



### **ACS Submission: Violence and Abuse Toward Shop Staff**

ACS welcomes the opportunity to respond to the Home Office's call for evidence on violence and abuse toward shop staff. ACS represents 33,500 local shops across the UK including the Co-Op Group, independent Regional Co-operatives, Spar, One Stop and thousands of independent retailers. More information about ACS and the convenience sector can be found in Annex A.

We hope that this call for evidence will provide the government with the information it needs to tackle violence and abuse towards retailers and shop staff. ACS' research, wider industry data and the Home Office's Commercial Victimation Survey, in our view, clearly show a growing problem of violence and abuse in the retail sector.

ACS' response to the relevant questions are detailed below. In addition, ACS recommends that the Government consider the following actions in response to the call for evidence:

#### **Central Leadership**

- Review the terms of reference for the National Retail Crime Steering Group (NRCSG) to build stronger relationships with a range of stakeholders throughout the Criminal Justice System, including but not limited to: policing, prosecutors, the sentencing framework, and the court system.
- Set up a new fund specifically for tackling violence in the retail sector. The fund would periodically invite bids for capital to support the development or deployment of promising initiatives to tackle retail violence, including technological, human and systematic solutions.

#### **Tackling the Root Causes of Offending**

- Increase penalties and sentences for offenders attacking shopworkers serving the public and review the sentencing guidelines for assault. We support the move away from the use of short custodial sentences, but the government must consider what credible alternatives will be used in their place to deal with violent offences.
- A comprehensive review of the Out of Court Disposals system to ensure that interventions are tackling the root cause of offending such as drug and alcohol addiction, instead issuing fines to repeat offenders.

#### **Police Response to Retail Violence**

- The Home Office should commission and fund H.M. Inspectorate of Constabulary and Fire Services (HMICFRS) to undertake a thematic review of violence against retail colleagues and invite representatives from retail onto the Steering Group.
- Include retail violence as a strategic priority in the Strategic Policing Requirement, accompanied by appropriate resources for local police forces to properly prioritise this issue.

- Encourage Police and Crime Commissioners to make provision for retail violence in their Police and Crime Plans, making retail violence a local priority for each force.

#### Triggers for Abuse and Reporting Incidents

- Acknowledge the key triggers for violence and abuse in the retail sector; managing shop theft, refusing to serve intoxicated customers and enforcing age restriction policies.
- Amend the Section 182 guidance to make clear that crime against a business cannot count towards alcohol licensing reviews.

### ***Section One: Prevalence and Data***

#### **Q1. In your opinion, has the issue of violence and abuse toward shop staff increased in recent years?**

Yes.

#### **Q1a. If you agree that the issue of violence and abuse toward shop staff has increased in recent years, please give reasons.**

ACS' Crime Report 2019 estimates there were 9,782 incidents of violence in the convenience sector in the last year<sup>1</sup>. The Home Office's Commercial Victimisation Survey also clearly shows that workers from the wholesale and retail sector suffered around 510,000 incidents of assaults and threats, more than twice the number recorded in 2016<sup>2</sup>. We believe that the number of recorded incidents of violence and verbal abuse underestimates the full extent of the problem, especially in relation to verbal abuse. Many retailers and store colleagues can fail to report some incidents because they feel it is unlikely that the police will respond.

We believe that the increase in violence can be attributed to three key factors: a change in the profile of offenders, a decrease in police resources, and the failures of the justice system to adequately tackle the root causes of offending. These points are explored in more detail in our submission. ACS' research also found that the top triggers for violence and abuse are dealing with shop thieves, enforcing an age restricted sales policy, and refusing to serve intoxicated customers. These flash points for violence and verbal abuse are unavoidable as it is a legal requirement for retailers to have an age verification policy and not serve customers that are intoxicated.

#### *Changing Profile of Offenders*

Shop theft is the number one trigger for violence and abuse, which is of particular concern as both industry data and official ONS data has shown an increase in shop theft. ONS figures have shown a 29% increase in shop theft since 2008<sup>3</sup>. When retailers are asked about their perception of people stealing from their stores, we have seen a shift away from opportunistic theft, to prolific repeat offending.

