

REPORT TO: THE MORAY COUNCIL ON 9 SEPTEMBER 2009

SUBJECT: AMENDMENTS TO THE SCHEME OF DELEGATION RELATIVE TO THE LICENSING OF KNIFE DEALERS AND BOOKING OFFICES

BY: CHIEF LEGAL OFFICER

1. REASON FOR REPORT

- 1.1 The purpose of this report is to advise Council of changes required to the Scheme of Delegation as a result of the requirement to introduce schemes for the licensing of knife and sword dealers and booking offices in terms of the Civic Government (Scotland) Act 1982.
- 1.2 This report is submitted to the Council in terms paragraph I (5) of the Council's Administrative Scheme relating to alterations to any delegation of authority.

2. RECOMMENDATION

- 2.1 **The Council is asked to consider and agree to extend paragraph 7.30 of the Scheme of Delegation relative to the Chief Legal Officer by adding new sub-paragraphs (iv) and (v) and renumbering the remaining paragraphs (iv) to (x) as (vi) to (xii) accordingly:**

“(iv) To grant licences for knife and sword dealers and booking offices, on advice from the Chief Constable that there are no current convictions, and no objection whatsoever;

(v) To renew licences for knife and sword dealers and booking offices if there are no new convictions or adverse information received since the Civic Licensing Committee’s last consideration of the matter and the licence sought is the same as the licence previously granted;”

3. BACKGROUND

3.1 KNIFE AND SWORD DEALERS

The Custodial Sentences and Weapons (Scotland) Act 2007 established a framework for a new licensing regime for knife dealers, incorporated within the Civic Government (Scotland) Act 1982, to be defined and brought into force by order. On 3rd June 2009 the Scottish Government made two such orders – the Knife Dealers (Licence Conditions) Order 2009 and the Knife Dealers (Exceptions) Order 2009 – defining the nature and scope of this regime. Both orders will come into force on 1st September 2009, with a deadline for applications of 1st December 2009 in order to guarantee processing, and an implementation date of 1st June 2010. This new regime puts in place new restrictions on the sale of swords and non-domestic knives.

- 3.2 Introduction of the licensing scheme for knives and swords has been achieved in three stages. Firstly, Moray Licensing Committee considered the terms of a draft scheme including licensing conditions and style application forms and guidance notes at its meeting on 27th May 2009. The draft scheme approved at that meeting was then advertised in the local press for comment. Although 29 dealers were specifically invited to comment on the proposals, no responses were received from either knife dealers or the public. Accordingly, at its meeting on August 19th 2009 the Licensing Committee approved the draft scheme including the proposed licensing conditions.
- 3.3 In order to ensure that applications in respect of which no observations or objections have been received do not require to be considered by the Licensing Committee but can instead be considered by Officers as is the case with other uncontroversial licensing applications, an amendment is now required to the Scheme of Delegation to enable efficient processing of applications from September 2009.

BOOKING OFFICES

- 3.4 In 2005 the Scottish Government embarked upon a consultation regarding introduction of a scheme to enable local authorities to licence taxi booking offices. The Police had complained for some time that vehicles and drivers operating from booking offices were operating illegally and that such establishments were being used for illegal activities. Specifically, a concern was that booking offices were being used by organised criminals often as a means of money laundering. Consultations were then conducted and the Civic Government (Scotland) Act 1982 (Licensing of Booking Offices) Order 2009 was framed. This came into effect on 3rd April 2009. In terms of that order, all premises in which bookings are taken in respect of four or more vehicles by any means of communication from members of the public must be licensed with effect from 16th November 2009. There is no transitional period for the booking offices licensing scheme. Accordingly, anyone who does not either hold a booking office licence or who has not submitted an application for such a licence by 16th November 2009 will be committing an offence if the premises used for bookings fall within the definition. Although it is anticipated that only a small number of booking offices within Moray will be affected by the 2009 Order, Moray Licensing Committee must be ready to receive applications for licenses in advance of 16th November 2009 and should, where possible be in a position to process and grant licenses applied for in advance of that date.
- 3.5 As in the case of the knife and sword dealers licensing scheme, the booking office licensing scheme has been introduced following the same three stage process. Again, although responses were specifically sought from the trade in terms of the Taxi Trade Newsletter, no comments have been received on the proposals either from the taxi trade or from the public. The proposed scheme was approved at the meeting of the Licensing Committee on 19th August 2009 in terms of the initial draft proposals.
- 3.6 In order to ensure that applications in respect of which no observations or objections have been received do not require to be considered by the Licensing Committee but can instead be considered by Officers as is the case

with other uncontroversial licensing applications, an amendment is now required to the scheme of delegation before the deadline for applications of 16.11.09.

4 **SUMMARY OF IMPLICATIONS**

(a) Single Outcome Agreement/ Service Improvement Plan

This meets Outcome 15: Our services are high quality, continually improving, efficient and responsive to local people's needs.

(b) Policy and Legal

These are as detailed in the report.

(c) Resources (Financial, Risks, Staffing and Property)

It is anticipated that the resources which are required in order to administer these licensing schemes will be covered by the licensing fees set which are £200 for a three year knife dealer's licence and £100 for a three year booking office licence.

(d) Consultations

This report is submitted following an instruction by the Licensing Committee. All officers affected by the recommendations were consulted prior to receipt of that instruction.

5. **CONCLUSION**

5.1 In order to enable the new knife dealers and booking office licensing schemes to be operated efficiently and in accordance with delegations in place in respect of other schemes under the Civic Government (Scotland) Act 1982, the Scheme of Delegation requires to be amended to enable grant and renewal of licences by officers under delegated authority where no objections or observations are received.

Author of Report: Rhona Gunn, Senior Solicitor
Background Papers: None
Ref: