

REPORT

To: CORPORATE SERVICES COMMITTEE		Subject: CIVIC GOVERNMENT (SCOTLAND) ACT 1982 CUSTODIAL SENTENCES AND WEAPONS (SCOTLAND) ACT 2007 THE KNIFE DEALERS LICENCES (EXCEPTIONS) ORDER 2009 THE KNIFE DEALERS LICENCES (LICENSED CONDITIONS) (SCOTLAND) ORDER 2009 THE KNIVES (FORFEITED PROPERTY) (SCOTLAND) ORDER 2008 IMPLEMENTATION OF NEW MANDATORY LICENSING SCHEME
From: HEAD OF LEGAL SERVICES		
Date: 10 August 2009	Ref: JM/GBM	

1. PURPOSE OF REPORT

- 1.1. To inform the Committee of the introduction of a new mandatory licensing scheme (Knife Dealers Licences) within Scotland and to agree conditions to be attached to licences issued under the scheme and an appropriate fee.

2. BACKGROUND

- 2.1. The Scottish Parliament approved the Knife Dealers (Licence Conditions) Order 2009 on 4 June 2009. The Order will come into force on 1 September 2009. However in a letter dated 7 April 2009 from the Scottish Government knife dealers will not require to be in a possession of a valid licence until 1 June 2010. A copy of the letter is attached as Appendix 1 of the report. Section 58 of the Custodial Sentences and Weapons (Scotland) Act 2007 made provisions for the Civic Government (Scotland) Act 1982 to be amended to include a new licensing scheme for the provision of "Knife Dealers Licences" for anyone carrying on business as a dealer in the following articles:-
- 2.1.1. Knives (other than those designed for domestic use);
- 2.1.2. Knife blades (other than those designed for domestic use);
- 2.1.3. Swords;
- 2.1.4. Any other Article -
- (i) which has a blade; or
- (ii) which is sharply pointed; and
- (iii) which is made or adapted for use for causing injury to the person.
- 2.2. A knife dealer's licence shall, in addition to specifying the activity which the dealer engages in, specify the premises in or from which the activity is to be carried on.
- 2.3. A "dealer" is defined as a person carrying on a business which consists wholly or partly of -

- 2.3.1. selling;
- 2.3.2. hiring;
- 2.3.3. offering for sale or hire;
- 2.3.4. exposing for sale or hire;
- 2.3.5. lending; or
- 2.3.6. giving -

to persons not acting in the course of a business or profession any article, whether or not those activities are carried out incidentally to a business which would not, apart from this section, require a knife dealers licence.

- 2.4. Selling is defined as including sale by auction and accepting goods and services in payment of such articles. The legislation also applies to remote sales of knives and may require both the premises that the article is sold from and premises where the article is dispatched from to be licensed, depending on whether those premises are located.
- 2.5. From 1 June 2010 it will be an offence not to have a knife dealers licence. There are also provisions for entering, searching and seizing articles and for inspecting documents under the proposed scheme.
- 2.6. In July 2008 the Scottish Government published a consultation document on the proposals to introduce the Knife Dealers Licensing Scheme and proposed regulations for exceptions to the licensing requirements, conditions of licences and for forfeited property.
- 2.7. The Knife Dealers Licences (Exceptions) Order 2009 provides -
 - 2.7.1. that the following articles are exempt from the licensing requirements; but only where the blade does not exceed 8.91 centimetres
(3.5 inches) in length -
 - (i) folding pocket knives;
 - (ii) kirpans and
 - (iii) skean dubhs.
 - 2.7.2. where a person is teaching another person in the sport of fencing, the hiring, offering or exposing for hire, lending, or giving of fencing weapons does not constitute a business requiring a licence, but only where the person teaching is a professional who is qualified to teach or train in the sport. "Fencing sword" means a sword used in the sport of fencing and which may be classified as a foil, epee or sabre.

2.8. The Knife Dealers Licences (Licensed Conditions) (Scotland) Order 2009 provides for the following mandatory conditions:-

2.8.1. Knives

In granting or renewing a knife dealer's licence, a licensing authority must attach to the licence the following mandatory conditions:-

- (a) a condition that the dealer must make detailed written records on the day of the transaction with a customer and retain such records for a period of 3 years from that date stating the following information -
 - (i) the identity of the customer and the means by which the customer's identity was verified;
 - (ii) the steps taken to establish that the customer was at least 18 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
 - (iii) a full description of the article sold, hired, offered or exposed for sale or hire, lent or given to the customer.
- (b) the dealer must ensure that any article or display of articles is not visible from the street or any public entrance to the premises.
- (c) the dealer must display a notice which must -
 - (i) 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 the customers;
 - (ii) be at least A4 size and on which the lettering must be legible and no smaller than 5 mm in height.
- (d) 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;
 - (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 3 years).