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<sup>1</sup> [ACS Crime Report 2019](#)

<sup>2</sup> Home Office Commercial Victimisation Survey 2017

<sup>3</sup> ONS Crime Survey England and Wales 2008-18

Convenience retailers believe that 79% of shop thieves are repeat offenders. Of repeat offenders, retailers believe that 50% have a drug or alcohol addiction.<sup>4</sup> The growth in addiction-based theft is supported by the Centre for Social Justice report, '*Desperate for a Fix*', which suggests that 70% of shop theft offences are committed by someone with a drug addiction<sup>5</sup>. The type of products that are most commonly stolen from stores are alcohol, meat, confectionery, cheese, coffee and washing detergent. These high value items are easy to resell, and the funds can be used to support addictions or other social issues that have not been addressed by the Justice system.<sup>6</sup>

### *Police Resources*

We believe it is difficult to have a credible conversation about the challenges that convenience retailers face from retail crime and violence without referencing the pressure on police resources. The National Audit Office report on the '*Financial Sustainability of Police Forces in England and Wales*' suggests there has been 18% reduction in the size of the total police workforce from 2010 to 2018, accompanied by almost a 20% reduction in the total funding that forces receive.<sup>7</sup>

Pressures on police resources have impacted on their ability to respond to retail crime, violence and abuse. Lack of police response to 'low level' theft and anti-social behaviour incidents erodes confidence that reporting crime will result in a response from the police. Retailers understand the pressures on police forces and do not believe it necessary or possible for the police to respond to every incident. However, where violence and abuse are involved, or the offender is a prolific repeat offender we believe police must treat this seriously and investigate.

### *Responses from the Justice System*

The Justice system has failed to address many of the root causes of violence in the convenience sector, for example repeat shop thieves. The Out of Court Disposals (OOCD) system is the most commonly used mechanism to address shop theft but fines and cautions are often ineffective. For example, in 2018 an offender had been convicted of 287 previous shop theft offences but was still issued a conditional discharge<sup>8</sup>. 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.

We support the need for tougher penalties for offenders that attack shop workers and urge the Home Office to revisit the amendments tabled by David Hanson MP during the progression of the Offensive Weapons Bill through parliament. We also support a review of sentencing guidelines for assaults to ensure they are fit for purpose to bring offenders to justice. The sentencing guidelines for assaults must better account for the everyday use of violence against shop workers.

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<sup>4</sup> [ACS Crime Report 2019](#)

<sup>5</sup> The Centre for Social Justice '[Desperate for A Fix](#)'

<sup>6</sup> [ACS Crime Report 2019](#)

<sup>7</sup> National Audit Office '[Financial sustainability of police forces in England and Wales 2018](#)'

<sup>8</sup> Philip Davies MP – [Parliamentary Question 2019](#)

**Q1b. If you agree that the issue of violence and abuse toward shop staff has increased in recent years, please provide any data which you have to support this (including whether the data includes incidents not reported to the police).**

The Home Office's 2017 Commercial Victimisation Survey results show that the issue of violence and abuse towards shop staff has increased, with the number of assaults and threats committed against the wholesale and retail sector rising from 524 incidents per 1,000 premises to 1,433 incidents per 1,000 premises<sup>9</sup>. ACS' Crime Report 2019 found that there were 9,782 incidents of violence in the sector in the last year.<sup>10</sup> More recent polling of 1,210 independent and symbol group convenience retailers indicates that 31% had experienced violence in the last 12 months alone.<sup>11</sup>

As shop theft is the top trigger for violence and abuse, it is especially concerning that ONS figures on shop theft have shown an increase over time from 266,175 in 2008 rising to 374,895 in 2018. However, the most recent figures from ONS have shown a 3% decline in shop theft offences. This contradicts industry data and feedback from retailers that incidences of shop theft are increasing, which highlights the issue of under reporting.

**Q2. Please provide any information you have on the nature of violence and abuse which is occurring and specify the type of store you operate/which was affected, for example:**

- *The types of incident which are occurring (e.g. assaults, threats etc), including whether they involve physical violence and whether they resulted in a physical injury or other harm*

Of the 9,782 incidents of violence in the convenience sector in the last year, 48% of retailers experienced violence or verbal abuse in their business in the last year<sup>12</sup>. Of the violent incidents that retailers and their staff experienced, 41% resulted in a physical injury to the retailer or store colleague<sup>13</sup>. 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.

- *When the incidents occurred (e.g. during the day)*

There is no consistent profile or pattern of offending across the convenience sector. Each convenience store will trade differently dependent on local circumstances and customer profiles. Convenience retailers have a unique reach into every community across the UK trading on high streets, neighbourhood parades and in villages. 38% of the convenience sector trade in isolated locations with no other business around them while 36% are located on a small parade with up to five businesses around them.

- *Whether the incidents involved a weapon (e.g. a knife, corrosive substance etc)*

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<sup>9</sup> Home Office [Crime against businesses: findings from the 2017 Commercial Victimization Survey p4 Table 1.1](#)

<sup>10</sup> [ACS Crime Report 2019](#)

<sup>11</sup> ACS Voice of Local Shops Survey May 2019

<sup>12</sup> ACS Voice of Local Shops Survey April 2019

<sup>13</sup> [ACS Crime Report 2019](#)

Our survey estimates there were 11,792 incidents involving a weapon in the convenience sector over the last year, 68% of these incidents involved knives, 26% involved other weapons such as a hammer, or syringe and 6% involved a firearm.<sup>14</sup> We would expect the most serious violent incidents, that do occur less frequently, to be treated as any other emergency, and to receive a police response.

