

# **Response to Scottish Executive Consultation *Supporting Police, Protecting Communities***

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## **The SRC and the retail sector in Scotland**

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The Scottish Retail Consortium (SRC) was launched in April 1999 as a retail trade association for the full range of retailers in Scotland, from the major high street retailers and supermarkets to a number of trade associations representing smaller retailers. As a sector, retailing in Scotland employs 261,000 people (one in ten of the workforce) in 26,500 outlets across Scotland, and in 2002 Scottish retail turnover was £18.4 billion, accounting for 12% of total Scottish turnover.

The retail sector is key to the revitalisation and renewal of urban and rural communities across Scotland. The SRC's members provide a vital community service, a focus for physical regeneration, and sustained investment in people and places.

The SRC's parent association is the British Retail Consortium (BRC) based in London and Brussels.

## **SRC Response - Overview**

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The SRC understands that proposals to introduce a licensing system for retailers selling non-domestic knives are to be introduced later in the year. However, the SRC would like to take this opportunity to express views on this matter.

Before the Scottish Executive considers introducing a licensing scheme, a real need for this should be demonstrated. As the aim would be to cut down on knife crime, it would need to be demonstrated that there is a relationship between the illegal sale of knives, i.e., to underage customers, and knife crime. If this cannot be shown, the SRC believe that there is no justification for a licensing system.

It is understood that there is existing research by Strathclyde Police on the origin and type of knife used in a range of crimes committed in the Strathclyde region. The SRC would like to see the Scottish Executive evaluation of this

research, and other larger scale pieces of research, before a decision is taken by the Scottish Executive on whether licensing retailers selling non-domestic knives would have any impact on knife crime.

A parliamentary question answered by then Justice Minister Jim Wallace on 11 October 2002 (S1W – 29159) revealed that between 1993 and 2000, between 12 and 16% of those arrested for possessing an article with a blade or point were under 18, with that figure standing at 13% in 2000. The figure for under 16s would no doubt be even lower. This indicates that knife crime is not primarily an underage customer problem. More statistics are needed as to the number of under-16s arrested for possessing a knife, and the type of knife also needs to be taken into account.

Furthermore, additional information is needed on how criminals obtain knives and which knives they use. The SRC believes it is important to ascertain how many criminals, of any age but particularly those under 16 or 18, will go into a shop to obtain a knife? It is possible that most are likely to take them from other, often domestic, sources, and many of these are likely to be domestic knives for cutting bread, meat etc. If this is the case, then it is difficult to see how a licensing system for retailers selling non-domestic knives will help reduce knife crime.

If it is found that there is a need for a licensing system after research has been analysed, then the term 'non-domestic knife' needs to be absolutely and clearly defined. The definition should exclude as many types of knives that are generally used in domestic situations as possible. Many of our members sell a range of knives, including stanley knives, camping knives, swiss army knives and pen knives, and it would be unfair to target retailers who sell these legitimate and commonly used knives, often used in a domestic setting, with a licensing scheme.

The SRC suspects that tougher sentencing, as proposed by the Scottish Executive, would act as more of a deterrent, particularly on carrying knives in public places. This would also avoid the difficulty of defining 'domestic' and 'non-domestic' knives.

## **SRC response to the specific questions asked in the consultation paper**

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### **Supporting the Scottish Police Service – the national delivery of services**

Question 1: Do you agree that a Service Authority should be created to maintain the SDEA and provide the other common police services?

*The SRC does not hold strong views on this matter, but does agree that it would be sensible to form a single body to oversee common police services to avoid duplication of work and responsibilities.*

Question 2: Do you agree with the proposed division of responsibilities between the Director of the SDEA, the Service Authority and the Scottish Ministers?

*The SRC holds no view on this matter.*

Question 3: Do you agree that, in certain circumstances, it is appropriate that the SDEA should be able to recruit officers directly?

*The SRC holds no view on this matter.*

Question 4: Have we identified all the initial functions to be provided by the new Service Authority?

*One of the functions of the new authority should be to introduce standard reporting and recording systems for crime across all 8 police authorities. The possibility of recording crimes against business should be explored, with a view to ensuring it is recorded uniformly across the police authorities. There is then a possibility that reducing business crime could become a Key Performance Indicator for police forces. A further function should be to establish systems for straight forward sharing of information with police forces outside of Scotland.*

Question 5: Do you agree with the proposed division of responsibilities between the Service Authority and the Scottish Ministers for the provided common police services?

*The SRC holds no view on this matter.*

Question 6: Do you agree that there should be a senior strategic director for the provided common police services?