3. MANDATORY ADDITIONAL CONDITIONS FOR SWORDS

- 3.1. In addition to the mandatory conditions for knife dealers licences, where the dealer is carrying on business as a dealer in swords the dealer must -
 - 3.1.1. take all reasonable steps to establish from the customer and confirm the intended use of any sword;
 - 3.1.2. make detailed written records on the day of the transaction with a customer and retain such records for a period of 3 years from that date stating the enquiries made of the customer or other persons or bodies as to the intended use of any sword;

4. THE KNIVES (FORFEITED PROPERTY) (SCOTLAND) ORDER 2008

- 4.1. This Order makes provisions for how knives held by the police having been obtained under a Forfeiture Order are to be destroyed, or sold to museums, or similar institutions where the article is of particular rarity, aesthetic quality or technical or historical interest.

5. TIMETABLE

- 5.1. The Scottish Government wrote to all licensing authority clerks on 7 April 2009 to advise that licensing authorities -
 - 5.1.1. should be in a position to receive applications on 1 September 2009;
 - 5.1.2. the deadline for accepting applications to guarantee processing has been set at 1 December 2009; and
 - 5.1.3. all dealers must be in a possession of a valid licence by 1 June 2010.
- 5.2. The letter also advised that the consultation on licensing of knife dealers conducted between July and October 2008 had resulted in additional measures being included as mandatory conditions for a licence. These mandatory conditions (which have been incorporated into the present licensing conditions) required that prominent signage indicating the minimum age for purchase; the requirement to prove age and an increased period for record keeping. During the consultation process there were a number of other suggestions that the Scottish Government indicated that they do not intend to take forward as mandatory conditions. These were to be left to licensing authorities to consider as discretionary conditions. These include a requirement for CCTV cameras, secure cabinets for display and a ban on all public displays of knives. A copy of the letter is attached to Appendix 1 of this report.
- 5.3. The Scottish Government advised that it was not their intention to offer guidance as to how licensing authorities should interpret the regulations. They did not intend to produce standardised forms, therefore it is for authorities to devise forms for their own use.
- 5.4. The new provisions of the Act require licensing authorities to give public notice of every application made to them for the grant or renewal of a knife dealers licence by publishing in a newspaper circulating in the authority's area an advert giving details of the application, that objections may be made and how objections may be made.

5.5. Licences will be issued for 3 years.

6. REFUSAL OF KNIFE DEALER'S LICENCE

6.1. The grounds upon which a licensing authority shall refuse an application to grant or renew a licence are detailed in Schedule 1 and include inter alia:-

6.1.1. the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for the management, is either -

- (i) for the time being disqualified under Section 7(6) of the Act; or
- (ii) not a fit and proper person to be the holder of a licence;

6.1.2. the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

6.1.3. where the licence applied for relates to an activity consisting of or including the use of premises, the premises are not suitable or convenient for the conduct of the activity having regard to -

- (i) the location, character or condition of the premises;
- (ii) the nature and extent of the proposed activity;
- (iii) the kind of person likely to be in the premises;
- (iv) the possibility of undue public nuisance; or
- (v) public order or public safety.

6.1.4. where there is another good reason for refusing the application.

7. LEGAL ISSUES

7.1. What the amendments to the Act and the proposed regulations do not do is define what is meant by a "domestic" and "non-domestic" knife, or knife blade. This has proven to be extremely unhelpful in determining who does or who does not require a licence.

7.2. Concern has been expressed by all 32 local authorities with regard to the lack of definition in respect of "domestic" and "non-domestic" knives. Of particular concern was the fact that some kitchen knives, such as bread knives, had the potential to be used as weapons in violent incidents. Also, stanley knives, letter openers and other similar tools, could come under both domestic and non-domestic use. Because of the lack of statutory definitions, the scope of the Act is quite wide-reaching and could potentially take in supermarkets, do-it-yourself chains, wholesalers, garden centres, gift shops, stationery providers and similar premises, that would not normally be thought of as being associated with the sale of knives.