- *The circumstances within which the incidents occurred, including whether this was in the context of age-restricted sales (e.g. alcohol, knives etc) and/or any other contributory factors*

ACS' Crime Report 2019 found that retailers and store colleagues are most at risk from violence and abuse when carrying out their daily work, such as enforcing age-restricted sales policies and refusing to serve drunks and challenging shop thieves. Retailers repeatedly cite these situations as the top triggers for aggressive and abusive behaviour<sup>15</sup>. Both the British Retail Consortium<sup>16</sup> and Usdaw<sup>17</sup> also cite these as the top triggers for violence and abuse in the retail sector.

The most common violent incidents that occur in convenience stores are when incidents of abuse escalate to 'low level' violence, for example, spitting, shoving or a single blow or punch. Retailers also experience a high volume of threats of violence, with 78% of respondents to our Voice of Local Shops survey stating that they had experienced threats of violence<sup>18</sup>. Retailers are aware that such incidences are unlikely to receive a police response and are unlikely to be investigated, which in turn deters reporting.

- *Information about the perpetrators (e.g. how many, whether they are repeat offenders, whether they are known to the police, their age, whether they are part of a gang etc).*

ACS' crime survey asks convenience retailers about the perpetrators of shop theft. Retailers perceive that 79% of offenders are repeat offenders, and that only 21% are opportunists<sup>19</sup>. Retailers tell us that they are often repeatedly targeted by the same individuals, who when challenged, become violent or abusive.

**Q3. For retailers operating sites in more than one location, to what extent do you agree or disagree that this issue has affected all of your sites equally?**

**Agree/Disagree/Don't know**

**Q3a: If no, are there any common factors between the sites affected (e.g. specific areas, are urban or rural areas more affected etc)? Please provide any data you have to support this.**

It is difficult to define the factors that may result in increased violence and verbal abuse against store colleagues beyond the common triggers for violence and abuse already stipulated. For example, stores in city centre locations may be perceived to be more exposed to violence and abuse from higher footfall and sources of anti-social behaviour such

<sup>14</sup> [ACS Crime Report 2019](#)

<sup>15</sup> [ACS Crime Report 2019](#)

<sup>16</sup> [British Retail Consortium Annual Crime Survey 2019](#)

<sup>17</sup> [Usdaw Surveys of violence and abuse against shop staff in 2018](#)

<sup>18</sup> ACS Voice of Local Shops Survey

<sup>19</sup> [ACS Crime Report 2019](#)

as the surrounding night-time economy. However, city centre locations also benefit from a higher visible police presence which can often deter violence and abuse.

Retailers adapt their equipment and investments on a site by site basis to reflect local circumstances and customer profiles. Retailers that operate multiple sites often use security guards strategically, moving them between their sites in response to incidents. Multiple site retailers will also regularly review physical store security and personal safety equipment on a site by site basis.

**Q4: Does your organisation/the organisation(s) you represent record incidents of violence and abuse which occur in your/their stores?**

Yes.

**Q4b: If yes, how are incidents recorded? Please provide any data which has not already been submitted in response to earlier questions.**

Multiple retail organisations will record incidents at store level via paper or digital incident reporting forms. These forms will be collated centrally by a risk or loss prevention management team at head office. The data will be analysed to assess a pattern of offending and used to inform investment decision in order to best protect store colleagues and install loss prevention equipment/policies. Some multiple retail business will use third party intermediary security firms, Business Crime Reduction Partnerships, or organisations like the National Business Crime Solution to record incidents that can be used to support wider intelligence gathering or support individual prosecutions.

72% of convenience stores are operated by independent or symbol group retailers. These are mostly small to medium sized enterprises that have no central head office support. These retailers will record and collate incidents that happen in store using incident reporting forms. They will report these incidents directly to the police themselves. The processes and systems for recording incidents of violence and abuse will vary across the 33,000 independent and symbol group retailers but we urge retailers to use ACS' crime prevention guidance and the Health and Safety Executive Guidance<sup>20</sup>.

**Q5: What are the financial, administrative and other impacts of violence and abuse toward shop staff or your organisation/the organisations(s) you represent? Please include data where this is available and has not been provided in response to earlier questions (for example, estimates of loss of revenue, impacts on staff retention etc).**

The financial impacts of crime are damaging to the convenience sector. In the last year, retail crime cost the sector £246 million, which is equivalent to £5,308 per convenience store<sup>21</sup>. Retailers invest heavily to protect their staff, with an average of £4,080 being spent per store on a range of crime prevention measures including CCTV, cash handling and storage and staff training<sup>22</sup>.

