

**FALKIRK COUNCIL**

**Subject: NEW MANDATORY LICENSING SCHEME FOR KNIFE DEALERS**  
**Meeting: ENVIRONMENT & COMMUNITY SAFETY COMMITTEE**  
**Date: 18 August 2009**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**1. INTRODUCTION**

- 1.1 The purpose of this report is to (i) update Members of the introduction of a new mandatory licensing regime for knife dealers within Scotland, following on from the report on this matter to the then Community Health and Safety Committee at its meeting on 28<sup>th</sup> October, 2008, (ii) consider conditions to be attached to licences issued under the regime and (iii) consider an appropriate fee.

**2. BACKGROUND**

- 2.1 Section 58 of the Custodial Sentences and Weapons (Scotland) Act 2007 made provisions for the Civic Government (Scotland) Act 1982 to be amended to include a new licensing scheme for “knife dealer’s licences” for anyone carrying on business as a dealer in the following articles:
- a) Knives (other than those designed for domestic use);
  - b) Knife blades (other than those designed for domestic use);
  - c) Swords;
  - d) 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
- 2.2 It will be an offence from 1<sup>st</sup> June 2010 not to have a knife dealer’s licence where appropriate. There are provisions for entering, searching and seizing articles and for inspecting documents under the proposed regime.
- 2.3 The Act requires that licensing authorities must give public notice of every application made to them for the grant or renewal of a knife dealer’s licence by publishing in a newspaper circulating in the authority’s area, an advert giving details of the application, that objections may be made and how objections may be made.
- 2.4 A schedule of mandatory conditions and suggested “local” conditions that would be applied to licences are attached as appendix 1 to the report.

### **3. TIMESCALE**

3.1 The Scottish Government advised all local authorities in April this year of the proposed timescale for implementation. The critical dates are as follows:-

- May 2009 Introduce regulations to Parliament
- 1 September 2009 Licensing Authorities will begin to receive applications
- 1 December 2009 Deadline for applications in order to guarantee processing
- 1 June 2010 Dealers must be in possession of a valid licence

### **4. IMPLICATIONS FOR SERVICE ARRANGEMENTS AND ACTIVITIES**

4.1 It is anticipated that routine compliance checks will be undertaken during inspections of appropriate premises. Existing committee reporting procedures for dealing with applications made in terms of the 1982 Act will apply.

### **5. FINANCIAL IMPLICATIONS**

5.1 It is envisaged that all expenses incurred in respect of the implementation of a licensing regime for knife dealers will be off-set by income generated through the application fee. It is proposed that the licence fee be set at initially £200 and that the licence endure for a period of three years.

### **6. RECOMMENDATION**

6.1 That Members agree:-

6.1.1 to note the introduction of a licensing regime in respect of specified knife dealers as of 1<sup>st</sup> June 2010;

6.1.2 to recommend to the Policy and Resources Committee:

- (i) to note the mandatory conditions and approve the suggested additional conditions as detailed in Appendix 1;
- (ii) that the licence period be 3 years, and
- (iii) the relevant fee for any such application be set initially at £200.

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Director of Development Services

5 August 2009

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### **LIST OF BACKGROUND PAPERS**

Nil