- 7.3. A colleague from Aberdeen City Council in an e-mail dated 15 May 2009 contacted the Scottish Government to seek clarification on the above issue. The response however was equally unhelpful. A copy of the Scottish Government's response is attached as Appendix 2 of this report.
- 7.4. To assist in interpreting what is meant by the words "domestic", "knife", "sword" and "blade" the Internet provider Wikipedia and Wiktionary have been consulted. The definitions given are attached as Appendix 3 to this report.
- 7.5. The Scottish Government have advised that the legislation was deliberately silent on this point, as it was considered too difficult to find an appropriate definition that did not give rise to unintended loopholes and anomalies. It was therefore down to dealers to apply for a licence if they are in doubt about their products and ultimately it is for the courts to rule if an offence had been committed.
- 7.6. It is recommended that the Corporate Services Committee uses these definitions in Appendix 3 to establish that "domestic" is any knife, tool or blade, used or habitually used in accommodation used as family homes, and in particular those knives listed as domestic knives in Appendix 3. The description of knives, swords and blades also outlined in Appendix 3 can be used to provide examples of what will or will not require a licence in guidance issued to applicants.
- 7.7. The Council have corresponded with Strathclyde Police to obtain their views as to what information they thought would be required on application forms and to formulate draft local licensing conditions. In response the Police stated that ACPOs had made recommendations/proposals at the consultative stage and that they had no further comments to make at this time, although they may do so in the future.
- 7.8. Conditions have been drafted in relation to the Licensing Scheme. A copy of the conditions are attached as Appendix 4 to this report for information purposes and for approval by the Committee.
- 7.9. The Licensing Authority may also attach further local conditions to the licences.

8. PROPOSALS

- 8.1. It is proposed on a comparative scale that the application fee be set at £288 for the grant of the licence and £188 for the renewal of a licence, this is in keeping with the grant and renewal of a licence in respect of a Second Hand Dealer's Licence, Market Operator's Licence, Public Entertainment Licence and Indoor Sports Entertainment Licence. The present scale of licensing fees is attached as Appendix 5 to this report. Licences will be issued for a period of three years.
- 8.2. It is proposed that legal issues of a contentious nature or applications attracting adverse comments or observations will be put before the Corporate Services (Licensing) Sub-Committee for consideration.
- 8.3. Non contentious applications will be dealt with under the Council's delegated powers.
- 8.4. It is proposed to issue a press release and to mailshot those businesses which officers consider need to be advertised of the forthcoming requirements as soon as possible.

9. FINANCIAL IMPLICATIONS

- 9.1. The Civic Government (Scotland) Act 1982 indicates that fees should be set at a level to recover the cost of processing applications.

10. CONSULTATIONS

- 10.1. Applications will be forwarded to Strathclyde Police, the Fire Master, Planning Services, Building Standards and Environmental Health for consideration.
- 10.2. Environmental Health, Planning and Building Standards Officers will be the officers authorised to inspect premises under the Licensing Scheme.

11. COMMENCEMENT

- 11.1. As from 1 June 2010, all persons selling, hiring, offering or exposing for sale or hire, lending or giving customers, knives, knife blades or swords within North Lanarkshire Council will require a licence to carry on their business.

12. RECOMMENDATIONS

- 12.1. It is recommended that the Corporate Services Committee note the introduction of a licensing scheme for knife dealers as from 1 June 2010 and -

12.1.1. agrees definitions for domestic and non domestic knives for the purpose of advising potential applications of whether a licence is required or not;

12.1.2. approves the conditions attached to the report;

12.1.3. agrees that the application fee for grant of a licence be set at £288 and a renewal fee set at £188;

12.1.4. agrees that press and journal newspapers be used to advertise the applications made;

12.1.5. agrees that Environmental Health and Trading Standards officers be authorised officers for the purposes of inspecting premises which are the subject of applications for licences under the scheme;

12.1.6. agrees that any applications of a contentious nature, or attracting adverse comment or observation be considered by the Licensing Sub-Committee;

12.1.7. agrees that any application of a non-contentious nature or not attracting adverse comment or observations be granted under the Council's delegated powers, and

12.1.8. authorises officers to issue a press release and mailshot to advertise businesses of the forthcoming requirements.