However, the true impact of crime is on the people working in convenience stores. ACS' Crime Report 2019 found that there were 9,782 incidents of violence in the last year, with

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<sup>20</sup> [HSE Preventing Violence to Retail Staff](#)

<sup>21</sup> [ACS Crime Report 2019](#)

<sup>22</sup> [ACS Crime Report 2019](#)

41% resulting in injury and 83% staff experiencing verbal abuse just for doing their job. ACS' findings are consistent with industry trends, with Usdaw's survey of violence and abuse against shop staff suggesting that over 280 retail staff are violently attacked every day<sup>23</sup>.

In January 2019, ACS commissioned a research agency to run two focus groups speaking directly to people employed in convenience stores to better understand their experience of working in the sector and a third focus group with people operating in similar paid public facing roles, for example, pubs and coffee shops. All participants highlighted that crime was the top concern for those working in customer-facing environments. For those working in convenience stores shoplifting was ubiquitous, and more serious assaults and robberies perceived as prevalent. Colleagues reflected that the personal impact of crime is felt strongly. Convenience store staff also expressed that they felt unsupported by the police and authorities and therefore take more responsibility in crime detection and prevention.<sup>24</sup>

Local shops provide a valued source of flexible local employment valued by almost 365,000 people across the UK. Most colleagues that work in the convenience sector are from within the local community, the average travel time to work is 13 minutes and 55% walk to work<sup>25</sup>. Therefore, violence and abuse may be felt more personally by convenience store staff, who are often from the community in which they work. This raises an additional concern for convenience store staff that crime might not be isolated to the business, and that offenders could target them on their way to or from work.

## ***Section 2: Prevention and Support***

### **Q6: Please provide examples of any preventative measure which you have used or considered using, including any evidence of how effective these have been.**

As stated above, retailers are investing heavily in crime prevention measures to keep their staff safe. ACS' Crime Report 2019 found that, on average, retailers invest £4,080 per site on crime prevention equipment. The top features that retailers will invest in include CCTV, cash handling and storage, staff training, external security and product tags. These investment decisions attempt to prevent and deter violence or abuse from occurring. For example, CCTV is a clear signal that there is ongoing monitoring on stores, staffing training supports to diffuse violence and abuse, and cash handling and storage equipment reduces the risk of robberies.

Nottingham Trent University carried out qualitative research on the motivations of shop theft offenders. The research involved semi-structured interviews with 32 prolific shop theft offenders, 88% of which were current or historic problem drug users. The offenders were asked specifically about what made stores a target for shop theft. The results showed that there are certain measures that retailers can put into place to deter criminals from targeting their store. These include investing in good quality, modern looking CCTV that is clearly working, keeping aisles free of clutter and positioning a staff member near the door to greet customers<sup>26</sup>.

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<sup>23</sup> [Usdaw Surveys of violence and abuse against shop staff in 2018](#)

<sup>24</sup> ACS Colleague Survey 2019, Focus Groups

<sup>25</sup> [ACS Local Shop Report 2018](#)

<sup>26</sup> [Nottingham Trent University Research](#) (Presented at ACS Crime Seminar 2019)

ACS provides retailers with comprehensive guidance on how to tackle retail crime and violence. A central piece of our guidance is an overview of the crime prevention options that retailers can consider<sup>27</sup>. Given that the disparate nature of the convenience sector, investment decisions on crime prevention need to make on a site by site basis. For tackling violence, ACS has produced an animation called *Managing Violence and Abuse in Convenience Stores*<sup>28</sup> to help colleagues identify and manage the top triggers for abuse.

**Q7: Are there any non-legislative preventative measures which the Government/businesses/the police or others could put in place, for example, to raise awareness? Please provide examples.**

*Business Partnerships*

Business Crime Reduction Partnerships (BCRP) and Business Improvement Districts (BID) have the potential to be a powerful tool for driving crime prevention in local areas. These groups can provide a useful information sharing platform, radio link services and best practice for businesses in their community and certain examples have proven to be highly effective in driving down business crime.

There is a lack of consistency in their effectiveness and geographic coverage of BCRPs. Certain regions have successful and efficient BCRPs, whereas others have none. BCRPs and BIDs are also often focused on town or city centre locations and do not work with convenience retailers and other businesses that trade from secondary locations.

We welcomed the comments made by the Home Office Minister, Victoria Atkins MP on these types of scheme in the Westminster Hall Debate on Prevention of Retail Crime as a form of "vaccination"<sup>29</sup>. However, for these local partnerships to be effective the coverage needs to be wider spread, the service provision and outputs should be measurable and there should be consideration that some businesses may need financial support to engage with them. We welcomed the development of national standards for BCRPs and are keen to support the National Business Crime Centre with getting more BCRPs accredited.

