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: MARK WILLIAMSON
Organisation: D&S METALS
Address 1: 
Address 2: 
City/Town: 
Postcode: 
Country: 
Email address (if no email leave blank): 
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?

It will depend on how it is regulated, the key point being Police Scotland will have to enforce and regulate this thoroughly. Everybody should be under the same legislation ie waste companies demolition companies and car breakers as well as metal dealers, as they all deal in metals in some form or another.

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

We suggest that a law is introduced to stop any metals being sold to non-registered metal dealers.

42. Removal of exemption warrant - do you wish to comment on the proposal to remove the exemption warrant system?
As long as the Authorities regulate the itinerant dealers and all other aspects of metal recycling that are not included in the bill, we have no objection to the removal of the exemption warrant.

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?

None

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?

In rural areas there are a lot of small transactions from private households (under £10.00), which due to the administration costs involved with the “cashless” payments make them to be worthless to process, which could stop the idea of recycling these materials, which could then lead them to be fly tipped.
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?

Record keeping is very important, and obviously we want to assure the identity of the seller. What worries us is that the itinerant dealer will not be policed or have to enforce the same requirements, and then they have the ability to source materials away from the fixed licensed sites. There needs to be clear definitions on what to use for identifying the seller of the metal and the recording of it, so everyone uses the same process.
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'?

Everyone throughout the country should have the same conditions, and not be left to the discretion of a local council to implement discretionary requirements. Perhaps it could be policed if a site is caught breaking licensing conditions they could be struck of after 3 misdemeanours.

NB- a few other points we would like to raise on the bill
Date of Processing of Metal – there is a amendment calling for the dealer to record the date on which metal is processed – such a requirement is totally unpractible and unworkable in any yard in the country.
Methods of Payment – method of payment and record keeping should be CLEARLY defined so we know exactly what is acceptable.
Metal Definition – This needs to be clearly defined, so anybody dealing with metal comes under the new act, as your Act does not include car breakers, demolition companies, waste management companies, who all have the ability to buy metal in their day-to-day basis.
Metal Dealer definition – You need to define who is actually a metal dealer, as previously stated car breakers, waste management companies and demolition companies can deal with metal and do not come under the Act at the present time.
Powers of Search & Seizure – We consider the existing powers vested in police officers under Section 60(1)© of the Civic Government (Scotland) Act 1982 to enter and search premises occupied by a metal dealer without warrant to be draconian, particularly in the light of the levelling of playing field for regulation of all metal dealers through the removal of the exemption warrant system.

I find it frustrating, that having sat in several consultation meetings with colleagues at the Scottish Parliament and explained the potential pitfalls and problems following the changes in the English law, that we can still see similar problems occurring in the Scottish Bill, and it appears that it is only there to appease the general public, and not deal with the actual problem.