Head of Legal Services

APPENDIX 1

Criminal Justice Directorate
Criminal Law and Licensing Division

T: 0131-244 4222 F: 0131-244
E: walter.drummond-murray@scotland.gsi.gov.uk



Consultation Respondees



Your ref:
Our ref:
7 April 2009

KNIFE DEALERS LICENSING SCHEME

I am writing to draw your attention to the publication of the Scottish Government's response to the consultation on Licensing of Knife Dealers conducted between July and October 2008. The response is attached and will also be published in the publications section of the Scottish Government website at www.scotland.gov.uk. I also want to inform you of the next steps that we plan to take in order to implement the scheme.

One of the main issues raised in the consultation responses was that many licensing authorities considered that the timescale for implementing the scheme was too ambitious, particularly in the context of pressure from the work that is currently being undertaken to make transition to the new alcohol licensing system a success. We therefore, now propose to work to the following revised schedule:

- May 2009 Introduce regulations to Parliament
- 1 September 2009 Licensing Authorities will begin to receive applications
- 1 December 2009 Deadline for applications in order to guarantee processing
- 1 June 2010 Dealers must be in possession of a valid licence

The consultation has resulted in a additional measures being included as mandatory conditions for a licence. These are the requirement for prominent signage indicating the minimum age for purchase and the requirement to prove age and an increased period for record keeping. There are a number of other suggestions that the Scottish Government
St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.scotland.gov.uk



does not intend to take forward as mandatory conditions. They will be left to licensing authorities to consider as discretionary conditions. These include a requirement for CCTV cameras, secure cabinets for display and a ban on all public displays of knives.

I hope this is helpful.

Yours sincerely,

W. Drummond-Murray

Walter Drummond-Murray

E-MAIL TO SCOTTISH GOVERNMENT

From: Fiona Stewart/Law & Admin/Abdnshire
Sent: 15 May 2009 15:31
To: Drummond-Murray WMR (Walter)
Subject: Re: Knife Dealers Licensing Scheme Consultation

I am trying to get our knife dealer scheme drafted to put to Committee at the beginning of June so that we are in place for forms to go out on 1st September.

To that end, I had a meeting with Grampian Police, Environmental Health and Consumer Protection Officers this afternoon and I have 2 queries arising out of the meeting.

Is there a definition of what a domestic knife is? Is it cutlery that you would eat a meal with or does it include steak knives, carving knives, the sort of knives that you keep in a wooden block on your counter top with bread knives, vegetables knives etc in it? The Chief Inspector indicated that bread knives and other such kitchen knives are often used in violent incidents.

The Knife Dealers' Licences (Exceptions) Order 2009 - paragraph 3 has an exemption for 3 specific knife types with blades less than 3.5 inches. Does this mean that all other knives are not exempt. The question was raised of a stanley knife that has a small blade but that is often used in violent acts. This would mean that DIY stores and the like would require to be licensed.

What about electric carving knives? This would bring electrical goods stores supplying such items into the remit of the Act.

It was not clear from the wording of the relevant provisions about the above matters.

Thanks in advance for any assistance you can offer.

Fiona M. Stewart
Senior Solicitor (Licensing)

E-MAIL FROM SCOTTISH GOVERNMENT

18th May 2009

There isn't a definition of a non-domestic knife. The legislation was deliberately silent on this point as it was considered too difficult to find an appropriate definition that didn't give rise to unintended loopholes and anomalies. It's therefore down to dealers to apply for a licence if they are in any doubt about their products and ultimately it is for the courts to rule if an offence has been committed.

The evidence about the type of knife used in incidents is slightly contradictory. A study in 2004/05 that informed the legislation showed that there were 1,301 knife

attacks in Strathclyde of which over 1,100 involved what were considered non-domestic knives. We generally consider that the young men who are most likely to carry knives do so often to impress and therefore they carry vicious looking hunting blades rather than a bread knife pinched from the kitchen. In any event it's non-domestic knives that the licensing scheme deals with. I would think it fairly straightforward that knives designed for use in the home such as steak knives, cutlery, carving knives, kitchen knife blocks etc will be domestic and therefore not be subject to licensing.

If a knife isn't domestic and doesn't fall into the one of the three exceptions then a licence will be required. Although a Stanley knife only has a short blade it's not a folding pocket-knife so doesn't meet that exception. However it might be considered a domestic knife but that would be a matter for the retailer to consider. It's entirely possible that the entire range of a DIY store could be domestic but if ANY of their products fall into the non-domestic category then they should apply for a licence.

