading standards.</p>
<p><i>Bladed articles – Definition (Page 23)</i></p> <p>The offence of sale of bladed articles to persons under 18, set out in section 141A of the Criminal Justice Act applies to:</p> <ul style="list-style-type: none"> • any knife, knife blade or razor blade; • any axe; and • any other article which has a blade or which is sharply pointed and which is made or adapted for use for causing injury to the person 	<p>While we welcome that the guidance has listed a range of items that would be considered to be captured by the legislation, we believe the guidance should further clarify that the age restriction clarification as to whether “bladed products” are within scope, including which do not relate to knives specifically which are caught by the definition of bladed article, including: pizza cutters, scissors, and potato peelers. This will demonstrate that it is not just knives that are within scope of the age restriction.</p> <p>This is important to demonstrate as we have heard anecdotally from members that test purchases are already being carried out on these products.</p>

ANNEX A

ABOUT ACS

The Association of Convenience Stores lobbies on behalf of over 46,000 convenience stores across mainland UK on public policy issues that affect their businesses. ACS' membership is comprised of a diverse group of retailers, from small independent family businesses running a single store to large multiple convenience retailers running thousands of stores.

Convenience stores trade in a wide variety of locations, meeting the needs of customers from all backgrounds. These locations range from city centres and high streets, suburban areas such as estates and secondary parades, rural villages and isolated areas, as well as on petrol forecourts and at travel points such as airports and train stations.



WHO WE REPRESENT

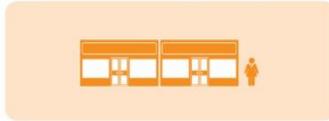
INDEPENDENT RETAILERS



ACS represents almost 19,000 independent retailers, polling them quarterly to hear their views and experiences which are used to feed in to Government policy discussions.

These stores are not affiliated to any group, and are often family businesses with low staff and property costs. Independent forecourt operators are included in this category.

SYMBOL GROUPS AND FRANCHISES



ACS represents over 14,000 retailers affiliated with symbol groups. Symbol groups like SPAR, Nisa, Costcutter, Londis, Premier and others provide independent retailers with stock agreements, wholesale deliveries, logistical support and marketing benefits.

Symbol group forecourt operators and franchise providers like One Stop are also included in this category.

MULTIPLE AND CO-OPERATIVE BUSINESSES



ACS represents over 13,000 stores that are owned by multiple and co-operative retailers. These businesses include the Co-Operative, regional co-operative societies, McColls and others.

Unlike symbol group stores, these stores are owned and run centrally by the business. Forecourt multiples and commission operated stores are included in this category.

THE CONVENIENCE SECTOR



In 2019, the total value of sales in the convenience sector was £40.3bn.

The average spend in a typical convenience store transaction is £6.38.



There are 46,388 convenience stores in mainland UK. 71% of stores are operated by independent retailers, either unaffiliated or as part of a symbol group.



The convenience sector provides flexible employment for around 405,000 people.

18% of independent/symbol stores employ family members only.



19% of shop owners work more than 70 hours per week, while 17% take no holiday throughout the year.

70% of business owners are first time investors in the sector.



Convenience stores and Post Offices poll as the two services that have the most positive impact on their local area according to consumers and local councillors.

78% of independent/symbol retailers have engaged in some form of community activity over the last year.



Between August 2018 and May 2019, the convenience sector invested over £633m in stores.

The most popular form of investment in stores is refrigeration.

OUR RESEARCH

ACS polls the views and experiences of the convenience sector regularly to provide up-to-date, robust information on the pressures being faced by retailers of all sizes and ownership types. Our research includes the following regular surveys:

ACS VOICE OF LOCAL SHOPS SURVEY

Regular quarterly survey of over 1,200 retailers, split evenly between independent retailers, symbol group retailers and forecourt retailers. The survey consists of tracker questions and a number of questions that differ each time to help inform ACS' policy work.

ACS INVESTMENT TRACKER

Regular quarterly survey of over 1,200 independent and symbol retailers which is combined with responses from multiple businesses representing over 3,000 stores.

ACS LOCAL SHOP REPORT

Annual survey of around 2,400 independent, symbol and forecourt retailers combined with responses from multiple businesses representing 7,556 stores. The Local Shop Report also draws on data from HIM, IGD, Nielsen and William Reed.

BESPOKE POLLING ON POLICY ISSUES

ACS conducts bespoke polling of its members on a range of policy issues, from crime and responsible retailing to low pay and taxation. This polling is conducted with retailers from all areas of the convenience sector.

For more information and data sources, visit www.acs.org.uk