*The SRC holds no view on this matter.*

Question 7: Do you agree that the Service Authority Board should comprise representatives from ACPOS, Police Conveners and lay members, and do you have any views on the proposed composition of the Board?

*The proposed composition of the Board seems appropriate. It is important that the contribution that can be made by the lay members should not be underestimated. Before being appointed, the qualifications and experience of the lay members should be assessed carefully to ensure that they can meet the requirements of the objectives of the Board. As the retail sector plays such a major role in Scotland's communities, providing services and employment, and as victims of crime and enforcers of the law, it would be appropriate for a representative of the retail sector to sit on the Board.*

Question 8: Do you agree that the legislation should include an enabling provision to allow functions to be added or removed?

*This would be sensible.*

Question 9: Do you agree that the SDEA's budget should be simplified, provided on a 50:50 basis by central and local government and that Ministers should be able to direct additional funding if necessary?

*The SRC holds no view on this matter.*

Question 10: Do you agree that the Scottish Ministers should directly provide the whole of the funding for the provided common police services?

*The SRC holds no view on this matter.*

Question 11: Are there any other comments you wish to make with respect to our proposals to create a single Service Authority which maintains the SDEA and provides common police services where police powers are not exercised?

*No.*

### **Knife crime**

Question 12: Do you agree with the proposal to double the maximum penalty for carrying a knife (or other articles with a blade or point)?

*Yes. Knives are commonly used as weapons during shop robberies which can result not only in serious physical injury to retail staff, but severe mental trauma for shop staff and security guards after being threatened at knifepoint. It can also cause trauma for customers who are caught up in these situations.*

Question 13: Do you agree with the proposal to give the police the power to arrest a person whom they reasonably suspect has committed or is committing an offence of carrying a knife (or other articles with a blade or point) or an offensive weapon?

*Yes.*

Question 14: Do you agree with the proposal to increase the minimum purchase age for knives (and other bladed and pointed objects) to 18?

*The SRC would like to see more research into the illegal use of knives by people under 18 and under 16 before taking a position on the issue. If this increase in age was applied in Scotland but not in England and Wales, it would cause difficulties for cross-border retailers who would have to implement two separate systems to train staff and two separate systems for point of sale alerts.*

*Also, it must be remembered that there are legitimate reasons that 16 or 17 year olds have for buying a knife, particularly if they work in a trade which requires use of a knife, such as a chef, carpet fitter, carpenter, joiner or any building trade.*

### **Football Banning Orders**

Question 15: Do you agree that football banning orders as described above are an appropriate and effective response to the problem of football-related violence and disorder?

*Yes. Retailers located near football grounds are often the victims of football-related disorder, so any measures to keep such individuals out of stores within, for example, a two mile radius of a particular football ground, would be welcome.*

Question 16: Do you agree that courts should be able to impose banning orders *on conviction* for a football-related offence and *on summary application* by a Chief Constable?

*See answer to question 15.*

Question 17: Do you agree that the courts should be able to make a banning order if they are satisfied that it would help reduce football-related *disorder*, specifically the stirring up of hatred against others or threatening, abusive or insulting behaviour at or in connection with a football match?

*See answer to question 15.*

Question 18: Do you agree with the proposed length of a banning order and the proposed penalty for breach of a banning order?

Yes.

Question 19: Do you agree that banning orders should apply to all competitive and friendly games involving the Scottish national team and SPL and SFL clubs? If not, which games do you think they should apply to?

Yes.

Question 20: Do you agree that the Scottish Police should take on the administration of the banning orders?

Yes.

### **Marches and Parades**

Question 21: Do you agree that organisers should be required to give local authorities and the police 28 days notice of their intention to hold a procession?

*This seems reasonable, given the disruption such marches can cause.*

Question 22: Do you agree that the 28 days notice period should be dispensed with in limited circumstances?

*The circumstances when this is allowed to happen should be clearly defined and limited.*

Question 23: Do you agree that organisers of all marches and parades should give notice of their intention to local authorities and the police?

Yes.

Question 24: Do you agree there should be regulations setting out the key steps and timetable for taking decisions on notifications?

*Yes. This would make every organisation's roles and responsibilities clear.*

Question 25: Do you agree that local authorities should be able to take into account wider views, including community views, when taking decisions on procession notifications and that they should put in place transparent procedures as to how those views will be considered?

*As marches and parades can potentially cause a lot of disruption to the retail sector and other sections of the community, it is appropriate that local authorities should seek the wider views of the community on processions. Local authorities should have a clear and open procedure for consultation, with timescales for response clearly set out*

Question 26: Do you agree that local authorities should be able to take into account wider issues when taking decisions on procession notifications?

