

# SGF

Scottish Grocers' Federation

[www.scottishshop.org.uk](http://www.scottishshop.org.uk)

Promoting Responsible Community Retailing Since 1918  
to ensure a sustainable and prosperous convenience industry in Scotland



Stephen Imrie, the Clerk for the committee  
Criminal Justice Committee  
The Scottish Parliament  
Edinburgh  
EH99 1SP

*Sent by email.*

13<sup>th</sup> February 2022

Dear Stephen Imrie,

### **SGF and RAC response to the Bail and Release from Custody (Scotland) Bill at Stage 1**

We are writing to you as the Clerk for the Criminal Justice Committee regarding our concerns with the Bail and Release from Custody Bill as introduced at Stage 1 and request that our views are submitted into evidence for the considerations of Committee Members.

The Scottish Grocers' Federation is the leading trade association for the Scottish convenience store sector. There are over 5,000 convenience stores in Scotland, which includes all the major symbol groups, co-ops, and convenience multiples in Scotland. SGF promotes responsible community retailing and works with key stakeholders to encourage a greater understanding of the contribution convenience retailers make to Scotland's communities. In total, convenience stores provide over 49,000 jobs in Scotland.

Retailers Against Crime is a national not for profit crime partnership, helping to detect and prevent crime including acts of violence, by sharing information with over 1,500 retail businesses across the UK. RAC findings show that theft against retail continues to rise with actual losses reported to RAC increasing by over 30% on 2021.

Recent findings gathered for the SGF Crime Report 2022 show that 100% of survey participants experience incidents of physical & verbal abuse on a regular basis, on top of daily cases of shop theft. The total cost in financial terms alone reached at least £2.3 million in 2021. Meanwhile, a staggering 95% of retailers told us they experience some form of Hate Crime at least once a month.

Our principal concern with the Bail and Release from Custody Bill as introduced is that it further reinforces the message that there are little or no consequences for shop theft, and therefore offenders continue to steal with no fear of any repercussions. Shop theft is not a victimless crime. It is financially crippling for retailers and can be distressing for owners and staff.

Significant progress has been made with the introduction of Daniel Johnson MSP's Protection of Workers (Retail and Age-Restricted Goods and Services) (Scotland) Act. Every incident is one too

Find us on



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many, however, and shop workers across Scotland are still experiencing unacceptable levels of crime. This can impact on their mental health and wellbeing and often that of their families, customers, and communities.

Figures collated by Police Scotland reveal that there were more than 3,000 reported crimes for the year since the Act in came into force, in August 2021, including a 62% detection rate (individuals identified). SGF and RAC believe that the measures set out in the Bail and Release from Custody Bill would undermine that progress. Indeed, we have called for further details to be made publicly available which indicates that individuals who commit retail crime are being taken into custody and receive a sufficient sentence for their crimes.

Part 1 of the Bill, amending Part 3 of the Criminal Procedure (Scotland) Act 1995, will effectively establish a rule that refusing bail should be a 'last resort'. As set out in the Explanatory Notes, to '*enable the court to receive information from justice social work to help inform its decisions on bail, limit the circumstances in which the court may refuse bail, and require the court, when it does refuse bail, to state and record particular reasons for its decision.*'

Hence, the repercussion if this measure will be that fewer accused will be taken into custody before a trial and many will be allowed to re-enter the community pending conviction. In most cases, that will allow the accused to readily access the shop and interact with staff where the crime was committed.

Likewise, Part 2 of Bill will provide additional powers to release criminals convicted of retail crime, under certain circumstances, before their sentence is fully carried out. Once again, sending the message to retailers and individuals that there are little or no consequences for committing retail crime.

SGF and RAC understand that the Criminal Justice System in Scotland is under pressure and that resources are limited. However, we believe that continuing to allow individuals to commit crime with little or no consequences will only encourage criminal activity in the retail setting and add to the threat experienced by owners, staff and businesses.

SGF and RAC hope this information is useful for your deliberations at Stage 1 one the Bill, and we would be pleased to meet with you on this matter if you would find it helpful.

Yours sincerely,

Dr Pete Cheema OBE  
Chief Executive - Scottish Grocers' Federation  
Email – [REDACTED]

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