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 hash tag #aw&lbill.

1. Please supply your name and contact details:

Name: Arlene Wilson
Organisation: British Transport Police and Police Scotland joint submission

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.

X 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
Name/Organisation: Arlene Wilson, British Transport Police and Police Scotland

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? |

British Transport Police and Police Scotland welcome any legislation which will contribute towards a reduction in metal theft.

The phenomenon, driven by international commodity prices and a perception by criminals of a low risk high reward crime, has blighted communities, business and major utilities.

The market-makers in stolen metal have been unscrupulous scrap metal dealers who have exploited the law, failed to keep adequate records and allowed a system to develop that has made disposal of stolen metal easier. Arguably the availability of cash in this industry adds to the anonymity which further reduces the risk to thieves of being traced and apprehended.

The proposals therefore should provide law enforcement with greater control and can introduce a level playing field across the scrap metal industry but there are additional steps that can strengthen the bill for the benefit of communities.
41. In your view, could the Bill be further strengthened in any way, for example, by including an accreditation scheme for metal dealers?

British Transport Police and Police Scotland fully support an accreditation system and see this as an important step for the industry to progress. Accreditation would raise the standard of the industry and allow sellers to make informed decisions based on the ability of dealers to meet a minimum set of standards. The scheme ideally should be driven by the industry, for the industry and would be the next logical step. Companies such as BT Openreach and Network Rail already have disposal policies; an accreditation system would ensure contracts were awarded to the dealers who have successfully attained accreditation.

Should the maintenance of retaining registers for metal dealers remain with Local Authorities this may be problematic as metal trading can involve collection and transportation of metal throughout multiple Local Authority areas. British Transport Police and Police Scotland would like to see the introduction of a national register of metal dealers (including itinerant metal dealers) which could be accessed by enforcement agencies. In addition it would be beneficial for metal dealers (including itinerant metal dealers) to display a copy of their licence. The current legislation allows five days for production of a licence which can hinder police investigations. We would propose that licenses should be clearly displayed within premises or vehicles in the case of itinerant metal dealers.

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

British Transport Police and Police Scotland fully support the removal of exemption warrants. The removal will improve investigations. Currently Police, Local Authorities, SEPA and other stakeholders can be hindered by unscrupulous metal dealers who can deny site access and thwart preventative measures to ensure that criminality is not taking place.

The removal of the exemption warrant together with a statutory power of entry and inspection will ensure that the industry operates on a level playing field, that they all can face the same level of scrutiny and regulatory oversight.

One concern around the Bill is that if the definition of a Metal Dealer remains unchanged (both buy and sell metal) this will by its wording exclude Itinerant Metal Dealers who collect from households without making payment for the items/materials collected. The definition would also allow for operators who deal predominately in End of Life Vehicles or those who collect general waste and other materials then sort them into waste and metal for sale to avoid 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?

British Transport Police and Police Scotland preference would be to retain the retention of metal for 48 hours as this is consistent with second hand dealer legislation and conditions. This permits a Constable or duly authorised individual to enter and inspect following any theft or reset allegation. The daily fluctuations in commodity prices may make this unpalatable to the trade although if this is a nationally agreed condition then the short term impact should be evened out.

Should the removal of retention remain the police would look to the Local Authority to impose specific conditions on those who are suspected of involvement in irregular practices or criminality.

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 British Transport Police and Police Scotland view is that there should be no cash transactions and that the requirement to purchase without cash should be applied across the industry (including all mobile collectors).

Experience and evidence from France where the government initially introduced legislation that provided a €500 threshold below which transactions could be in cash was revisited and amended within 8 months to ban cash completely.

Therefore there should be no minimum amount and all transactions should be either electronic or by cheque. The opportunity to exploit a cashless loop hole will increase with the addition of a minimum cash payment amount. The costs involved in issuing cheques or crediting debit cards is minimal and should not restrict business activity. The absence of large amounts of cash, reduce risks, bank charges and insurance costs. Low level offending must be discouraged. Prior to the Scrap Metal Dealers Act 2013 there were a number of concerns raised in terms of loosing smaller amounts, there have been no complaints since the introduction of the act.
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 requirement for record keeping should be standardised across the industry as this has been extremely successful in England and Wales in terms of deterring low level criminality. A tightening of the existing measures which should be supported by photographic identification (ID) and proof of address would not add an administrative burden; it just ensures that requirements are strengthened. The existing conditions under section 30 of the Act regarding record keeping should continue and be subject to proper scrutiny.

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'?

British Transport Police and Police Scotland would like to see a requirement for CCTV to be mandatory and not left to the discretion of the Local Authority. To ensure that smaller businesses are not financially hindered the level of coverage could be set to a minimum standard to ensure that only certain critical areas are covered for example entrances and exits, payment offices, scales and weigh bridges.

Following introduction of the Scrap Metal Dealers Act 2013 some dealers exploited a loop hole in the legislation introducing cheque cashing facility within the yard. This has now been addressed in England and Wales although this appears to have been overlooked within the proposed Bill.