ThankyouforrespondingtotheLocalGovernmentandRegenerationCommittee'sCallforEvidenceontheAir
WeaponsandLicensing(Scotland)Bill. AllsubmissionswillbeexaminedandconsideredaspartoftheCommitte
e's scrutinyoftheBill.

Pleasebeawarethatquestionsmarkedwithanasterisk(∗)requireananswerbeforeyoucansubmittheform.

FollowtheLocalGovernmentandRegenerationCommittee'sTwitterfeed—allCommitteetweetsonthisBillwillhave thehashtag#aw&lbill.

*1. Please supply your name and contact details:

Name: ACC Wayne Mawson
Organisation: Police Scotland
Address 1: Randolphfield Police Office
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?

It is anticipated that the proposed amendments, as outlined in the Bill, will improve current business practices and allow this industry to be more effectively regulated, deterring criminals and opportunists who seek to exploit current legislative gaps.

Greater controls over payment methods, record keeping, identity checks and record keeping will certainly benefit legitimate enterprise. Furthermore the removal of exemption warrants ensures that all metal dealers, including those who trade in precious/semi precious metals, will now be licensed, affording greater scrutiny and compliance.
41. In your view, could the Bill be further strengthened in any way, for example, by including an accreditation scheme for metal dealers? The following considerations may further improve industry regulation and deter criminal/opportunist exploitation:

1. Standardised conditions, such as CCTV standards;
2. The potential repeal of sec 31 places restrictions on LAs ability to effectively regulate all metal dealers. Local authorities should have the ability, and associated powers, to make addition requirements, such as determine the retention period for holding metal prior to disposal. This is particularly valid for crime prevention purposes in relation to the trade in precious/semi precious metals;
3. Stipulating requirement for photographic ID and address verification (such as utility bill, council tax);
4. Licence must be stored on the premises and produced to a constable immediately on request;
5. Every individual should hold a personal licence, allowing accountability and appropriate action to be taken, in addition to fulfilling training requirement.

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

Police Scotland supports the proposal to remove the exemption warrant system. This will enhance crime prevention and disruption activity and allow the police to enter and inspect metal dealers at any time.

The current exemption system is potentially open to exploitation. For instance, a company can technically circumvent control under CGSA 1982, particularly umbrella companies who obtain a franchise under a global name whereby the total income exceeds the required exemption figure but individually would fall below this amount.

Removal of the exemption would place all businesses under the same legislative requirements and standards.

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?

A retention period of 48 hrs should be mandatory, not include Saturday or Sundays, and all metal purchases should be stored on site. This permits police powers to enter and inspect for the purpose of crime prevention and investigation (where there has been an allegation of theft/reset), especially where a business trades in precious/semi precious metals.

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?

No minimum amount should be cashless and cash payments would still cause issues within this industry. The opportunity to exploit cash loop holes could potentially increase with the addition of minimum cash payment, i.e. for those unscrupulous traders, payment for a larger, more valuable item could be made by a number of small cash payment transactions, and would also encourage low level offending.

In addition, linked activity, such as cheque cashing facilities sub let on a premise, should be legislated for, reducing the opportunity and real potential for cash to remain part of day to day business.
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 proposed record keeping requirements are not unduly burdensome; however there remain concerns regarding what proof if identification is taken and how it is recorded.

Photographic identification and proof of address (such as utility bill, council tax) should be the industry standard.

Retaining records on data systems can lend itself to data manipulation and concealment and the preferred option would be hard copy back up records or hard copy receipts with serial numbers.

Records should be retained for three years.
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'?

CCTV should be a standard and mandatory condition, to the satisfaction of the Chief Constable, otherwise standards may vary across Scotland. Labelling metal and forensic coding will also account for the provenance of any transaction and make it more traceable.