Item 3

3 March 2010

Glasgow City Council

Licensing & Regulatory Committee - 3 March 2010

Report by the Executive Director of Corporate Services

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Civic Government (Scotland) Act 1982
Licensing of Knife Dealers

Purpose of Report:

To advise Members of the coming into effect of Sections 27A to 27S of the Civic Government (Scotland) Act 1982 and the requirement for all persons wishing to sell non-domestic knives to be licensed from 1 June 2010.

Recommendations:

Members are asked to (a) note the contents of the Report, and (b) approve the following proposals:- (i) the additional consultees for a Knife Dealer's Licence; (ii) the fees to be charged for the grant and renewal of such licences; and (iii) the additional local conditions for such licences.

Ward No(s):				Citywide:	√		
Local member(s) advised:	Yes		No		consulted: Yes		No

Background :

The Custodial Sentences and Weapons (Scotland) Act 2007 amended the Civic Government (Scotland) Act 1982 to introduce a new licensing scheme for carrying on the business of a knife dealer. All knife dealers must be licensed by 1 June 2010. It will be an offence to deal in non-domestic knives and swords after this date without the appropriate licence.

A Knife Dealer's Licence will be required by anyone who sells, hires, exposes or offers for sale or hire any of the following articles:-

(a) knives (other than folding pocket knives whose blades do not exceed 3.5 inches in length or knives designed for domestic use);
(b) daggers (other than kirpans or skean dhus whose blades do not exceed 3.5 inches in length);
(c) knife blades (other than those designated for domestic use);
(d) swords;
(e) any other article which:-
(i) has a blade, or
(ii) which is sharply pointed,
and which is made or adapted for use for causing injury to the person.

Consultation

It is a requirement of the legislation that the Licensing Authority consults with the Chief Constable and the Fire Authority in relation to applications for the grant and renewal of Knife Dealer's Licences. In addition to the statutory consultees, it is recommended that consultation is also carried out with the following:-

(a) The Executive Director of Development and Regeneration Services;
(b) The Executive Director of Land and Environmental Services; and
(c) The Elected Members for the area in which the applicant premises are situated.

Licence Fees

The legislation requires applicants to display a public notice of the application at the premises. In addition, the Licensing Authority must advertise each application in a local newspaper. Given the costs of doing so, it is recommended that applicants are required to apply for a licence with a duration of three years, although in terms of paragraph 8(2) of Schedule 1 to the 1982 Act, the licence may be granted for a shorter period where there are reasonable grounds for doing so.

Following consultation with the Executive Director of Financial Services, it is recommended that the fees for such applications are as follows:-

- Grant of a licence: £637
- Renewal of a licence: £637
- Variation of a licence £66

Licence Conditions

The legislation imposes certain Mandatory Conditions which must be attached to all Knife Dealer's Licences. There are also additional Mandatory Conditions which must be imposed where the dealer is carrying on business as a dealer in swords. The Licensing Authority also has power to attach any local additional conditions which it considers appropriate. The Mandatory Conditions are detailed in part one of the appendix to this report. It is also recommended that Members approve the additional local conditions set out in the part two of the appendix

Financial Implications :

The proposed licence fees, if approved, are such that the Licensing Authority will recover its costs for administering the licensing scheme.

Legal Implications :

This is an additional activity which requires to be licensed by the Licensing Authority.

Personnel Implications :

None.

Service Plan Implications:

None.

Environmental Implications:

None.