*Police and Crime Commissioners*

Police and Crime Commissioners (PCC) set budgets and priorities at a local level in their Police and Crime Plans. However, based on ACS' analysis, only 9 out of 40 Police and Crime Commissioners acknowledge business crime in their Police and Crime Plans. This reinforces the perception that retailers are not a priority for police, despite repeatedly being victims of crime. In order to secure a better response from police forces to retail crime and violence, we need PCCs to acknowledge the problem in their Police and Crime Plans.

ACS has been campaigning for more PCCs to acknowledge retail crime in their Police and Crime Plans for over a year. So far, 14 PCCs have acknowledged the challenges of retail crime, but many are yet to sign up. We believe that PCCs could take a leadership role in tackling retail crime and violence by dedicating resources to deliver a Single Point of Contact for business crime and by maintaining close working relationships with the business community through running consistent and regular meetings/communications.

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<sup>27</sup> [ACS Crime Guidance 2019](#) pg. 10 & 11

<sup>28</sup> [Managing violence and abuse in convenience stores](#)

<sup>29</sup> [House of Commons Westminster Hall Debate Retail Crime](#)

PCCs could also utilise their community remedy powers for dealing with low-level crime and antisocial behaviour and give victims an input into the way in which perpetrators are dealt with out-of-court. Each local policing body must publish a community remedy document that outlines the menu of sanctions available in its area. We want PCCs to use their Community Remedy Powers to tackle shop theft, the number one trigger for violence and abuse. This means including an option in their Community Remedy document for banning shop thieves from entering shops. When police consult with retailers about shop thieves, retailers would be able to request that offenders are banned from entering their stores.

### *Reporting Mechanisms*

There is a fundamental problem with the processes for reporting incidents of retail crime, violence and abuse that often can lead to the underreporting of the ‘minor’ incidents. In our updated ‘Reporting Crime’ guidance<sup>30</sup> we have outlined how retailers should report crime, with a clear focus on reporting all violent incidents via 999 and other non-emergency incidents using 101.

The ultimate goal to improve reporting would be to have a single online reporting system for non-emergency incidents that is quick, easy to use, and consistent nationwide. This would support with the collation of intelligence about repeat offenders and how best to allocate resources to manage them. There is also a challenge for police forces across the country to clearly communicate to the retail community what response they should expect from the police to different types of incidents. Retailers are pragmatic about the pressures on police resource and do not expect a response to every incident, but where violence or prolific repeat offenders are involved, a police response is justified.

**Q8: Are you aware of training/guidance/support which is provided to staff on how to handle potential or actual incidents of violence and abuse? Please provide examples, including any evidence of how effective this has been. For victims of violence and abuse**

Retailers’ top concern is the impact of violence on their staff and look to find ways to prevent violence in their store by managing the triggers for violence and verbal abuse. Retailers will have their own individual training programmes that will address crime prevention procedures and policies.

To help retailers and their staff identify and manage the triggers of violence and verbal abuse in store, ACS has developed a training animation which covers top areas for violence including: asking for identification, refusing to serve customers, dealing with shop thieves and armed robberies. The animation *‘Managing Violence and Abuse In Convenience Stores’* is available to view [here](#) and has been used extensively within numerous convenience retailers’ businesses reaching thousands of colleagues working in convenience stores.

GroceryAid, the grocery sector’s industry charity, provides a range of support services for retailers and store colleague following traumatic events include violent attacks. GroceryAid have recently launched a new Workplace Critical Incident Support Service<sup>31</sup>, the service is activated when an accident, robbery or assault has occurred in the workplace resulting in a critical incident.

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<sup>30</sup> [ACS Crime Guidance 2019](#)

<sup>31</sup> [GroceryAid Workplace Critical Incident Support](#)

ACS is a corporate partner of Crimestoppers which allows us to issue and fund rewards of up to £50,000 in the event of the death or life-threatening injury of a retailer as a result of crime. This has enabled us to support police investigations for the most serious incidents in the convenience sector and show the sector our commitment that violence and abuse of retailers and store colleagues is not acceptable.

### ***Section 3: Enforcement and the Criminal Justice System***

#### **Q12: Are you a retailer or a representative or a retail organisation?**

ACS represents 33,500 local shops across the UK including the Co-Op, Spar, One Stop and thousands of independent retailers. More information about ACS and the convenience sector can be found in Annex A.