*Issues such as impact on businesses should be taken into consideration by local authorities.*

Question 27: Do you agree that local authorities should be able to impose wider conditions on procession notifications?

Yes.

Question 28: Do you agree that there should be a code of conduct prepared by the police and local authorities?

*Yes, this seems reasonable.*

Question 29: Do you agree that organisers and participants in breach of the new statutory requirements remain subject to the same penalties as currently?

Yes.

### **Mandatory drug testing and assessment**

Question 30: Do you agree that police should have powers to require persons arrested for certain trigger offences to undergo a drug test?

*Yes. A trigger offence should include shop theft.*

Question 31: Do you agree that drug testing should be applied to those arrested for certain offences rather than on charge?

*Yes, this seems sensible as there needs to be as many opportunities as possible for early intervention to prevent an individual's drug misuse from getting worse.*

Question 32: Do you agree that powers should be taken to enable the police to require those who test positive for a class A drug to attend an assessment of their drugs use?

*Yes, this should be the case. There would be no point in testing for drugs if there were no powers to take action to treat the problem.*

Question 33: Do you agree that theft and drugs offences should be the main trigger offences for testing? Should any other offences be included?

*Shop theft and other crimes committed in and around a retail environment should be trigger offences, as there is evidence from SRC members that there is a very strong link between drug misuse and retail crime.*

Question 34: Do you agree that there should be a power for a senior police officer to authorise a drug test where there are reasonable grounds to suspect that the misuse of a Class A drug has caused or contributed to a non-trigger offence?

*Yes, as the opportunities to treat drug misuse problems should be maximised.*

Question 35: Do you agree that the minimum age at which these proposals take effect should be 16 or should a lower limit be set?

*These proposals should apply to suspects of any age, as a drug misuser may start taking drugs when younger than 16.*

Question 36: Do you agree that mandatory drug testing will provide access to a key group of clients that might not otherwise engage successfully in treatment services?

*Yes.*

**Police power to take fingerprints at a place other than a police station**

Question 37: Do you agree that the police be given the power to take fingerprints outside of a police station in order to confirm a person's identity?

*The SRC is aware that 'on the spot' fingerprinting can be used in conjunction with street disposal of offenders. This is now the case in England and Wales where a growing number of offences can be dealt with by way of Fixed Penalty Notice.*

*While the SRC does not object to the principle of fingerprinting or recording other biometric data outside of the custody suite, we have reservations about the potential application of this facility. The rapid disposal of offenders by way of ticket instead of charge is a relatively new concept with little credible research for anything other than the most trivial and minor of first-time offences. The deterrent effect in particular is entirely unknown.*

*If on-the-spot fingerprinting goes ahead, it must only be done in suitable locations, i.e., not on a shop floor. Clear rules must be set out for this.*

*Any proposals to alter methods of disposal for any offences that impact the business community must be carefully considered with all stakeholders.*

Question 38: Do you agree that officers should also be able to conduct on-the-spot checks, other than for identity verification, in specified circumstances?

*The SRC has no view on this matter.*

#### **Date and place of birth**

Question 39: Do you agree that the police should be given a power to ask for date of birth and place of birth information from suspects?

*Yes, this would seem sensible.*

#### **Independent Police Complaints Body**

Question 40: Do you agree that the proposed measures at paragraph 9.11 are the most effective ways in which to raise the profile of the role of the Procurator Fiscal in investigating criminal complaints made against the police?

*The SRC holds no view on this matter.*

Question 41: Are you satisfied that the powers and duties outlined at paragraph 9.15 will be sufficient to allow the new body to play an effective role in ensuring that Scotland has a modern and transparent police complaints system?

*The SRC holds no view on this matter.*

Question 42: If not, what alternative or additional powers do you think are needed?

*The SRC holds no view on this matter.*

#### **Incentives for providing information or evidence for use against others**

Question 43: Do you agree that a statutory system should be established to seek to increase the number of accused who plead guilty and provide co-operation against other accused in return for a reduced sentence?

*Any measures to help secure convictions against retail criminals and others should be introduced.*

Question 44: Do you agreed with the features of the system proposed?

*This proposal seems reasonable.*

Question 45: Do you agree that the prosecutor in Scotland should be able to inform the trial judge in confidence of unrelated co-operation which an accused has provided in the past and for the judge to be able to take that into account in sentencing?

*This proposal seems reasonable.*

Question 46: Do you agree that the prosecutor's power to offer immunity from prosecution in return for co-operation should be put on a statutory basis and that the prosecutor should be able to commence or recommence proceedings where the degree of co-operation has not been provided?

*This proposal seems reasonable.*