

THE CITY OF EDINBURGH COUNCIL – LICENSING OF KNIFE DEALERS

GUIDANCE NOTE FOR APPLICANTS

A new, mandatory licensing regime has been introduced by the Scottish Government, requiring dealers of certain types of knives, swords and bladed articles to obtain a licence in order to carry on their business, subject to certain conditions.

The new regime comes into effect on **1st June 2010**. After that date, it will be an offence for a dealer to carry on their business without a licence. In order to ensure that applications are given sufficient time for checking, consultations and for display of a Site Notice, it is recommended that prospective applicants submit applications as soon as possible.

Mandatory licensing conditions, together with details of exemptions from the licensing regime are set out below.

For the first year of operation of the scheme, all licences granted by The City of Edinburgh Council will be subject to these mandatory licensing conditions. The Council will assess the operation of the scheme throughout its first year, including consulting with appropriate interested parties, in order to establish whether additional, local conditions may be introduced in future.

DO I REQUIRE A LICENCE?

A “knife dealer’s licence” shall be required for carrying on a business as a dealer in the following “articles”:-

- (a) knives (other than folding pocket knives whose blades do not exceed 3.5 inches (8.91 cm) in length or knives designed for domestic use);
- (b) daggers (other than kirpans or skean dhus whose blades do not exceed 3.5 inches (8.91 cm in length));
- (c) swords;
- (d) knife blades (other than those designed for domestic use);
- (e) 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.

A “dealer” is defined as “one who carries on a business which includes:

- (a) selling;
- (b) hiring;
- (c) offering for sale or hire;
- (d) exposing for sale or hire;
- (e) lending; or
- (f) giving

such articles to other persons not acting in the course of a business.

Prospective applicants are therefore recommended to consider carefully the type of business they undertake and whether the articles they deal in fall within the definition as stated above.

EXEMPTIONS

As stated above, there are exemptions from the new licensing regime for:

- Knives designed for domestic use;
- Knife blades designed for domestic use;
- Folding pocket knives; kirpans or skean dhus whose blades do not exceed 3.5 inches (8.91 cm in length)

APPLICATION PROCEDURE

- (a) **Application form.** The Council's application form can be downloaded from the Licensing section of the Council's website, or can be collected or ordered from the Licensing Section, City of Edinburgh Council, 249 High Street, Edinburgh.
- (b) **Application by individual/company/partnership.** Applicant should ensure that full details are provided, to ensure that it is clear to whom the licence is to be granted.
- (c) **Location of premises/description/proposed opening hours.** The applicant must ensure that sufficient detail is given about the premises to ensure they can be clearly identified.
- (d) **Fee.** The application form should be accompanied by the appropriate fee.
- (e) **Site Notice.** When submitting an application for a licence (or for renewal), the applicant will have to ensure that they display a site notice for a period of 21 days, commencing on the date the application is lodged with the Council. The Notice must be displayed at or near the premises, in a position where it can be easily read by the public. Once the Notice has been displayed for 21 days, it must then be returned to the Council's Licensing Section together with the signed declaration completed on the Notice to certify that it has been displayed.
- (f) **Where to submit the application.** The application form and fee should be posted to the Licensing Section, City of Edinburgh Council, 249 High Street, Edinburgh, EH1 1YJ or hand-delivered to the Licensing Front Counter at the same address, between office hours – Monday, Wednesday, Thursday 8.30am to 4.30pm, Tuesday 10am to 4.30pm, Friday 8.30am to 3pm

WHAT WILL HAPPEN WITH YOUR APPLICATION

Copies of applications will be sent to the Police, and to the Council's Services for Communities Department (Trading Standards).

The fitness of the applicant and suitability of the premises require to be assessed. If no objections or adverse comments are received and the application is otherwise regarded as non-contentious, it may be granted under delegated powers. All other applications would be referred to the Council's Licensing Sub-Committee for consideration.

WHEN THE LICENCE IS GRANTED – CONDITIONS OF LICENCE

In the event that a licence is granted, it will be subject to certain conditions. Failure to observe these conditions is a criminal offence and could lead to the licence being suspended or removed. The Council can impose other local conditions. Please note that the conditions of licence do not apply until the licence has been granted.

Mandatory Conditions

1. The dealer 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 eighteen 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 dealer must ensure that any article listed in section 27A(2) of the Civic Government (Scotland) Act 1982 (i.e. knife, knife blade, sword, etc) or display of any such articles is not visible from the street or any public entrance to the premises.
 3. The dealer 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 5 mm 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 three years).

Additional Conditions - Swords

4. The dealer must take all reasonable steps to establish from the customer and confirm the intended use of any sword.
5. The dealer 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 enquiries made of the customer or other persons or bodies as to the intended use of any sword.

Local Conditions

The type of local conditions to be included in the licence has yet to be decided. The Council will consult those involved in the new licensing scheme throughout its first year of operation, with a view to establishing what additional local conditions, if any, will be applied in future.

REQUIREMENT TO KEEP RECORDS OF TRANSACTIONS

In terms of the Licence Conditions, once a Knife Dealer's licence has been granted, the dealer will be required to maintain written records of all transactions involving knives, swords and other blades covered by the licensing scheme. The Council will provide a standard booklet, to assist dealers in keeping detailed records.