#### **Q12a: Are you aware of any barriers to staff reporting violent or abusive incidents to their manager/supervisor?**

The size of convenience stores means that managers and supervisors onsite would be aware of violent or abuse incidents taking place. Where there is the use of violence, colleagues are told to call 999 immediately or use personal safety alarms in store to alert colleagues and the police. There will be very few, if any, barriers to store colleagues being able to report incidents of violence internally.

Due to the prevalence of verbal abuse there is likely to be significant underreporting from store colleagues to managers and supervisors. It is staggering that 83% of staff in convenience stores were verbally abused in the last year.

#### **Q12b: If yes, what are these and how could they be overcome? Please provide any evidence you have to support this.**

Businesses should ensure that their policies on reporting violence and abuse both internally and externally is clearly communicated to staff as part of the on-boarding process and throughout a store colleagues' employment. Consistent sector level communication of the importance of reporting violence and abuse is also key. ACS' #alwaysreportabuse<sup>32</sup> campaign has been an important first step in raising awareness in the sector about the importance of reporting all incidents of crime.

#### **Q13: Are you aware of any barriers to staff reporting violent or abusive incidents to the police?**

Violent incidents are an emergency and as such retailers will report these incidents to the police by calling 999. However, for incidents of abuse that escalate to 'minor' violence, for example, spitting, shoving or a single blow, it can be difficult for retailers to report due to several factors;

#### *Police Response*

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<sup>32</sup> [ACS #alwayreportabuse Campaign](#)

The most regularly referenced barrier to reporting is the perception of a lack of response or support from the police. It is commonplace for police forces across the country to screen out responses to low level theft, which is the most common trigger for violence.

In response to a Freedom of Information Request, the London Metropolitan Police released their guidance which includes the criteria used for ‘assessed out’ crime. Crimes which are ‘assessed out’ will be closed and will not be investigated further. ‘Principle 3’ states that the crime can be ‘assessed out’ if it is a low-level theft including shoplifting, and if the value is £50 or under. The Metropolitan Police will also screen out crime where the precise time of the offence is unknown and the length of the CCTV footage that would need to be viewed is over 20 minutes<sup>33</sup>. 4,069 ‘Violence Against the Person’ Crime Reports were screened out in 2017 by the Metropolitan Police.<sup>34</sup> We have used the Metropolitan Police as an example because their assessment criteria has been published, but we believe similar policies exist across different forces.

#### *Section 182 Guidance*

Retailers express concern that increased reporting of crime can lead to the police identifying their business premises as a ‘crime hotspot’ or ‘crime generator’. This can manifest into police and trading standards officers looking to undertake more regular visits to the site or pursuing a review of the premise’s alcohol licence on the grounds of the ‘the prevention of crime and disorder’ licensing objective. The threat of having their alcohol licence reviewed is a significant barrier for a retailer to report crime.

This barrier could be removed through small amendments to the statutory alcohol licensing guidance<sup>35</sup>. Reforms to the guidance can be achieved without the need for primary legislation or formal consultation. ACS strongly recommends that the Section 182 guidance is amended to make clear that where businesses are the victim of crime, such as shop theft, violence or abuse, cannot count towards alcohol licensing reviews.

#### *Awareness of Penalties and Sanctions*

Awareness and perceived effectiveness of sanctions for attacks on shop workers is low. The Ministry of Justice need to ensure that sentences for offenders attacking people serving the public are appropriate to act as a deterrent. A statutory offence would send a clear message to offenders and acknowledge the important work that retailers and their store colleagues do to enforce the law.

Current sentencing guidelines for assaults include mitigating factors resulting in a lower penalty such as ‘single blow’. Analysis is required to determine how these sentencing guidelines are being interpreted by magistrates, especially for violence in retail environments. We welcome the announcement that the sentencing guidelines for assault will be reviewed following consultation in Summer 2019.

#### **Q14: Do you have any feedback on the response from the police? Please provide any evidence you have to support this.**

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<sup>33</sup> [Metropolitan Police Freedom of Information Request](#)

<sup>34</sup> [Metropolitan Police Freedom of Information Request](#)

<sup>35</sup> [Revised Guidance issued under section 182 of the Licensing Act 2003](#)

ACS' Crime Survey 2019 found that retailers are overwhelmingly dissatisfied with the response they receive from police to crime against their business. 86% were dissatisfied with the sanctions issued to offenders, 85% were dissatisfied with the consistency of police response, 81% were dissatisfied with police response to repeat offenders, 80% were dissatisfied with the time taken for an issue to be resolved, 70% were dissatisfied with the time taken for police to respond to an incident, 70% were dissatisfied with police investigation of an incident. Finally, 65% were dissatisfied with the ease of reporting a crime to the police<sup>36</sup>.

