

REPORT TO: POLICY AND RESOURCES COMMITTEE - 12TH SEPTEMBER, 2005

REPORT ON: TACKLING KNIFE CRIME - A CONSULTATION

REPORT BY: DEPUTE CHIEF EXECUTIVE (SUPPORT SERVICES)

REPORT NO: 559-2005

1.0 PURPOSE OF REPORT

- 1.1 To advise Members of the Committee of the Scottish Executive's proposals for the introduction of a Licensing Scheme for the sale of non-domestic knives and controls upon the sale of swords, and to obtain the Committee's instructions for replying to the Consultation Paper containing these proposals.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Committee:-

- (a) note the proposals for the introduction of a Licensing Scheme for the sale of non-domestic knives and controls upon the sale of swords contained in the Consultation Paper; and
- (b) remit to the Depute Chief Executive (Support Services) to reply to the Consultation Paper on behalf of the Council in the terms suggested in paragraph 6.0 below.

3.0 FINANCIAL IMPLICATIONS

- 3.1 None.

4.0 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 None.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 None.

6.0 MAIN TEXT

- 6.1 The Scottish Executive recently carried out a review of the law relating to the carrying, sale and use of knives following increasing concern at the continuing high levels of knife crime in Scotland. For instance, in 2004, figures showed that Scotland had the fourth highest number of deaths by violence in the European Union and that the use of knives and other sharp items consistently accounts for around half of these incidents. The review suggested a number of actions which could be taken, including the creation of a Licensing Scheme for the sale of non-domestic knives and controls on the sale and use of swords.
- 6.2 A Consultation Paper has now been issued proposing the introduction of a mandatory Licensing Scheme for the sale of non-domestic knives and this would apply to those knives which have no clear domestic purpose and place a spotlight on any retailers who sell knives irresponsibly. The reason why the Scheme would only apply to non-domestic knives as opposed to all knives is that the vast majority of people use knives in the home responsibly and safely every day. It is considered that the efforts and costs involved in restricting access to all of these knives would be disproportionate to any benefits that might be gained. A "non-domestic" knife is defined as "a knife which has a blade or sharp point, and which is not designed only for domestic use, or only for use in the processing, preparation or consumption of food". This definition of non-domestic knives would also include swords. There could perhaps be exemptions for items such as craft knives and penknives which have a bona fide use.

- 6.3 It is proposed to introduce this Scheme under Section 44 of the Civic Government (Scotland) Act 1982 which provides Scottish Ministers with the power to establish Licensing Schemes for activities not already covered by the said 1982 Act. If this is implemented, this would be the responsibility of the Council's Licensing Committee in the same way as, for instance, applications for taxi licences, late hours catering licences, etc. Any licences would be subject to certain conditions which applicants would require to satisfy before their application is approved. Not only would it then be a criminal offence for a person to sell such a knife without a Licence, it would also be a criminal offence for a Licence Holder to break any of the conditions of the Licence. It is suggested that conditions would cover such matters as the keeping of records; requiring purchasers to provide identification; regulating the display of knives on the premises; requiring a "cooling off" period between any initial approach to purchase and the finalising of a sale, etc.
- 6.4 As far as the sale of swords is concerned, it is suggested in the consultation that these be restricted only to persons who prove they were members of approved organisations (eg martial arts associations, highland dance groups, fencing clubs or re-enactment societies) and that it would be necessary for such organisations to be approved by the Licensing Authority and/or the Police. This would place a responsibility on those organisations that wish to use swords to show both that they have legitimate reasons for so doing, and that they exercise suitable controls over the use to which such swords are put.
- 6.5 It is recommended that the Council supports the introduction of a Licensing Scheme for the sale of non-domestic knives and swords. There is no doubt that, in areas of Scotland, there is a definite increase in the trend of using knives as an offensive weapon and carrying these for protection, particularly amongst young males. Although illegal weapon use is not high in Dundee at the moment, it is essential that this type of crime is dealt with by restricting access to such knives and strict enforcement of any new scheme.

7.0 CONSULTATIONS

- 7.1 The Chief Constable, the Head of Communities, the Director of Social Work, the Director of Education and the Trading Standards Manager have all been consulted in the preparation of this report.

8.0 BACKGROUND PAPERS

- 8.1 "Tackling Knife Crime: A Consultation" - Scottish Executive, June 2005.

9.0 Name Patricia McIlquham

Depute Chief Executive (Support Services)

Date: 2 September 2005