Thank you for responding to the Local Government and Regeneration Committee’s Call for Evidence on the Air Weapons and Licensing (Scotland) Bill. All submissions will be examined and considered as part of the Committee’s scrutiny of the Bill.

Please be aware that questions marked with an asterisk (*) require an answer before you can submit the form.

Follow the Local Government and Regeneration Committee’s Twitter feed - all Committee tweets on this Bill will have the hashtag #awlbill.

*1. Please supply your name and contact details:

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* 2. Please confirm that you have read and understood the Scottish Parliaments “Policy on the treatment of written evidence by subject and mandatory committees”:

☑ Yes

* 3 Please confirm whether you are content for your name to be published with your submission:

☐ Yes
☑ No

* 4. Which of the three categories below best describes your interest in the Bill (please tick only one)?

☑ Personal

☐ Professional

☐ Commercial

* 5. Do you wish your email to be added to the Committee’s distribution list for updates on progress of the Bill:

☑ Yes

☐ No
6. Invitations to give oral evidence to the Committee on the Bill will be based on the submissions received. If you wish your submission to be included amongst those considered for possible invitation to give oral evidence, please indicate here.

☑ Yes
☐ No

* 7. You may answer questions on the entire Bill, or on any part of the Bill. Please indicate which parts of the Bill you are responding to? (You may select as many options that apply).

☐ All of the Bill
☑ Equalities, climate change and other Scottish Government objectives
☑ Air Weapons
☐ General licensing issues
☐ Alcohol licensing
☐ Civic licensing – taxi/private hire car licensing
☐ Civic licensing – scrap metal dealers
☐ Civic licensing – theatre licensing
☐ Civic licensing – sexual entertainment venues
1. Equalities, Climate Change and other Scottish Government objectives

You may respond to all the questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

8. Do you consider that the Bill has any implications for meeting Scotland’s climate change commitments? Please explain.

Relating to the airgun licencing components of the bill;

There will certainly be an impact in that journeys made by Firearms Enquiries Officers to 328,000 individuals will use carbon releasing fuel.

Individuals who are required to surrender their legal property will need to travel to approved locations to hand it in.

Safe disposal of metal, including lead needs to be considered.

Plastic components will require careful disposal

Will wooden components be recycled?

9. Do you consider that the Bill has any implications for meeting Scotland’s equality and/or human rights commitments? Please explain.

The airgun licensing aspect of the bill will have a negative impact. You are restricting individual’s rights to use their own property within the bounds of their own land in possible breach of ECHR Articles 1, 8, 14 & 17 and UDHR Articles 2, 12, 17, 24 & 27.

If you do not provide adequate compensation to those who have no criminal record that choose to hand in their airguns or are forced to hand them in I believe that the government is committing theft.

It is appalling that the Justice Secretary has so blatantly ignored the results of the Public Consultation where 87% of respondents were opposed to airgun licensing.

10. Do you consider that the Bill has any implications for preventative
spending and/or public services reform? Please explain.

I estimated that **airgun licensing will cost in the region of £75,600,000**. If you do not recoup the full cost of the licensing scheme and funds are required from the public purse there will be less money available for more worthy causes.

11. Do you consider that the Bill has any implications in relation to European Union issues? Please explain.

   Possible breach of ECHR Articles 1, 8, 14 & 17
   Trade with European airgun manufacturers will be impacted
   International airgun competition will be impacted

12. Do you have any other comments on the impact of the proposals contained in the Bill relation to Scottish Government objectives?

   NO
2. Air Weapons Licensing

You may respond to all the questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

13. In what ways will the creation of an air weapons licensing system in Scotland contribute to preserving public order and safety, reducing crime and advancing public health policy?

Simple - It will not

There will be no reduction in airgun crime directly attributed to a licensing scheme. Existing legislation if properly implemented provides adequate controls against the misuse of low powered airguns. I believe that there will be an initial increase in airgun related crime. Not necessarily violent crime but inadvertent crime, e.g. being in possession of an airgun whilst not knowing that a certificate is required.

Money used to fund the scheme could be better used to advance public health, say by using it for hospitals, safer roads, driving education (bad driving kills far more than guns do), youth education etc.

14. Is there sufficient provision, or sufficient capacity to provide, suitable numbers of air weapons clubs across all areas of Scotland for use by registered air weapons owners/ users?

