

REPORT TO: LICENSING COMMITTEE - 3RD SEPTEMBER 2009

REPORT ON: LICENSING OF KNIFE DEALERS

REPORT BY: DEPUTE CHIEF EXECUTIVE (SUPPORT SERVICES)

REPORT NO: 424-2009

1.0 PURPOSE OF REPORT

1.1 To advise the Committee of the introduction of a mandatory scheme for the licensing of knife dealers in Scotland and to obtain Committee approval of conditions to be attached to licences and an appropriate fee for applications.

2.0 RECOMMENDATIONS

2.1 That the Committee notes the introduction of the new scheme for the licensing of knife dealers.

2.2 That the Committee approves the list of conditions at APPENDIX I to this report;

2.3 The fee for the grant or renewal of licences be fixed at £110 for a one year licence.

3.0 FINANCIAL IMPLICATIONS

3.1 In terms of Paragraph 15 of Schedule I to the Civic Government (Scotland) Act 1982, the Council is legally obliged to recover its costs in administering the licensing scheme through the fees received. There should, therefore, be no financial implications for the Council in the introduction of the scheme for the licensing of knife dealers.

4.0 BACKGROUND

4.1 Section 58 of the Custodial Sentences and Weapons (Scotland) Act 2007 made provision for the Civic Government (Scotland) Act 1982 to be amended to include a new mandatory scheme for the licensing of knife dealers. This has been supplemented by the following Regulations:-

The Knife Dealers (Licence Conditions) Order 2009;

The Knife Dealers (Exceptions) Order 2009

4.2 As from 1st June 2010, all knife dealers in Scotland will require to be in possession of a valid licence from the local authority known as a "Knife Dealer's Licence". It will be a criminal offence to carry on business as a knife dealer without such a licence.

4.3 A "knife dealer" means anyone carrying on a business which consists wholly or partly of selling, hiring, offering or exposing for sale or hire, lending or giving -

- knives (other than those designed for domestic use);
- knife blades (other than those designed for domestic use);
- swords;
- any other article -
 - (i) which has a blade; or
 - (ii) which is sharply pointed; and which is made or adapted for use for causing injury to the person.

- 4.4 Selling includes sales by auction and also accepting other goods and services in exchange. The legislation also applies to remote sales of knives and may cover both the premises where the sale is made and the place of dispatch.
- 4.5 As well as domestic knives, the following are also exempted -
- folding pocket knives, kirpans and skean dubhs where the blade does not exceed 3.5 inches (8.91 cm);
 - the hiring, lending or giving of fencing weapons by a professional fencing instructor when teaching or training another person in the sport of fencing.
- 4.6 Mandatory national conditions have been prescribed by Regulations and these are shown in Part I of APPENDIX I to this Report. These must be attached to all licences issued. It is recommended that the additional local conditions in Part II of APPENDIX I also be attached to licences.
- 4.7 The licences will relate to premises and it is the Committee's policy for licences for premises to be issued for one year. It is anticipated that the administration involved will be similar to the processing of applications for Second Hand Dealer's Licences and other similar premises - based activities and that the same fee (£110) be set.

5.0 POLICY IMPLICATIONS

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6.0 CONSULTATIONS

6.1

7.0 BACKGROUND PAPERS

- 7.1 Custodial Sentences and Weapons (Scotland) Act 2007
- 7.2 The Knife Dealers (Licence Conditions) Order 2009
- 7.3 The Knife Dealers (Exceptions) Order 2009

(Signed) _____

Patricia McIlquham
Depute Chief Executive (Support Services)

APPENDIX I**KNIFE DEALER'S LICENCE - CONDITIONS****PART I**

1. The licence holder must make detailed written records on the day of the transaction with a customer and retain such records for a period of three years from that date stating the following information -
 - (a) the identity of the customer and the means by which the customer's identity was verified;
 - (b) the steps taken to establish that the customer was at least 18 years of age at the time of the transaction (including any proof of age or identity sought or the means by which the customer's age was verified or reasons why such verification was not sought because it was unnecessary); and
 - (c) a full description of the article sold, hired, offered or exposed for sale or hire, lent or given to the customer.
2. The licence holder must ensure that any article listed in section 27A(2) of the Civic Government (Scotland) Act 1982 or display of such articles is not visible from the street or any public entrance to the premises.
3. The licence holder must display a notice which must -
 - (a) be displayed at all times at the point of entry to the premises, the point of sale or counter and in a position which is readily visible to customers;
 - (b) be at least A4 size and on which the lettering must be legible and no smaller than 5mm in height; and
 - (c) contain the following wording:
 - (i) it is an offence to sell to a person under the age of 18 any knife or knife blade (except if the person is aged 16 or over and the knife or blade is designed for domestic use);
 - (ii) it is also an offence to sell to a person under the age of 18 any razor blade, axe, sword or other article which has a blade or which is sharply pointed and which is made or adapted for use for causing injury; and
 - (iii) a customer may be asked to provide details of his/her age and identity (which may be recorded or copied and kept for inspection for up to 3 years).
4. The licence holder must take all reasonable steps to establish from the customer and confirm the intended use of any sword.
5. The licence holder must make detailed written records on the day of the transaction with a customer and retain such records for a period of 3 years from that date stating the enquiries made of the customer or other persons or bodies as to the intended use of any sword.

PART II

6. The licence permits the use of the premises specified therein as a place for the carrying on of a business, which deals in knives, knife blades, swords or any other article which has a blade or which is sharply pointed and which is made or adapted for use for causing injury to the person, as defined in the licence. The licence must be exhibited in the premises in such a place and in such a manner as to be easily read by the public.
7. The licence holder or, in the absence of the licence holder, a person authorised by the licence holder, must be in charge of the premises at all times and must not be engaged in duties which might prevent the exercising of general supervision of the premises.
8. The licence holder shall be liable for any act or omission of his/her/their servants, agents or lessees in the contravention of, or non-compliance with, any of these conditions.
9. The licence holder shall ensure that the premises are covered by an adequate policy of Third Party Liability Insurance with a reputable insurance company and shall exhibit to the Council, on demand, evidence that the premiums in respect of such policy have been timeously paid.
10. No person under the age of eighteen shall engage in the activity of selling, hiring, offering or exposing for sale or hire, lending or giving knives, knife blades or swords within the premises.
11. The licence holder may keep electronic copies of the Purchase Register but must have a printed version retained within the premises to comply with the mandatory requirement to have a written record.
12. The licence holder shall display all knives, knife blades or swords within lockfast cabinets or display units within the premises and shall ensure that all such items not on display, are stored within a lockfast store within the premises.