

ECONOMY, ENERGY AND FAIR WORK COMMITTEE

PROTECTION OF WORKERS (RETAIL AND AGE-RESTRICTED GOODS AND SERVICES)
(SCOTLAND) BILL

SUBMISSION FROM ASSOCIATION OF CONVENIENCE STORES

ACS Submission: Protection of Workers (Retail and Age-Restricted Goods and Services) (Scotland) Bill

ACS welcomes the opportunity to respond to the Scottish Parliament Economy, Energy and Fair Work Committee call for evidence on violence and abuse toward shop staff. ACS represents 33,500 local shops across the UK including the Co-Op, Spar, One Stop and thousands of independent retailers. There are 4,973 convenience stores in Scotland providing secure, local flexible employment for 44,000 people. More information about ACS and the convenience sector can be found in Annex A.

ACS' 2019 Crime Report, identified that retailers' top concern is protecting their staff from violence.¹ Over the past year, there have been an estimated 9,782 incidents of violence in the convenience sector across the UK², 41% of which resulted in the injury of a retailer or a staff member which is unacceptably high.³ In addition, 83% of store colleagues experienced verbal abuse just for doing their job. In Scotland, 43% of independent retailers experienced verbal or physical abuse in the past year.⁴

ACS' Crime Report 2019 found that retailers and store colleagues are most at risk from violence and abuse when carrying out their daily work; enforcing age-restricted sales policies, refusing to serve drunks and trying to prevent shop theft. Retailers repeatedly cite these situations as the top triggers for aggressive and abusive behaviour from customers.

Despite significant investments by retailers, spending on average £4,080 per store on crime prevention measures, the levels of violence and abuse in stores are increasing. In total, crime against convenience retailers cost the sector £246m in the last year⁵. However, the real impact is on the people running and working in local shops. Violent incidents can be incredibly traumatic for individuals, causing not only physical injury but significant emotional impacts and leaving members of staff afraid to return to work.

ACS' Crime Report 2019, wider industry data and government data, clearly shows a growing problem of violence and abuse in the retail sector and the need for legislation to send a clear message to offenders that violence will not be tolerated and acknowledge the important work that retailers and store colleagues do to enforce the law.

1. What are your views on the Bill and what impact will it have?

ACS is fully supportive of the Protection of Workers (Retail and Age-Restricted Goods and Services) (Scotland) Bill to create a new statutory offence of assaulting, threatening, abusing, obstructing or hindering a retail worker and create a statutory aggravation to that offence where the retail worker is enforcing a statutory age restriction.

¹ ACS Crime Report 2019

² ACS Crime Report 2019

³ ACS Crime Report 2019

⁴ ACS Voice of Local Shops

⁵ ACS Crime Report 2019

ACS believes that creating a new offence and increasing penalties for offenders would act as a deterrent, reducing the levels of violence and abuse in the retail sector. Convenience retailers increasingly feel that offenders are willing to use more violence for less reward and that they do not fear the consequences. The general public is aware that assaulting a police officer or an emergency worker is a statutory offence which carries a tougher sentence than common assault and this could be equally effective in reducing in the levels of violence currently seen in the retail sector.

A new statutory offence would also provide confidence and assurance to retailers and their staff that they have another layer of protection from violence and verbal abuse in-store when carrying out their statutory duty. As retailers in Scotland are required by the Licensing Act to enforce Challenge 25, one of the top triggers for violence and abuse, they should be provided with the full protection of the law.

The creation of an offence of assaulting, threatening, abusing, obstructing or hindering a retail worker could provide the clarity for retailers to secure an appropriate response from police forces. The bill would improve confidence in the Criminal Justice System not only for retailers and victims of these crimes but also for members of the community in which they take place, which could help to improve the reporting rates for retail crime and violence.

2. **Having regard to existing offences (e.g. common law assault), is there a need for a new statutory offence of assaulting, threatening, abusing, obstructing or hindering a retail worker?**
3. **What are the potential benefits or problems in having such an offence?**

ACS believes there is a need for a new statutory offence, as common law assault has not been effective in dealing with the increasing problem of violence and abuse in retail settings. The very nature of working in a retail setting, serving the public and having a legal requirement to enforce the law makes shopworkers more vulnerable to violence and abuse, justifying a more specific statutory offence than common assault. The scale of retail violence has been well documented in industry research including ACS' Crime Report⁶, the British Retail Consortium's Retail Crime Survey⁷, Usdaw's Freedom from Fear Survey⁸ and the City University report 'It's not part of the job'⁹. The growing body of evidence shows rising levels of violence and abuse and demonstrates the need for legislative action.