No there is not.

I estimate that there are in the region of 678,860 low powered airguns in Scotland. These are owned by around 378,073 people. I obtained these figures using the airgun ownership figures for England & Wales which gives 7.24% of the E&W population owning airguns (7,000,000 airguns owned by 4,000,000 people - Gun Trade Association 2010). 7.24% of the Scottish population based on 2010 numbers is 378,073 (ONS 2010)

A number of people use low powered airguns safely and responsibly in the gardens and on other land they have authority to do so. If “plinking” is to become “illegal” it is unlikely that there would be enough space in existing airgun clubs to cater for those who now have nowhere to shoot. Despite the government’s statement that it would encourage shooting at “approved” clubs, I doubt very much that the Scottish Government would be willing to fund the setup of new shooting clubs given their well-known anti-shooting stance.

Even if 50% dispose of their property that still leaves a significant number of people looking for clubs that simply don’t exist.
15. How will the air weapons licensing system affect those using air weapons for personal/recreational use?

It will devastate the sport - which is the intention of the Scottish government.

16. How will the air weapons licensing system affect those aged 14 to 17 who use air weapons?

It will prevent new people entering the sport - a Scottish government intention

It will make low powered airguns "special" and more attractive to young people who are intent on misbehaving and causing trouble. "Look I have an illegal airgun".

I have found that young people involved in sports shooting are responsible and safe individuals. They tend to be more disciplined, responsive to instruction, dedicated and patient. All positive traits.

The Commonwealth Charter

"Importance of Young People in the Commonwealth
We recognise the positive and active role and contributions of young people in promoting development, peace, democracy and in protecting and promoting other Commonwealth values, such as tolerance and understanding, including respect for other cultures. The future success of the Commonwealth rests with the continued commitment and contributions of young people in promoting and sustaining the Commonwealth and its values and principles, and we commit to investing in and promoting their development, particularly through the creation of opportunities for youth employment and entrepreneurship"

Yet government constantly removes activities and opportunities from young people.

17. How will the air weapons licensing system affect those using air weapons for commercial/professional reasons (for example: for pest control; as part of the tourist/hunting season; as part of fairs, paintballing
centre, entertainment sector etc.?)

**Pest Control**

Those who charge for pest control will probably put up their prices. Potential customers may decide not to employ pest controllers and may choose other method, perhaps illegal, to remove pests. Or perhaps they may not bother removing the pest at all. Perhaps they may acquire an "illegal" airgun themselves?

The cost of food may go up as pests are not being controlled to the same extent.

Perhaps less environmental friendly means of pest control will be used.

**Rabbits and Rats**

Rabbits and Rats are often controlled by shooting by airgun

"The Economic Cost of Invasive Non-Native Species on Great Britain" November 2010, sponsored by the Scottish Government (and others) states;

In Scotland Rat control costs £2,867,450 per year

Estimated annual cost to agriculture in Scotland
Rabbit £58,563,000
Rats £6,549,000

Estimated annual Yield Loss to Rabbits in Scotland £56,965,000

**Tourism**

There will be no airgun related tourism. Why come to Scotland if you have to get a Visitor permit, I'm sure they would rather spend their money elsewhere. Airgun shooting competitions will stop

**Fairs**

There is very little, if any, shooting at public fairs and events. The "anti-shooting" movement and anti-gun biased media have made a perfectly safe and enjoyable activity almost non-existent.

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18. How will the air weapons licensing system affect those using air weapons for competitive sporting purposes?
Those who compete at the highest level will probably continue to do so, however casual recreational competition will cease. Eventually high level competitive shooting in Scotland will cease as there will be no new talent entering the sport. Perhaps those who compete at international level will choose to represent other countries. They may be forced to train elsewhere, like GB pistol shooters have to.

19. Is it equitable for those applying for an air weapons certificate to pay a fee which cannot be refundable irrespective of whether a certificate is granted or not?

A non-refundable application would be disgraceful. People are being forced in to applying for a certificate for an inanimate item they have owned and used safely and responsibly for many years. If they don’t have land permission or are not a member of a club they will not be granted a certificate, therefore their application fee should be refunded in full.

20. Will the air weapons licensing system have a positive or negative impact on other areas of the public sector in Scotland (eg. The work of local government, public agencies etc.)?

