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: Eric Anderson
Organisation: Aberdeen City Council
Address 1: 
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Phone Number: 

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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 agree that by having all metal dealers licensed, no more cash payments and better record keeping this should assist in strengthening the licensing regime and reducing related criminal activity.

We would however submit that the act or regulations stipulate the form of ID which dealers will be able to accept from customers for example passport or photo driving licence etc. Section 102 of the Licensing (Scotland) Act 2005 sets down such provisions and therefore in order to be consistent similar provisions should be made in respect of forms of identification here.

With regards the provisions for electronic record keeping we would submit that there requires to be stipulated that dealers have the appropriate means to store and back up their electronic records so these can be safely kept and retrieved for the required three year period.

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

As no detail is given as to the type of accreditation scheme we are not able to comment further at this time.
42. **Removal of exemption warrant - do you wish to comment on the proposal to remove the exemption warrant system?**

We agree with the removal of the exemption warrant in the current circumstances, and that there is a need for all metal dealers to be licensed regardless of their business turnover.

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?**

We submit that it is necessary that the retention period remains for the prevention and detection of crime. The period of retention is the same as for second hand dealers at section 25(1) of the 1982 Act. The Act therefore requires to be consistent as both licence types were enacted for the same crime detection and prevention purposes and if you remove the retention period for metal dealers the second hand dealer trade will soon call for their period to be removed too.

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?**

Payments in cash even for small transactions or for minimal amounts should not be allowed. All cash payments for whatever amount should be prohibited. Instead only electronic or cheque payments which can be traced for the purposes of the prevention and detection of crime should be allowed. If minimal cash payments are allowed this will only create loopholes in the system which could be exploited.
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?
Reflecting the provisions of the 2013 Act in Scotland would help to provide consistency across the United Kingdom for those in the metal dealing trade, for example in assisting companies that trade throughout the UK in being able to maintain their record keeping systems, and for enforcement bodies for example in knowing what records should be kept by dealers wherever they are located.

However we note that Section 15(1) and (2) of the 2013 Act states that information should be recorded in a manner which allows the information and scrap metal it relates to be readily identified by reference to each other. It further states that records must be marked so as to identify the scrap metal to which they relate. A similar provision has not however been included in this Bill and we would question why this has not been included. The provisions in the 2013 Act, which aim to provide a link between the records and the actual metal, seem to be a very robust measure in the prevention and detection of crime and we submit should be replicated here and would again provide consistency for relevant parties.

We agree that any records should be maintained for 3 years.

Furthermore given the similarities with Second hand dealers licensing we would submit that there is a need to ensure that the record keeping provisions are consistent between both forms of licensing.

Given the need to assist in the prevention and detection of crime particularly with the recent rise in metal theft we agree that the record keeping requirements are not unduly burdensome and in fact should be added to further as suggested above.
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 would agree that the Bill gets the balance right between mandatory and discretionary licensing requirements.

We do not believe that it is necessary for mandatory conditions to include requirements to install CCTV or the forensic coding of metal on every licensed dealer. We believe this would be unnecessarily onerous and instead such matters should be left to the discretion of the licensing authority to impose conditions where there is felt to be a need in respect of the crime prevention/detection objective.

It is essential that the mandatory licensing conditions set minimum national licensing requirements and by doing so this should mean that local discretionary conditions are less likely to be required.