I don't think that the fact that a knife is electrical is material. However, in my view a carving knife of any sort is likely to be considered as domestic.

Finally, I'm happy to offer my thoughts on how the Act works and what may be caught but I cannot overstate that it won't be for civil servants to sit in St Andrews House peering at knives and measuring blades to work out if a dealer needs a licence! My own view is that a wide range of DIY, kitchen and gardening products will be viewed as domestic but where in doubt I would always advise a dealer to exercise caution and apply for licence as failure to have one could result in an offence. Those who deal in hunting knives, fishing knives, combat knives etc. will very likely require a licence - in fact if they aren't I suspect we'd look at the legislation again.

Hope the above is helpful - I appreciate that we lack definite guidance in this area. As I say though, this was by design.

Kind regards

Walter Drummond-Murray
Criminal Law and Licensing

APPENDIX 3

**DEFINITIONS OF DOMESTIC, KNIFE,
SWORD AND BLADE
FROM WIKIPEDIA AND WIKTIONARY**

- (vi) The Turkish Blade
- (vii) Light duelling Swords
- (viii) The Japanese Short Sword
- (ix) The Ida of the Yoruba Tribe of West Africa
- (x) The Indian Tulwar or Kirpan
- (xi) The Arabian Scimitar and the Persian Shamshir
- (xii) The East Indian Kris
- (xiii) The Filipino Itak
- (xiv) The Kampilan
- (xv) The Korean Hwandudaedo
- (xvi) The Aztec Macana

(f) Two-Handed Swords

- (i) The Japanese Samurai Sword, the Katana, Tachi or Nodachi
- (ii) The Indian Khanda or Tega
- (iii) The Longsword
- (iv) The Doppelhander or Zweihander
- (v) The Chinese anti-cavalry sword, zhanmadao of the Song Dynasty
- (vi) The Scottish Highland Claymore

(g) Knife Blades

- (i) Normal Blades
- (ii) Curved, Trailing-point blades
- (iii) Clip-point blades
- (iv) Drop-point blades
- (v) Spear-point blades
- (vi) Needle-point blades
- (vii) Spay-point blades
- (viii) Westernized tanto style knife
- (ix) Sheepsfoot knife
- (x) Whancliffe Blade
- (xi) Ulu (Inuit Woman's knife)
- (xii) Undulating style
- (xiii) Sword blades – either straight or curved

DEFINITIONS

- (a) **“Domestic”** is defined as “of or related to the home; of or related to activities normally associated with the home, wherever they actually occur; of a domesticated animal; or internal to a specific country”; and
- (b) **“knife”** is defined as “A utensil or a tool designed for cutting, consisting of a flat piece of hard material, usually steel or other metal (the blade), usually sharpened on one edge, attached to a handle. The blade may be pointed for piercing; A weapon designed with aforementioned specifications intended for slashing and/or stabbing and too short to be called a sword. A dagger; and Any blade-like part in a tool or a machine designed for cutting, such as the knives for a chipper”.
- (c) **“Sword”** is defined as a long, edged piece of metal, used as cutting, thrusting, and clubbing weapon in many civilizations throughout the world, fundamentally consisting of a blade and hilt, typically with one or two edges for striking and cutting, and a point for thrusting.”
- (d) **“Blade”** is defined as “the flat part of a tool, weapon, or machine that normally has a cutting edge and/or pointed end typically made of a flaking stone, such as flint, or metal, most recently steel. A blade is intentionally used to cut, stab, slice, throw, thrust, position and/or place (such as razor wire), shoot (ballistic knife), scrape or strike and animate or inanimate object”.

