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 #aw&lbill.

*1. Please supply your name and contact details:

Name: T/D/SUPT ALISON EVANS
Organisation: NATIONAL METAL THEFT TASKFORCE
Address 1:
Address 2:
City/Town:
Postcode:
Country:
Email address (if no email leave blank):
Phone Number:

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

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

X Yes

☐ No

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

☐ Personal

X Professional

☐ Commercial

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

X 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.

X 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

Submission Number: 81
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
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?

The National Metal Theft Taskforce (NMTT) supports the reform of the legislation around dealing in metal and would prefer to see a regime that mirrored that in England and Wales to avoid displacement of offending and dealing in stolen metal.
The removal of exemption warrants is supported as we believe legislation should apply to all scrap metal dealers, no matter what size.

We have seen no convincing commercial argument for not retaining metal for 48 hours and it would be of great assistance to law enforcement if metal was required to be retained. As part of the minimum standards of investigation, British Transport Police officers visit, at least, the three most local SMDs to search for the stolen cable, it would facilitate the identification of both stolen property and the premises that repeatedly process stolen metal if SMDs had to retain metal for 48 hours. It would also have a deterrent effect of SMDs refusing to accept metal they thought “may” be stolen if they thought that they may make themselves liable to handling type offences.

41. In your view, could the Bill be further strengthened in any way, for example, by including an accreditation scheme for metal dealers?
We would welcome an accreditation scheme which could follow on from the RAG status by which all SMDs in England, Scotland and Wales have been evaluated as part of Operation Tornado. This would assist with the licensing process, reducing the burden on local councils, and allow all the relevant parties involved in the licensing of SMDs – law enforcement, SEPA and LAs – to focus their enforcement activity on those who choose not to comply with the legislation.

The NMTT is currently developing a Scrap Metal Dealers Register for all SMDs in England and Wales to provide a comprehensive register of all SMDs, motor salvage operators and mobile collectors. This will not only hold all the details of licences issued and applications refused, but will also hold intelligence in order that the appropriate decision is made regarding the licence, and all agencies have access to up to date information to prioritise their visits and inform activity. We believe this would be enhanced by the inclusion of all Scottish SMDs, to enhance information sharing, avoid duplication and eradicate knowledge gaps.

We note that the definition of a dealer and itinerant dealer requires that they “buy and sell metal”. This will exclude itinerant collectors who collect from door to door but do not pay, or can not be proved to have paid. This was identified when the SMD Act 2013 was drawn up and the wording of the 1964 Act was amended to “buy or sell”. It is our belief that such a change should be made through the medium of this Act as well.

We believe that records should be maintained for longer than six months. Whilst huge strides have been made against organised crime groups involved in metal theft, these investigations can take many months and even years, investigating multiple offenders and wide ranging offences. Without a mandatory requirement to retain records potential evidence would be lost.

We would like to recommend that records are kept for the length of the licence. Then, LAs could also use them, should they choose, to check whether the records had been completed and stored correctly as part of the relicensing process.

The Scrap metal Dealers Act 2013 specifically precludes payment in kind and we believe that this Act should mirror that to avoid any subversion of the cashless system.

We can find no mention in the Bill of a requirement
42. Removal of exemption warrant - do you wish to comment on the proposal to remove the exemption warrant system?

As stated above – we believe there needs to be a comprehensive scheme that covers all SMDs, motor salvage operators and mobile collectors no matter what size.

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?

As previously stated we believe that the requirement to retain metal for 48 hours, coupled with the requirement to record metals received, would be of great assistance to law enforcement investigating the theft of stolen metal locally and we do not believe that this would be commercially disadvantageous to SMDs.

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?
Our experience working with dealers in England and Wales is that they have adapted very well to the new regime of cashless transactions since the inception of, initially LASPO 2012 and then the Scrap Metal Dealers Act 2013. SMDs have tried to undermine the legislation by instigating cheque cashing services on sites, but, if they are run correctly and have third party involvement then these are legal and, indeed, provide another layer of identification confirmation through the necessary KYC checks of a Money service business.

We firmly believe that the evidence from England and Wales proves that there is no requirement for any transactions, however small, to be paid in cash, and the blanket ban relieves SMDs of any pressure from unscrupulous customers to make a series of payments under the threshold to avoid identification via a cheque or bank account.

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?
The requirement for identification is one of the key tenets of the legislation in that it removes the capability of thieves to dispose of the metal they have stolen anonymously and increases the risk of detection for them. As such it has been extremely effective, particularly again low level less organised offenders by removing the legitimate market for stolen property. This is why, prior to the legislation, law enforcement and partner agencies worked with the BMRA to get SMDs signed up to start voluntarily requiring identification as part of Operation Tornado, which has proved to be extremely successful and paved the way for the legislative requirement when the SMD Act came in to force in 2013. Identification documents should be limited to passports and driving licences and proof of address, a household bill, excluding a mobile phone bill, as per SMD Act 2013.

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’?

Whilst it is right that each local authority may apply additional licensing requirements accordingly to their local needs, close liaison with law enforcement and partner agencies should be undertaken to ensure they are aware of any additional requirements when undertaking visits/stops etc.

CCTV could be considered to be an unnecessary burden by small operators, however, no only would it be useful for crime investigation purposes, it would also have a deterrent effect, making the premises less vulnerable to burglaries or thefts.