This dissatisfaction with the police maybe in part driven by the lack of communication and contact from the police after a crime is reported. Whilst it may be the case that the crime is being investigated and a suspect arrested, retailers are not always updated and therefore perceive that nothing has been done. It is important that where there are updates, victims are informed. This would undoubtedly improve retailer's perception of police response and prevent underreporting.

**Question 15: Were you/are your members routinely made aware of the option to make an Impact Statement for Business (ISB)?**

ACS surveyed 1,210 independent retailers in our Voice of Local Shops Survey in February 2019 asking them if they had been offered the chance to provide an Impact Statement for Business. 40% of retailers who reported a violent incident to the police were made aware of the option to make an impact statement for business. This demonstrates that there is still more work to do to ensure that ISBs are offered by the police and used by businesses. We welcome the work that has been undertaken by the Home Office and Ministry of Justice with the support of industry partners to update the guidance for completing ISB<sup>37</sup>. We are committed to communicating the importance of utilising Impact Statement for Business.

**Q17: Please share any further information on your organisation's experience/the experience of the organisations you represent of the criminal justice system. All respondents**

ACS worked with the Centre for Social Justice on their report, '*Desperate for A Fix*', that assessed the criminal justice system's current approach to dealing with prolific shop thieves that repeatedly target retail businesses. The report made a number of recommendations for reforming the way the criminal justice system works, including:

- Creating a two-year programme for the most prolific drug-addicted offenders, providing the immediate crime reduction benefits and addiction recovery of incapacitation through a Secure Phase followed by an intensive community-based Residential Recovery Phase and Supportive Phase.
- Commence Section 151 of the Criminal Justice Act 2003 to allow courts to deal more appropriately with "low-level" offences by repeat offenders through the use of community orders, rather than fines, and to provide the potential for the root causes of offending to be tackled

A full copy of the Centre for Social Justice report *Desperate for a Fix* is available [here](#).

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<sup>36</sup> [ACS Crime Report 2019](#)

<sup>37</sup> [Home Office Guidance; Impact Statements for Business](#)

**Q18: Are you familiar with the range of civil tools and powers to tackle this crime (for example, the powers available under the Anti-Social Behaviour, Crime and Policing Act 2014)?**

Yes.

Anti-social behaviour powers such as Community Remedy powers are not utilised effectively. ACS believes that Police and Crime Commissioners should be using their Community Remedy powers to help retailers ban repeat offenders from entering stores. This could be added as an option within their Community Remedy Document.

The Community Trigger also has the potential to be a useful power for businesses to tackle theft and anti-social behaviour, which if left unchecked can escalate to violence. However, low awareness of the trigger and inconsistency in its handling by the relevant authorities have so far prevented this being utilised effectively. We welcome the findings of the Victims Commissioners' recent report, '*Anti-Social Behaviour: Living Nightmare*', and the recommendations to seek great awareness of these powers.

**Q18a: If yes, have you had experience of them being used to prevent/address violence and abuse toward shop staff?**

No.

**Q19: Are you familiar with the criminal offences which may apply in relation to violence and abuse toward shop staff?**

Yes. Included in Annex B is the full list of criminal offences as set out by the Home Office for the National Retail Crime Steering Group meeting.

We support the need for tougher penalties for offenders that attack shop workers and urge the Home Office to revisit the amendments tabled by David Hanson MP during the progression of the Offensive Weapons Bill through Parliament. We also support a review of sentencing guidelines for assaults to ensure they are fit for purpose to bring offenders to justice. The sentencing guidelines for assaults must better account for the everyday use of violence against shop workers.

**Q19a: If yes, have you had experience of them being applied in this context?**

No.

#### **Section 4: Best Practice**

**Q20: Please share any examples you have of best practice, for example, of partnership working between the police and businesses, or deterrent measures which have reduced incidents of violence and abuse toward staff working in your organisation. This can include examples from outside England and Wales (please specify where).**

*Co-op and Secom*

Co-op identified that when their staff reported individual incidents of crime directly to the police, the percentage of individuals that went on to be charged was very low. Only 9% of incidents reported directly to the Metropolitan Police resulted in charges. Co-op therefore chose to report incidents through Secom, the CCTV provider, resulting in 100% of reported cases being charged. By presenting the police with a comprehensive package of CCTV footage, timings and information relating to the offence, incidents were far more likely to result in a charge.

#### *Sussex Business Wardens*

In 2015, Sussex Police in partnership with Southern Co-op launched a pilot to work with businesses to tackle retail crime. Business wardens were recruited to assist retailers with reporting crime, but with the decline in neighbourhood policing, have now expanded their role to deliver wider police services such as containing areas and taking statements.

#### *National Business Crime Centre*

The National Business Crime Centre has proven to be a valued source of information and contact point for the business community to raise their concerns about retail crime and violence. However, ongoing support and funding is required to enable the National Business Crime Centre to continue its work and build a stronger network of business crime single points of contacts across all police forces in England and Wales.