EXAMPLES OF KNIVES, SWORDS AND BLADES

- (a) **Knives as weapons –**
 - (i) Bayonet
 - (ii) Combat Knife
 - (iii) Throwing knife
 - (iv) Trench Knife
 - (v) Shiv
- (b) **Knives as Utensils**

- (i) Bread Knife
- (ii) Boning Knife
- (iii) Carving Knife
- (iv) Chef's Knife
- (v) Electric Knife
- (vi) Kitchen Knife
- (vii) Oyster Knife
- (viii) Table Knife or Cast Knife
- (ix) Ulu

(c) Knives as Tools

- (i) Bowie Knife
- (ii) Butterfly Knife
- (iii) Diver's Knife
- (iv) Electrician's Knife
- (v) Hunting Knife
- (vi) Linoleum Knife
- (vii) Machete
- (viii) Multitool
- (ix) Pocket Knife
- (x) Palette Knife
- (xi) Scalpel
- (xii) Straight razor
- (xiii) Survival Knife
- (xiv) Switchblade
- (xv) Utility Knife
- (xvi) Wood Carving Knife

(d) Knives as a Traditional or Religious Implement

- (i) Athame
- (ii) Kirpan
- (iii) Kiaya
- (iv) Kris
- (v) Kukri
- (vi) Puuko
- (vii) Seax
- (viii) Skean Dubh

(e) Single-Handed Swords –

- (i) Bronze-Age Swords
- (ii) Iron-Age Swords
- (iii) Spatha
- (iv) Swiss Baselard and German Katzbalger
- (v) Cut & Thrust Swords

APPENDIX 4
DRAFT CONDITIONS OF LICENCE
NORTH LANARKSHIRE COUNCIL
CIVIC GOVERNMENT (SCOTLAND) ACT 1982
SECTION 27A AND SCHEDULE 1
KNIFE DEALER LICENCES

GENERAL

1. The licence permits the use of the premises specified therein as a place for the carrying on of a business, which deals in knives, knife blades, swords or any other article which has a blade or which is sharply pointed and which is made or adapted for use for causing injury to the person, as defined in the licence. The licence must be exhibited in the premises in such a place and in such a manner as to be easily read by the public.
2. The licence holders or, in the absence of the licence holders, a person authorised by them, must be in charge of the premises at all times and must not be engaged in duties which might prevent the exercising of general supervision of the premises.
3. The licence holder shall be liable for any act or omission of their servants, agents or lessees in the contravention of, or non-compliance with, any of these conditions.
4. The licence holders shall ensure that the premises are covered by an adequate policy of third party liability insurance with a reputable firm and shall exhibit to the Council, on demand, evidence that the premiums in respect of such policy have been timeously paid.
5. The licence holders shall not make, cause or permit to be made any structural alteration to the premises or to any display cabinets therein used for the purposes of display of knives, knife blades or swords, nor shall any new electrical installation be provided therein, or any extension made to any existing electrical installation, unless and until details of the proposed works have been submitted by the licence holders to the licensing authority and the works approved by the Council in terms of paragraph 9(2) of Schedule 1 to the Act.
6. All plans of the premises approved by the Council will be retained by the licensing authority.
7. The licence holders must surrender the licence if and when called upon to do so by any authorised officer of the Council for the purpose of alteration in accordance with any decision of the Council.
8. No person under the age of 18 shall engaged in the activity of selling, hiring, offering or exposing for sale or hire, lending or giving knives, knife blades or swords within the premises.

MANDATORY CONDITIONS FOR ALL KNIFE DEALERS

9. The licence holder must make, and retain for a period of least 3 years, detailed written records of the following information -

- 9.1. the identity of the customer and the means by which the customer's identity was verified;
 - 9.2. proof that the customer was at least 18 years of age at the time of the transaction, and the means by which the customer's age was verified;
 - 9.3. a full description of the article sold, hired, offered or exposed for sale or hire to the customer.
10. The licence holder must ensure that any article or display of articles is not visible from the street or any public entrance to the premises.

LOCAL CONDITIONS FOR ALL KNIFE DEALERS

11. In addition to the record requirements listed in paragraph 9 of these conditions, the licence holder shall -
- 11.1. record the date of purchase and the number of items sold, if more than one;
 - 11.2. verify a customer's age by means of sight of a passport or photographic driver's licence and shall retain a record of the passport or driver's licence number; and
 - 11.3. shall retain a refusals register, which shall be retained for a period of at least 3 years and which must record -
 - 11.3.1. the date of refusal;
 - 11.3.2. the reason for refusal;
 - 11.3.3. details of the person attempting to purchase the item, if known; and
 - 11.3.4. the age of the person, if known.
12. The licence holder may keep electronic copies of purchase and refusals registers but must have a printed version retained within the premises to comply with the mandatory requirement to have a written record.
13. The licence holder shall display all knives, knife blades or swords within lockfast cabinets or display units within the premises and shall ensure that all such items not on display, are stored within a lockfast store within the premises.

