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: DOUGLAS CAMPBELL
Organisation: RENFREWSHIRE COUNCIL
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”:

✓ 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
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?

We welcome the removal of the exemption for metal dealers based on turnover of more than £1,000,000.00. This will remove the current requirements on licensing authorities having to consider and issue exemption warrants, the cost of which cannot presently be recovered, and will also assist the enforcement of licensing conditions as all businesses dealing in scrap metal will now fall within the licensing regime. We consider that the new proposed provisions on record keeping, both in relation to acquisition and disposal of metals, will assist in reducing metal theft and related criminal activity.

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

We do not have any comment to make on the introduction of an accreditation scheme. However, we would welcome any scheme that would improve standards and increase public confidence in relation to metal dealers.
42. **Removal of exemption warrant - do you wish to comment on the proposal to remove the exemption warrant system?**

Answer 40 refers. We welcome the removal of the exemption warrant system which will bring more metal dealers within the ambit of licensing.

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?**

In isolation, we would have a concern over this proposed new provision. However, the enhanced record keeping that the Bill envisages should improve enforcement of the licensing regime generally. We do however have a concern that where metal is removed onto premises which may not be licensed, the rights of entry and inspection under Section 5 of the 1982 Act may be inadequate from an enforcement perspective.

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?**

We welcome the new rules on forms of payment, which may be useful in verifying information as to the acquisition and disposal of metal. We would have some concern that allowing cash transactions for small transactions, or a limited number of transactions, may provide a loophole in enforcement terms.
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?

We do consider it is important that the record keeping requirements reflect those in the Scrap Metal Dealers Act 2013, as there is likely to be trading in metal between persons in Scotland and persons in England and Wales. We consider that the proposed record keeping requirements are proportionate given the concerns over the theft of metal and associated criminality.
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'?

We consider that the Bill strikes a reasonable balance between mandatory and discretionary licensing requirements. We would add that we remain to be persuaded that the installation of CCTV at metal dealers' premises is suitable as yet for local licensing authorities to impose on a discretionary level, as this could potentially be challenged by licence holders as onerous and could leave the matter for the Courts to consider, causing uncertainty and expense. If the Scottish Government considers that the installation of CCTV may be beneficial in addressing concerns over the theft of scrap metal, then it would be helpful if this could be made a “pool” condition, similar to those conditions envisaged in the enabling provisions of the 2005 Act, which local authorities could elect to adopt, or not, at a local level.