Furthermore, the bill would provide additional protections for workers upholding statutory age-restrictions, which is not covered under existing common law. We believe that creating a new statutory offence is the right approach given the low awareness and perceived effectiveness of sanctions for attacks on shopworkers. Therefore, a specific offence with an appropriate sentencing guideline could help to improve awareness among retailers and store colleagues, which in turn could help to improve reporting rates. The sentences given for offenders attacking people serving the public must be appropriate to act as a deterrent.

Section 4, 5 and 6 of the Bill provide clear definitions of what a retail worker, retail premises and aggravation in relation to enforcement of age restriction is. Therefore, we do not envisage any challenges of distinguishing between retail-based assaults and common assault.

4. Should any new offence include all of the elements proposed in the Bill (e.g. should obstructing or hindering a retail worker be a crime, as is already the case in relation to various providers of emergency services)?

⁶ ACS Crime Report 2019

⁷ 2019 Retail Crime Survey

⁸ Usdaw's Freedom from Fear Survey

⁹ City University ['It's not part of the job' A review of evidence and policy](#)

ACS supports additional protections for retailers under the law. The bill should be clear in what is meant by obstructing or hindering a retail worker to determine what would be considered criminal behaviour to provide absolute clarity for retailers, police and prosecutors. If the person is obstructing or hindering in an abusive manner or expressing violent behaviour, this would constitute abuse under section 1 and therefore should be a crime.

5. Is the focus on retail workers appropriate (e.g. is it too narrow in not covering other workers who may, because of their work, be vulnerable to abusive behaviour)?

Yes. The scale of retail violence has been well documented in industry research including ACS' Crime Report¹⁰, the British Retail Consortium's Retail Crime Survey¹¹, Usdaw's Freedom from Fear Survey¹² and the City University report 'It's not part of the job'¹³.

6. What difference will the proposed aggravation, where the enforcement of a statutory age restriction is involved, make?

The enforcement of an age restriction is one of the most common triggers for violence in the convenience sector. The proposed aggravation would enhance the sentence given to an offender if they attempted to obstruct a retailer from carrying out the law. This would serve to restore the balance between the retailer's responsibility to request ID and the customers responsibility to provide it. The legislation and supporting guidance must make clear that the aggravation is for all age-restricted products.

7. What are the financial implications of the proposals?

The true impact of crime is on the people working in convenience stores, which is difficult to quantify. However, ACS believes that the proposals could help to reduce the financial burdens faced by retailers in dealing with violence and abuse against their staff, including staff hours lost for absence following a violent incident.

The financial impacts of retail violence are damaging to the convenience sector and the communities they serve. In the last year, retail crime cost the convenience sector £246 million, which is equivalent to £5,308 per store¹⁴. Reducing the cost of crime to the sector will enable retailers to focus more investments on delivering essential products and services to the local community.

8. What other action is or should be taken to protect retail and other workers?

Any change in legislation would need to be supported with a communications campaign to ensure that the general public are aware of the new sanctions. The creation of a new statutory offence will only be as effective as how well communicated it is to the public. It also must be properly enforced by the police and the justice system.

Links must also be made between retail crime, drug and alcohol issues, and violence. Non-court disposals are commonly used to address shop theft, but fines and cautions are often ineffective at addressing the root causes of these crimes. We do not support all offenders receiving short custodial sentences for shop theft offences, but repeatedly issuing fines, cautions and conditional cautions to offenders does not tackle the root cause and can facilitate an escalation to violence.

¹⁰ ACS Crime Report 2019

¹¹ 2019 Retail Crime Survey

¹² Usdaw's Freedom from Fear Survey

¹³ City University '[It's not part of the job' A review of evidence and policy](#)

¹⁴ ACS Crime Report 2019

Businesses are well placed to identify repeat offenders, whose offending may escalate into more serious crimes. Police should continue to work with businesses at local level in order to identify offenders at an early opportunity and take appropriate action to break the cycle of offending. ACS supports the CSJ's Second Chance Programme, which would provide a two-year programme of rehabilitation for the most prolific offenders, as detailed in the report 'Desperate for a Fix'¹⁵.

9. Are there any other aspects of the Bill you would like to comment on?

Clause 1 (3) - A person who commits an offence under subsection (1) is liable, on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the prescribed sum (or both).

The maximum sentence of 12 months may not be high enough in cases of serious violence for example actual bodily harm, knife crime or high-level common assaults. In order to provide an appropriate deterrent, the bill should consider upward flexibility to ensure that sentences will be appropriate for the offence committed.

¹⁵ Centre for Social Justice – [‘Desperate for a Fix’ Using shop theft and a Second Chance Programme to get tough on the causes of prolific drug-addicted offending](#)

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