NEGATIVE

Scotland is already the laughing stock of the UK, Europe and further afield. People in the shooting community throughout the globe cannot believe the stupidity of such a scheme.

The Police do not have the resources to manage airgun licensing, they are struggling with the existing Firearms/Shotgun Licensing at the moment. There are still eight different licensing departments, with eight different interpretations of Firearms Legislation, within the single Police Force. Home Office guidance is NOT being followed and the personal opinions of Firearms Enquiries Officers is determining who does/doesn’t get a certificate and what firearms may/may not be permitted on the certificate. Firearms Legislation in general is completely mismanaged and a disgrace.

21. What, if any, might the unintended consequences of introducing an air weapons licensing system in Scotland be?
I don't believe that the Scottish government have any unintended consequences. They are anti-shooting and want to remove all “guns” of all types from civilian ownership and use.

Airgun licensing is the only area of Firearms Legislation that has been devolved and is therefore the first area the Scottish government can attack. The Scottish government is using this as a test run in order to get the systems in place (at massive expense) in case additional Firearms Legislation is devolved or should Scotland become Independent (Heaven Help Us!). The Scottish government is intent on attacking the interests of law abiding shooting enthusiast who are generally among the most law abiding people in the country.

However, to answer the question in the context that was meant; There may be Common Law implications; Under Common Law no crime is committed unless others are harmed or threatened, therefore using an airgun on your own property or having it on your possession and no person being harmed or threatened and no damage to property is NOT a Common Law crime.

You may find that enterprising people may go to England to purchase cheap airguns, hand them in and claim compensation from the Scottish government. I have yet to see figures on the estimated compensation bill, I expect it will run to millions.

How will the borders be policed to stop illegal importation of airguns?

**Breach of the IOC Olympic Charter**

“The practise of sport is a human right. Every individual must have the possibility of practising sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play.”

“Any form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or otherwise is incompatible with belonging to the Olympic Movement”

“Belonging to the Olympic Movement requires compliance with the Olympic Charter and recognition by the IOC”

NOTE: If Scotland remains within the United Kingdom, then Great Britain has two options;

1. No longer be a member of the Olympic movement as Scottish airgun shooters will be unfairly discriminated against in that they will face higher costs and restriction to where they can practise, whereas their English & Welsh counterparts do not have these restrictions. (Northern Ireland airgun shooters are also unfairly discriminated against).

Or....

2. Make the whole of Great Britain a level playing field by implementing an airgun
licensing for England & Wales (and amending the requirements in Northern Ireland). The estimated cost for an airgun licensing scheme in England & Wales is £800,000,000.

Possible breach of ECHR, UDHR, Common Law, Claim of Right Act 1689 and Commonwealth Charter.

22. Do you have any other comments to make on air weapons licensing aspects of the Bill?

A complete waste of tax payers (my) money.

All Police officers I have spoken with about the issue claim it will do nothing to reduce airgun crime.
3. General Licensing Issues

You may respond to all questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

23. Is the current Scottish licensing regime, as set out in the Civic Government (Scotland) Act 1982 and the Licensing (Scotland) Act 2005, fit for purpose?

24. Should a licensing system seek to regulate individual behaviour or communities of space (eg. 'city space' etc.)?

25. In what way should the licensing system in Scotland interact with the support the land use planning system, community planning and regeneration?
26. How does the licensing system in Scotland assist with the delivery of sustainable development and economic balanced areas?

27. In what way does the licensing system in Scotland support health and planning, addressing health inequalities and public health wellbeing outcomes?
4. Alcohol Licensing

You may respond to all questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

28. In what ways will the Bill’s provisions on alcohol licensing allow for reductions in crime and the preservation of public order?

29. Are there any other measures which should be taken to assist in the reduction of crime and the preservation of public order?

30. In what ways will the provisions in the Bill enhance the licensing objectives set out in the Licensing (Scotland) Act 2005?
31. In what ways will the re-introduction of the “fit and proper person” test assist with the implementation of the licensing objectives set out in the 2005 act?

32. Have there been any unintended consequences arising from the 2005 Act, for example, in rural areas or the economic regeneration of areas?

33. Which, if any, types of spent relevant offences should be required to be disclosed and what do you think the benefits of disclosure will be?