ADDITIONAL MANDATORY CONDITIONS FOR SWORDS

14. The licence holder must take all reasonable steps to establish from the customer and confirm the intended use of any swords.
15. The licence holder must make, and retain for a period of at least 3 years, detailed written records of the following information -
- 15.1. the enquiries made of the customer or any persons or bodies as to the intended use of any sword;
 - 15.2. confirmation and the reasons for the dealer's view that the intended use of the sword is for a purpose authorised by Scottish Ministers under Section 141A of the Criminal Justice Act 1988; and

15.3. the steps taken to establish the information in paragraph 14.

ADDITIONAL LOCAL CONDITIONS FOR SWORDS

16. The licence holder may keep electronic copies of the information required under paragraph 15 above but must have a printed version retained within the premises to comply with the mandatory requirement to have a written record.

DEFINITIONS

17. "the Act" means the Civic Government (Scotland) Act 1982;

"the Council" means the Council constituted under Section 2 of the Local Government etc. (Scotland) Act 1994 and for the purpose of these conditions means North Lanarkshire Council and any employee, officer or agent authorised to act for and on its behalf;

"the Police" means Strathclyde Police and any employee, officer or agent authorised to act for and on its behalf;

"licence holders" means the persons, company, firm, public body or voluntary organisation named in the licence;

"premises" means the premises specified in the licence.

APPENDIX 5

CIVIC GOVERNMENT LICENSING/MISCELLANEOUS FEES
FROM 1st April 2009

TEMPORARY LICENCES:

STANDARD FEE (not advertised)	£ 93
STANDARD FEE (advertised)	£ 288
Special Applications - Fee to be advised on application	

VARIATIONS (PREMISES)	£ 269
VARIATIONS (LICENCE HOLDER/VEHICLE)	£ 33
SUBSTITUTE VEHICLE (Taxi/PH Car Plate – excludes Test Fee)	£ 26
REPLACEMENT BADGE/LICENCE	£ 10
REPLACEMENT PLATE	£ 26

CINEMA LICENCE RENEWAL	£84
PUBLIC CHARITABLE COLLECTION PERMITS	No Charge
REGISTRATION OF SOCIETY	£40
RENEWAL OF REGISTRATION OF SOCIETY	£20

COPY REGISTER	10p per page
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CIVIC GOVERNMENT LICENSING/MISCELLANEOUS FEES
FROM 1st APRIL 2009

TAXI DRIVER (GRANT)	£ 160
TAXI DRIVER (RENEWAL)	£ 146
PRIVATE HIRE DRIVER (GRANT)	£ 146
PRIVATE HIRE DRIVER (RENEWAL)	£ 146
TAXI OPERATORS (GRANT)	£ 444
TAXI OPERATORS (RENEWAL)	£ 390
PRIVATE HIRE CAR (GRANT)	£ 289
PRIVATE HIRE CAR (RENEWAL)	£ 289
LATE HOURS CATERING (GRANT)	£ 384
LATE HOURS CATERING (RENEWAL)	£ 252
STREET TRADERS EMPLOYERS STATIC (GRANT)	£ 269
STREET TRADERS EMPLOYERS STATIC (RENEWAL)	£ 188
STREET TRADERS EMPLOYERS MOBILE (GRANT)	£ 188
STREET TRADERS EMPLOYERS MOBILE (RENEWAL)	£ 188
STREET TRADERS EMPLOYEE (GRANT)	£ 119
STREET TRADERS EMPLOYEE (RENEWAL)	£ 119
SECOND HAND DEALERS (GRANT)	£ 288
SECOND HAND DEALERS (RENEWAL)	£ 188
PUBLIC ENTERTAINMENT (GRANT)	£ 288
PUBLIC ENTERTAINMENT (RENEWAL)	£ 188
INDOOR SPORTS ENTERTAINMENT (GRANT)	£ 288
INDOOR SPORTS ENTERTAINMENT (RENEWAL)	£ 188
METAL DEALERS (GRANT)	£ 288
METAL DEALERS (RENEWAL)	£ 188
MARKET OPERATORS (GRANT)	£ 288
MARKET OPERATORS (RENEWAL)	£ 188
WINDOW CLEANERS (GRANT)	£ 119
WINDOW CLEANERS (RENEWAL)	£ 119