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: Michael McDougall
Organisation: Glasgow City 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”:

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.

☐ 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?

The Licensing Authority has for some time been concerned with the extent of metal theft at both a local and national level. The Authority’s concern was reflected in its previous consultation response in relation to this matter and it therefore welcomes the Scottish Government proposal to remove the exemption warrant system, the requirements relating to recordkeeping and the imposition of cashless payments. It believes that the introduction of such measures can help build a more robust licensing regime that will assist in preventing the easy disposal of stolen metal through metal dealer premises, many of which are currently under no duty to maintain records or carry out reasonable enquiries as to the source of the metal.

Furthermore, the Licensing Authority recognises that this is not a uniquely Scottish problem and believes it is one that should be tackled on a UK wide basis. It notes that many of proposals within the Bill reflect those contained within the English and Wales’ Scrap Metal Dealers Act 2013, e.g. cashless transactions. As such, the Licensing Authority urges the Scottish Government to adopt these measures. Such a consistent approach will, hopefully, prevent Scotland being targeted by metal thieves who are deterred by the measures in place in England and Wales.

41. In your view, could the Bill be further strengthened in any way, for example, by including an accreditation scheme for metal dealers?
While the Licensing Authority recognises that the vast majority of metal dealers operate within the law and appreciate the difficulty they face in distinguishing legitimate scrap metal from that which is stolen, it does however have concerns as to metal dealers who facilitate metal theft. The Authority believes that an accreditation system can help tackle this culture by improving the standards of the metal dealing industry.

42. **Removal of exemption warrant - do you wish to comment on the proposal to remove the exemption warrant system?**

The Licensing Authority is strongly supportive of the proposal to remove that the exemption warrant system.

The Authority can see no justification for continuing to provide for an exemption to the licensing requirements based upon turnover. No other licensed activity has such an exemption and it is unclear what the rationale would be for maintaining an exemption in the future to allow any metal dealer the opportunity to remain outwith regulatory control.

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?**
The Licensing Authority is of the view that the retention of metal requirements should be removed as it recognises that such requirements may not be reasonably practical due to the Metal Dealer’s need to turn scrap metal round quickly and also the requirements of the SEPA Licence in respect of its storage.

The Authority notes that its Trading Standards officers are of the view that once metal has been received and processed by a metal dealer, it is difficult to determine and trace its origin. As such, the retention of metal requirements serves little practical purpose and its aims are best served by robust record keeping requirements.

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?

The Licensing Authority is supportive of a cashless payment system being applied in respect of all metal and itinerant dealers as the prohibition on cash transactions for the disposal of metal will, hopefully, assist in reducing the likelihood of stolen metal being disposed off through licensed businesses.

The Authority suggests that any exception to the cashless system will only serve to expose the system to abuse. The most straightforward solution is to ban cash payments entirely. Any deviation from the cashless payment system will expose the system to circumvention and thus undermine its purpose.

This, once again, ties in with the Authority’s belief that it is important to view the Licensing Regime in respect of metal dealers on a UK wide basis. It is noted that England and Wales have adopted a cashless payment system and the Licensing Authority would suggest that it is important that Scotland follow suit to ensure that metal thieves are not attracted north of the border to take advantage of cash payments.
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?
As the Licensing Authority has stated throughout this document, it is of the view that only by presenting a united front with England and Wales, can metal theft be deterred and combated. And while it does not wish to impose burdensome requirements upon scrap metal dealers however, if Scotland were to adopt more liberal record keeping requirements than England and Wales then the Licensing Authority would be concerned that “regime shopping” would take place whereby organised crime would be attracted to Scotland. This would be due to a perception that it is easier to dispose of stolen scrap metal.

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’?
While this Licensing Authority does advocate a universally robust approach to the licensing of Metal Dealers, it does recognise the need to allow licensing authorities to attach additional local conditions to reflect the uniqueness and challenges of their own local area. However, at a national level there should be a suitably robust, mandatory scheme which provides for consistency across all licensing authority areas.

With specific reference to the conditions highlighted in the Scottish Government’s above question, the Authority is of the view that these should form mandatory conditions as they are represent the basic standard of crime prevention that should be expected from metal dealers. A failure to impose these basic standards exposes the dealer and therefore the entire supply chain to organised crime. It is the Licensing Authority’s view that mandatory conditions should seek to protect the supply chain from organised crime and therefore a minimum standard should be imposed.