

TKC150

## COSLA Response to Scottish Executive Consultation on Knife Crime

### **Introduction**

COSLA welcomes the opportunity to comment on the proposals made in the consultation.

### **General Comments**

In the Police Bill consultation, Ministers consulted on doubling the maximum sentence for carrying a knife, giving the police unconditional powers of arrest when they suspect someone of carrying a knife or offensive weapon, and increasing the age for buying a non-domestic knife from 16-18.

At the time COSLA felt that these were matters concerning operational policing, a view that was confirmed by ACPOS and therefore did not require a response from COSLA given our lack of technical expertise in these areas and the perceived low impact that such measures would have on local government.

Now that a separate consultation has been launched on licensing the sale of swords and knives, it is appropriate for COSLA to make a response given that it will be local authorities, through local government trading standards services that will be called upon to enforce such measures.

On consideration, it would seem that the measures, as proposed by the consultation paper, will contribute very little to improving public safety. It is suggested that this is because of the difficulties foreseen in enforcing any such legislation. Firstly, in terms of banning or restricting the sale of non-domestic knives, it appears that this category is so ill-defined that it becomes impossible for any trader or other body to determine the types / forms of weapons that would be counted and those that would not be. Almost every type of knife that comes to mind could be considered for one purpose or another a domestic knife and therefore not covered by the legislation. If we are really serious then we must be tighter on initial definitions and classifications, and this will be almost impossible to achieve.

It also seems unlikely that such legislation will have aims of deterring individuals from buying knives or traders from selling them. Again there appears such scope for loopholes to be found that any deterrent properties will likely be rendered useless. It is also the case that if someone really wants to purchase a knife then they will find ways around it, in much the same way as they do with any other licensed product. There would be greater merit in seeking to address the reasons why people feel the need to carry knives in the first place. This could begin by profiling those groups that are most likely to be involved in carrying knives and examine the reasons behind such an action e.g. young males, from deprived communities carrying weapons through fear, the need to protect themselves, or having a mindset that amongst their peers, carrying a knife is glamorous. A thorough examination into the origins of attitudes to violence might in the long-term prevent people from carrying knives in the first place would have a more demonstrable impact than tinkering around the edges and focusing on the point of sale.

While COSLA appreciates what the Minister and the Scottish Executive are trying to achieve, it is suggested that the measures, as proposed, will not have the desired impact.

## Response to specific questions

Q1 Should a licence be needed to sell non-domestic knives?

**Response:** There is little value in establishing a licence system for the purpose of regulating the sale of non domestic knives when it is highly unlikely that such a licensing regime would offer any effective means of reducing the carrying and use of such items. COSLA has already made it clear to the Justice Department when it held initial discussions on this matter, that such a regime would be more than likely to increase 'black market' activities in knife sales, which would offer no means to identify suppliers and thus no means of controlling sales of knives deemed to be of a non domestic nature.

Q2 What should be covered by a definition of a non-domestic knife?

**Response:** The definition proposed in the consultation offers little comfort to those who are victims of knife crime perpetrated by kitchen knives, no bigger than that used for peeling vegetables, yet is still long enough and sharp enough to inflict severe injury. The proposed definition has the capacity to be avoided by altering packaging descriptions and while that may not be possible to avoid with any definition, that such as proposed offers more loopholes than less. Local authorities in their individual responses, will have offered suggestions on alternatives to the proposed definition and COSLA suggests that the Scottish Executive be guided by these suggestions, given that local authorities are been proposed as the means to regulate knife sales.

Q3A Are the suggested conditions of license reasonable?

Q3B Should there be any additional conditions of licence?

**Response:** COSLA has no views in response to the above questions.

Q4 What would be the costs for businesses of licensing the sale of knives?

**Response:** COSLA has no views on the cost to business, rather on the costs to local authorities in having to implement these proposals. Suffice to say that full cost recovery should be the principle upon which any licence fee system should be designed, in order that local authorities do not have to bear a financial burden to taking on a new duty.

Q5 Should it be a criminal offence to purchase a (non-domestic) knife from an unlicensed seller?

Response: In principle, COSLA has no objections to such an offence.

Q6 Should shops require a license to sell swords?

**Response:** In principle COSLA has no objection, but the same argument as to the effectiveness of such a licensing system for swords as expressed above in response to Question 1, holds true here.

Q7 Should the sale of swords by shops be restricted to require them to sell only to members of approved organisations?

**Response:** Who is to determine which organisations are to be 'approved'? Who will maintain the register of 'approved organisations'? Who will undertake to update the register?

Q8 Should the sale of swords be banned?

**Response:** Is there any value in proposing a ban, if there are to be exemptions?

Q9 If so, should there be any groups who are exempted from that ban (i.e. should there be any reasons/uses for which it remains legitimate to sell swords)?

**Response:** COSLA has no views on this issue.

Q10 Should the sale of only samurai swords be banned?

**Response:** as stated in response to Question 8, is there any value in proposing a ban, if there are to be exemptions?

Q11 If so, should any groups of people be exempt from that ban (i.e. should there be any reasons/uses for which it remains legitimate to sell samurai swords)?

**Response:** COSLA has no views on this issue.

Q12 How should a samurai sword be defined?

**Response:** COSLA has no views on this issue.

Q13 Is there a case for individual licenses for the purchase of swords

**Response:** COSLA has no views on this issue.

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