



ACS Submission: Proposed Protection of Workers (Retail and Age Restricted Sales Etc.) (Scotland) Bill

ACS (the Association of Convenience Stores) welcomes the opportunity to respond to the consultation on the Proposed Protection of Workers (Retail and Age Restricted Sales Etc.) (Scotland) Bill. ACS represents 33,500 local shops across the UK including many retailer trading in Scotland such as Spar UK (CJ Lang), Scotmid, McColl's and thousands of independent retailers. ACS works collaboratively with the Scottish Grocers' Federation.

ACS is supportive of the introduction of the proposed Bill and the creation of a new statutory offence for attacking a worker that enforces age restrictions or works in the retail sector. ACS' Crime Report 2018 found that the most common triggers for violence and verbal abuse in the convenience sector are challenging shop thieves, enforcing age restrictions and refusing to serve intoxicated customers¹.

Convenience retailers invest significantly in ensuring that they trade responsibly and within the law. We believe that retailers and their staff should also benefit from the protection of the law through tougher sanctions for people that physically attack or abuse them as retailers and their staff are at most risk when they are enforcing the law such as enforcing age restricted sales and refusing to serve intoxicated customers.

As well as offering Assured Advice on [Preventing Underage Sales](#) for convenience retailers ACS has also developed a training animation to support retailers manage violence and abuse against their staff, which is available to view [here](#).

ACS has responded to the relevant consultation questions below. For more information on this submission please contact Tal Tyagi, ACS Public Affairs Assistant, by emailing Tal.tyagi@acs.org.uk or calling 01252 515001.

PART 1

1. Are you responding as:

- an individual – in which case go to Q2A
- on behalf of an organisation? –

2b. Please select the category which best describes your organisation:

- Public sector body (Scottish/UK Government/Government agency, local authority, NDPB)
- Commercial organisation (company, business)
- Representative organisation (trade union, professional association)
- Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

¹ ACS Crime Report 2018

- Other (e.g. clubs, local groups, groups of individuals, etc.)

ACS represents 33,500 local shops across the UK including the Co-op, Spar, One Stop and thousands of independent retailers.

- 3. Please choose one of the following; if you choose the first option, please provide your name or the name of your organisation as you wish it to be published. If you choose the second or third option, a name is still required, but it will not be published.**

- I am content for this response to be attributed to me or my organisation
- I would like this response to be anonymous (the response may be published, but no name)
- I would like this response to be confidential (no part of the response to be published)

Name/organisation: Association of Convenience Stores

- 4. Please provide details of a way in which we can contact you if there are queries regarding your response. (Email is preferred but you can also provide a postal address or phone number. We will not publish these details.)**

Name – Julie Byers

Email - julie.byers@acs.org.uk

Phone number - 01252 533008

Address – Association of Convenience Stores, Federation House, 17 Farnborough St, Farnborough GU14 8AG

PART 2

Aim and Approach

- 1. Which of the following best expresses your view of creating a new offence of assault against a worker in the retail sector?**

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

ACS is fully supportive of creating a new offence of assault against a worker in the retail sector. According to ACS' 2018 Crime Report, retailers' top concern is protecting their staff from violence.² Over the past year, there has been an estimated 13,437 incidents of violence in the convenience sector across the UK³, 39% of which result in the injury of a retailer or a

² ACS Crime Report 2018 P3

³ ACS Crime Report 2018 P6

staff member which is unacceptably high.⁴ Specifically, in Scotland, 57% of independent retailers have stated that they have experienced verbal or physical abuse in the past year.⁵

ACS believes that creating a new offence would act as an appropriate deterrent. Just as the general public is aware that assaulting a police officer is a statutory offence which carries a much tougher sentence than common assault, it could be equally effective in the retail environment. A new statutory offence could also provide confidence and assurance to retailers and their staff that they have another layer of protection from violence and verbal abuse in-store.

2. Which of the following would you support as a way to respond to assaults on workers upholding statutory age-restrictions?

- A new statutory offence
- A new statutory aggravation
- Either
- Neither
- Unsure

ACS would support a new statutory offence to respond to assaults on workers upholding statutory age-restrictions. We believe that creating a new statutory offence would be more effective than creating a new statutory aggravation because a new statutory offence would provide absolute clarity. Currently, sentencing guidelines used by Magistrates in England use aggravating factors⁶ to determine a sentence for assault, but it is left to interpretation by the Magistrate whether to consider these when they determine sentencing.

3. Which of the following would you support as a way to respond to abuse, harassment, threatening or obstruction of workers upholding statutory age-restrictions?

- A new statutory offence (for all these types of behaviour)
- A new statutory aggravation for threatening or abusive behaviour or harassment; and a
- New statutory offence of obstructing a worker upholding an age-restriction.
- Neither
- Either
- Unsure

ACS would support a new statutory offence to respond to abuse, harassment, threatening or obstruction of workers upholding statutory age-restrictions. Enforcing age restricted sales in the second most common trigger of violence and verbal abuse in the convenience sector⁷. As stated above, we believe creating a new statutory offence would be more effective than creating a new statutory aggravation because it provides absolute clarity to Magistrates. Sentencing guidelines used by Magistrates in England use aggravating factors to determine

⁴ ACS Crime Report 2018 P6

⁵ ACS Voice of Local Shops

⁶ <https://www.sentencingcouncil.org.uk/offences/item/assault-occasioning-actual-bodily-harm-racially-religiously-aggravated-abh/>

⁷ ACS Crime Report 2018

sentences for threatening behaviour⁸ offences, however, it is again left open to interpretation by Magistrates.

The majority of staff in convenience stores (83%⁹) have experienced verbal abuse.¹⁰ According to ACS' Voice of Local Shops survey, more Scottish retailers experienced an increase in incidents of violence and verbal abuse (11%) in the last year than Scottish retailers who experienced reduced incidents of violence and abuse (7%).¹¹

4. Do you think that there are other steps which could be taken (either instead of, or in addition to, legislation) to achieve the aims of the proposal?

- Yes
- No
- Unsure

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.

Financial Implications

1. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

(b) Businesses

- Significant increase in cost
- Some increase in cost
- Broadly cost-neutral
- Some reduction in cost
- Significant reduction in cost
- Unsure

The cost of violence and verbal abuse is difficult to quantify as the real impact is the physical and emotional impact on retailers and their staff which can lead to staff feeling less safe when they are working.¹²

We expect that the proposed Bill would be of no cost to retailers. For reference, ACS' 2018 Crime Report suggests that crime against convenience retailers cost £3,873 per store in the last year.¹³

2. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

⁸ Sentencing Council – Threatening Behaviour < <https://www.sentencingcouncil.org.uk/offences/item/threatening-behaviour-fear-or-provocation-of-violence-racially-or-religiously-aggravated-threatening-behaviour/>> (04.04.2018)

⁹ ACS Colleague Survey 2018

¹⁰ ACS Crime Report 2018

¹¹ ACS Voice of Local Shops Survey

¹² ACS Colleague Survey 2017

¹³ ACS Crime Report 2018 – P3

- Yes
- No
- Unsure

Equalities

3. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected groups (under the Equality Act 2010): race, disability, sex, gender reassignment, age, religion and belief, sexual orientation, marriage and civil partnership, pregnancy and maternity?

- Positive
- Slightly positive
- Neutral (neither positive nor negative)
- Slightly negative
- Negative
- Unsure

Sustainability

9. Do you consider that the proposed Bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

- Yes
- No
- Unsure