

TKC171

EDINBURGH COMMUNITY SAFETY PARTNERSHIP

September 2005

TACKLING KNIFE CRIME. RESPONSE TO CONSULTATION - DRAFT

1. Preamble

The Scottish Executive (SE) has released a consultation document called 'Tackling Knife Crime'. In it the SE are seeking views on a number of key aspects related to Knife Crime in Scotland. Most notably the paper examines possible extensions to current legislation in an attempt to further control and restrict the use, sale and manufacture of non-domestic knives and swords. Although primarily evidenced as 'West of Scotland' problem, available data for Edinburgh shows us that a considerable number of serious assaults and attempted murders in the city have involved knives. For example, for the six-month period July 2004 to December 2004. There were 31 attempted murders. In 52% (approximately 16) of attempted murders, a knife was used. There were 188 serious assaults and in 16% (approximately 30) of these a knife was used. For the six-month period January 2005 to June 2005. There were 23 attempted murders. In 47% (approximately 10) of attempted murders, a knife was used. There were 184 serious assaults and in 17% (approximately 31) of these a knife was used.

It is reasonable then for the Edinburgh Community Safety Partnerships response to come down on the side of increased restriction but also to highlight to the SE the difficulty raised by the use of the definition 'non-domestic'. Whilst Edinburgh understand why such a definition is used and would agree that 'non-domestic' (SE definition) should be subject to many of the recommendations proposed in this consultation document, the issue of domestic knives should also receive some scrutiny. (Recognising the legitimacy of domestic knife manufactures and retailers.) For example some very basic investigation into the knife crime in Edinburgh tells us that a 'domestic knife' was used in well over half of all cases, including those in public places. Understandably, this increases in cases of domestic violence and domestic dispute. (Lothian and Borders Police are now keeping a database of all weapons seized and although this cannot be used for any comparative analysis at this time, it is showing us a fairly even split between domestic and non domestic knives.)

The present two offences that deal with Carrying of Knives and Offensive Weapons are adequate to deal with all knives, swords, sharp implements and anything adapted or intended as an offensive weapon at the time. What is a concern is our apparent inability to detect when someone is carrying a knife etc in some areas (as indicated by the number of attacks in public places in certain parts of Scotland). The legislation allows for a power of search "on reasonable suspicion" which takes into cognisance human rights however, from the figures in certain hot spot areas and regions, it is evident that the carriers are not being detected prior to committing the offence. A possible solution would be for Section 60 of the Criminal Justice Act 1994 to be amended to include a power of search for offensive weapons/illegal carrying of knives etc, in localities/areas at the relevant times, where intelligence indicates that there is or may be a problem. This would seem like a pragmatic solution that would be acceptable when weighing up the human rights of individual citizens and public safety concerns.

Response to questions

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

Yes, the selling of non-domestic (see below) should be licensed.

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

Generally Edinburgh agrees with your proposed definition with a small addition. *'a knife which has a blade or sharp point, and which is not designed for domestic use, **including DIY tasks and**/or only for use in the processing, preparation or consumption of food.'*

Q3.A. Are the suggested conditions of license reasonable?

Yes, the suggested conditions of license are reasonable.

Q3.B. Should there be any additional conditions of license?

N/A

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

The costs for businesses, particularly in start up and conversion costs to meet the suggested conditions of license could be considerable. (CCTV in particular for those who don't already have systems in place) There is a considerable administrative burden on businesses, this may deter/prove difficult for small businesses.

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

Yes but if the purchase of a knife were to be made a criminal offence would that possibly cause some problems with 'test purchasing' as a means of obtaining evidence? In relation to sales of alcohol to under 18s we understand that the Crown Office had indicated that they would not support use of young test purchasers because the young purchaser would be being encouraged to commit an offence?

Q6. Should shops require a license to sell swords?

Yes.

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

If a licensing scheme were in place for swords, with similar conditions to that suggested for the sale of non-domestic knives further restrictions of sale would be unnecessary.

Q.8. Should the sale of swords be banned?

No

Q.9. If, so should there be any groups who are exempted from that ban?

As above, no ban and no group restriction other than conditions of license.

Q.10 Should the sale of only samurai swords be banned?

As above, no ban and no group restriction other than conditions of license.

Q.11. If, so should there be any groups who are exempted from that ban?

As above, no ban and no group restriction other than conditions of license.

Q.12. How should samurai sword be defined?

It should not be necessary to distinguish between it and any other short or long sword.

Q.13. Is there a case for individual licences for the purchase of swords?

If any individual is able to meet the conditions suggested under the license of sale then they should have the right to buy and own a sword. Individuals may be members of any number of legitimate groups who use swords, as is suggested in the consultation document. (martial arts, re-enactment, sword manufacture, sport, historical, film and theatre and religious groups)