34. Do you have any other comments to make on the alcohol licensing aspects of the Bill?
5. Taxi and Private Hire Car Licensing

You may respond to all questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

35. What benefits should the licensing of taxis and private hire cars deliver for customers?

36. In what ways do customers, providers of taxi/private hire car services and local authorities benefit from the two-tier licensing regime for taxis and private hire cars?

37. The Government states that a radical overhaul of the current two-tier licensing regime would "clearly require a very high level of resource and would cause significant disruption for the trade, local authorities, the police and ultimately the travelling public". What are your views on this and would the potential costs and disruptions outweigh any potential benefits of a unified system?
38. Do the changes made by sections 60 (overprovision of private hire car licences) and 61 (testing of private hire car drivers) of the Bill strike the right balance in terms of introducing greater consistency while maintaining justifiable differences?

39. Do you have any views on the section 62 provisions bringing vehicles contracted for exclusive use for 24 or more hours within the licensing regime for taxis and private hire cars, and should any exemptions be included in the Bill?
6. Scrap Metal Dealer Licensing

You may respond to all questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

40. Taking the proposals in sections 63 to 66 of the Bill together, how will they have the desired effect of strengthening the metal dealers’ licensing regime to the extent that metal theft and related criminal activity is reduced?

41. In your view, could the Bill be further strengthened in any way, for example, by including an accreditation scheme for metal dealers?

42. Removal of exemption warrant - do you wish to comment on the proposal to remove the exemption warrant system?
43. Removal of requirement to retain metal on-site - what impact will the proposal to remove the retention of metal requirement have on the enforcement of the licensing regime and prevention of criminal activities?


44. Forms of payment - what is your view on the proposal to go 'cashless' and is there merit in considering whether metal dealers could be allowed to operate using cash for only very small transactions, which could be limited to a certain number per month?
45. Forms of identification and record keeping:

In line with the Scrap Metal Dealers Act 2013, the Bill adds additional record keeping requirements to a metal dealer's licence including recording the means by which a seller's name and address was verified and retaining a copy of the document, and the method of payment and a copy of the payment document. The Bill will also require a metal dealer to record information in books with serially numbered pages or by means of an electronic device, and to keep separate records at each place of business. Such information and documents are to be kept for three rather than the current two years.

How important is it that the record keeping requirements reflect those in the Scrap Metal Dealers Act 2013, and do you agree with the Scottish Government that the proposed record keeping requirements are not unduly burdensome?
46. Mandatory and discretionary licensing requirements:

The Scottish Ministers can impose mandatory licensing requirements, such as those included in the Bill relating to record keeping and the identification of customers. In addition, local authorities can also attach discretionary requirements to licences in their areas.

Does the Bill get the balance right between mandatory and discretionary licensing requirements? Should the Bill include other mandatory conditions for obtaining a metal dealer's licence, such as installing CCTV at metal dealers' premises or in relation to labelling of metal and 'forensic coding'? 
7. Civic Licensing – Theatre Licensing

You may respond to all the questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

47. Will there be any impacts during the transitional period between ending the current theatre licence and starting the public entertainment licence?

48. Are there additional costs or resource implications on theatres or licensing authorities?

49. How should licensing authorities integrate their current fee charging structure into their public entertainment regime?
8. Civic Licensing – Sexual Entertainment Venues

You may respond to all questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

50. What are the consequences of operating the new licensing regime using the definitions set out at section 68 of the Bill?

- 'sexual entertainment venue'
- 'audience'
- 'financial gain'
- 'organiser'
- 'premises'
- 'sexual entertainment', and
- 'display of nudity'

51. The Bill specifies that a venue hosting sexual entertainment on three occasions or less within a 12 month period would not be treated as a sexual entertainment venue: does this have any unintended consequences?
52. Local licensing authorities will be able to set the number of sexual entertainment venues in their area to below the existing level, or zero: are there any advantages or disadvantages to this approach?

53. The Bill relies mainly on the existing licensing regime for sex shops as set out in section 44 and Schedule 2 of the Civic Government (Scotland) Act 1982 (application, notification, objections and representations, revocation of licences etc., enforcement and appeals): is this mechanism adequate for the licensing of sexual entertainment venues - if not, please explain why?

54. Are there any barriers to licensing authorities operating the new licensing regime?
55. Civic Licensing

Do you have any other comments to make on the civic licensing aspects of the Bill?