Evidence to the Scottish Parliament’s Local Government and Regeneration Committee: 
Air Weapons and Licensing (Scotland) Bill

Introduction

SSE welcomes the opportunity to respond to the Committee’s call for evidence. SSE is a UK-listed utility and the broadest-based energy company in the UK. SSE is involved in the generation, transmission, distribution and supply of electricity, in the production, storage, distribution and supply of gas, and in other energy services.

SSE, through its electricity distribution and transmission division, Scottish and Southern Energy Power Distribution, owns and operates both the distribution and transmission networks in the north of Scotland and owns and operates the electricity distribution network in central southern England. Across its networks SSEPD own over 100,000 electricity substations and over 130,000km of overhead lines. Through SSE’s renewables division, SSE Renewables, SSE own over 800 onshore turbines and associated infrastructure.

This response predominately relates to SSE’s network businesses, where it has experienced higher instances of metal theft, but should also be considered relevant for its generation assets throughout Scotland.

General comments

SSE strongly supports the Scottish Government’s proposals to better regulate the scrap metal industry which in turn is hoped will help reduce metal theft in Scotland.

Metal theft from electricity networks and generation sites is not just illegal, but is extremely dangerous and irresponsible. It places the lives of the general public, the culprit and engineering staff at risk, not to mention the disruption it causes to homes and businesses who could find themselves without power as a result.

Since the introduction last year of similar metal theft legislation in England and Wales, intelligence suggests that there has been a shift in offending into Scotland. This can take the form of those perpetrating the thefts moving north of the border, or alternatively, committing the crime in England and Wales and disposing of the stolen metal Scotland.

SSE therefore fully supports the earliest possible implementation of this legislation, in as robust a form as possible.

In particular, SSE believes the removal of exemption warrants, tightening of record keeping and customer identification procedures will help significantly deter metal theft and the critical element for the success of the Bill is the removal of cash payments, which SSE strongly supports.

Specific comments on the draft legislation are provided below under the relevant heading for each section of the draft Bill.
Section 63 – Removal of exemption warrants for certain metal dealers
SSE supports proposals to remove the exemption warrants for metal dealers which will introduce and ensure consistency in the transaction and processing of scrap metal across Scotland.

Section 64 – Abolition of requirement to retain metal for 48 hours
Whilst SSE is broadly supportive of the draft legislation as currently drafted, it does have concerns about the proposal to remove the requirement for metal to be retained on site for 48 hours. SSE recognises that despite the best intentions of the legislation it will be extremely difficult to fully prevent future metal theft in Scotland and for this reason, SSE believe it is essential to maintain the existing 48 hour period to help trace and subsequently recover stolen metal before it is processed.

Section 65 – Acceptable forms of payment for metal
SSE believes the proposals to ensure all transactions are ‘cashless’ will greatly assist in helping reduce the transaction of stolen metal within Scotland’s scrap metal industry. However, SSE would recommend the committee looks to learn lessons from the introduction of similar legislation in England and Wales, when very quickly after the introduction of the legislation a number of scrap metal dealers set up parallel business which would cash cheques on site, effectively allowing the ‘cashless’ transaction regulation to be bypassed. SSE would therefore recommend provisions are included within the legislation to prevent this type of activity being replicated in Scotland and to achieve this objective SSE would suggest restricting payment for scrap metal to ‘electronic bank transfers’.

Section 66 – Metal dealers and itinerant metal dealers: records
SSE strongly supports the requirement for greater record keeping which it believes will be crucial to the success of future metal theft prosecutions and will also act as a further deterrent to help prevent future metal theft. SSE believes that the collation and administration of, for example, ID documents used in transactions, is critical to the success of the Bill. SSE believes that the responsibility of identifying customers’ lies firmly with the scrap metal dealer’s to ensure a legitimate supply of materials to their business. This ‘Know Your Customer’ principle should be in the form of a nationally recognised photographic identification, such as a passport or driving licence.

Additional comments
There are a number of other areas which SSE believes the Committee and Scottish Government should consider to help reduce metal theft in Scotland further.

Accreditation scheme
SSE would support the introduction of a Scrap Metal Dealers accreditation scheme. SSE believe this would be a critical step in building faith in the industry in a similar manner to the Achilles financial scheme, which allows customers to conduct business in the knowledge that there is a vastly reduced possibility of criminal activity.

Prosecution and penalties
Whilst the Air Weapons and Licensing (Scotland) Bill does not include specific provisions regarding the penalties for metal theft SSE believe that utilising the Criminal Procedure Scotland Act 1995 as the basis of prosecution and sentencing does not provide the courts with appropriate sentencing powers. It is SSE’s belief that the maximum available penalties
do not reflect the seriousness of the crimes being committed. SSE would therefore recommend the Scottish Government considers increasing the maximum powers available to the courts, which SSE believes would result in a major impact in reducing offending.

Definition
SSE feels the definition of a “dealer” is too specific, in that the requirement to “buy and sell” would preclude, for example, itinerant collectors. SSE therefore believes the Bill would benefit from a broader definition with individual exemptions applied for those falling out of the scope.

Licences / accreditations
Scrap Metal Dealers should be obliged to display licences and accreditations prominently within their premises in a similar vein to a company’s obligation to display public liability notices.

Conclusion
SSE strongly supports the Scottish Government’s intention to better regulate the scrap metal industry in Scotland to help reduce what is a serious, disruptive and extremely dangerous crime and is grateful for the opportunity to contribute to the Committee’s scrutiny of the Bill.