#### *Southern Co-op and Civil Action*

Southern Co-op have for a number of years successfully targeted repeat and violent offenders through the Civil Courts. By utilising the current (England) Civil Court Injunction legislation under Trespass, they have successfully dealt with a large number of offenders, with injunctions being granted for 2 years upwards.

Whilst the action is applied for via Civil Court process, any proven breach carries a Court imposed custodial sentence and a potential extension to the life of the injunction. Southern Co-op have found this to be a highly successful method for dealing with repeat offenders and report that very few breaches occur.

Through their collaborative work with NBCS (National Business Crime Solutions), this best practice has now been adopted more widely with the NBCS recently achieving their first Court Injunction success on behalf of their retail members.

#### **Q21: What, if anything, do you think prevents businesses, the police and/or local authorities from working in partnership to tackle this issue?**

A lack of resources prevents police forces from providing the response that they would like to give to retail crime. As forces are increasingly stretched, dealing with issues related to drugs and knife crime, business crime is pushed down the priority list.

The Association of Police and Crime Commissioners and Police Chief Council should work collectively to deliver a more consistent response to retail crime and violence. All Police and Crime Commissioners should include retail crime in their Police and Crime Plans to ensure this issue is prioritised at local level.

We need strong leadership to join the links between retail crime, drug and alcohol issues, and violence. Businesses are well placed to identify repeat offenders, whose offending may escalate into more serious crimes. By working with businesses, forces can identify these offenders sooner and take the appropriate action to break the cycle of offending.

**Q22: Is there any further non-legislative action which Government could take to help address this issue?**

*The National Retail Crime Steering Group*

The purpose of the National Retail Crime Steering Group (NRCSG) is to address retail crime with non-legislative action. The terms of reference, focus, resourcing and membership of the group needs to be reviewed to ensure that it is delivering meaningful action to reduce violence and abuse in the retail sector. This could include delivering action from police forces across England and Wales to clearly communicate to the retail community when police units will be deployed to different types of incidents.

## 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 over 19,000 independent retailers, polling them quarterly to hear their views and experiences which are used to feed into 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 12,000 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 2018, the total value of sales in the convenience sector was £39.1bn.

The average spend in a typical convenience store transaction is £6.50.



There are 46,262 convenience stores in mainland UK. 72% of stores are operated by independent retailers, either unaffiliated or as part of a symbol group.



The convenience sector provides flexible employment for around 365,000 people.

24% of independent/symbol stores employ family members only.



24% of shop owners work more than 70 hours per week, while 19% 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.



Between August 2017 and May 2018, the convenience sector invested over £814m 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 over 2,400 independent, symbol and forecourt retailers combined with responses from multiple businesses representing 7,669 stores. The Local Shop Report also draws on data from HMI, 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.

## Annex B

The following provides an overview of the key offences which may be relevant in the context of shop workers experiencing abuse, violence or threats of violence in the course of carrying out their duties (this is not an exhaustive list):

Offence	Maximum sentence
Harassment, alarm or distress (section 5, Public Order Act 1986)	Fine (maximum level 3 on the standard scale)
Harassment (section 2, Protection from Harassment Act 1997)	6 months' imprisonment
Common Assault (section 39, Criminal Justice Act 1988)	6 months' imprisonment
Intentional harassment, alarm or distress (section 4A, Public Order Act 1986)	6 months' imprisonment
Fear or provocation of violence (section 4, Public Order Act 1986)	6 months' imprisonment
Affray (section 3, Public Order Act 1986)	3 years' imprisonment
Threatening with an offensive weapon in a public place (section 1A, Prevention of Crime Act 1953)	4 years' imprisonment
Threatening with an article with blade/point in a public place (section 139AA(1), Criminal Justice Act 1988)	4 years' imprisonment
Inflicting grievous bodily harm/ Unlawful wounding (section 20, Offences against the Person Act 1861)	5 years' imprisonment
Assault occasioning actual bodily harm (section 47, Offences against the Person Act 1861)	5 years' imprisonment
Violent disorder (section 2, Public Order Act 1986)	5 years' imprisonment
Harassment (putting people in fear of violence) (section 4, Protection from Harassment Act)	10 years' imprisonment
Threats to kill (section 16, Offences Against the Person Act 1861)	10 years' imprisonment
Robbery (section 8(1), Theft Act 1968)	Life imprisonment
Causing grievous bodily harm with intent to do grievous bodily harm/Wounding with intent to do grievous bodily harm (section 18, Offences against the Person Act 1861)	Life imprisonment
Attempted Murder (section 1(1), Criminal Attempts Act 1981)	Life imprisonment
Murder	Life imprisonment