

ABERDEEN CITY COUNCIL

Name of Committee	Policy and Strategy Committee :
Date of Meeting	17 April 2007 :
Title of Report	Councillor Collie's Motion to Ban Airguns – Background : Report
Lead Officer	Craig Stirrat : Head of Service Policy and Planning for Services to Adults
Author of Report	Leslie Brown : Community Safety Strategist Policy and Planning for Services to Adults ☎ (52)2732 ✉ leslieb@aberdeencity.gov.uk
Other Involvement	N/A :
Consultation undertaken with	All Elected Members : Members of the Community Safety Partnership – including Council Services, Grampian Police, Fire and Rescue Service, Community Councils Forum, Neighbourhood Watch Association, Civic Forum Representatives, Aberdeen Safer Community Trust Council – Heads of Service (Health and Social Care), (Shelter and Environment), (Culture and Learning) North Central and South, Head of Policy and Planning for Services to Adults, Culture, Sports and Arts Strategist, City Solicitor Denwood Range Association City Solicitor City Chamberlain

Summary of Report :

The report provides background details to Councillor Collie's motion to ban airguns from the city, including current proposed Bill from Tommy Sheridan MSP on the same issue, and results of consultation on the proposed Bill.

Recommendations:

The Committee is requested to note the contents of this report in considering Councillor Collie's motion.

Links to the Community Plan and to a Partnership for Aberdeen

The proposals contained in the Motion would link to the Safety Challenge in the Community Plan and the Partnership Aberdeen commitment to work with partners to improve community safety and reduce crime and the fear of crime.

Implementation

None at this stage. Should the motion be passed, the Community Safety Strategist and the City Solicitor would carry out the necessary work to pursue the Byelaw. This may be more complex than usual as weapons issues are reserved to Westminster.

Resource Implications

People	See Implementation
	:
Finance	None
	:
Systems & Technology	None
	:
Property	None
	:
Other Equipment	None
	:
Other	None
	:

Other Implications

Health & Safety	None directly – proposals if approved could contribute to improved community safety, providing perpetrators adhered to Byelaw
	:
Risk Management	None at this stage.
	:

**Human Rights/
Equalities/Diversity**

: None

Sustainability

: None

Environmental

: Exemption for pest control would ensure that environmental needs would be maintained.

Social

: Exemptions for competitions and associated training and events would reduce impact on people involved in shooting clubs etc, with the overall aim of reducing crime and injuries caused by air weapons, and associated fear of such problems, in communities.

Economic

: None identified.

Construction

: N/A

Signature

:

Main Considerations:

Councillor Collie put the following motion to Council on 28 February 2007:-

“That the appropriate Committee consider the proposal that Byelaws be introduced to ban the use of air weapons in the City of Aberdeen, subject to exemptions for competitive events, and the training thereof and in controlled conditions.”

The motion has been referred to Policy and Strategy Committee for consideration.

Current legislation:

Existing Air Weapons and Firearms legislation includes air rifles and air guns and makes it unlawful to:-

- Carry any loaded air weapon in public;
- Recklessly discharge any firearm (includes air weapons);
- For any person under the age of 17 to carry an air weapon in public – unless it is covered and unloaded, and they are under the supervision of someone over the age of 21.

Where the weapon is being used by an under 17 year old in private premises, eg a private garden or house or shooting range, they must be supervised by someone over the age of 21 or an offence is committed.

No missiles should be fired outwith the private premises or an offence is committed – this would cover people firing air weapons from windows or gardens to the public street outside.

It is also an offence for anyone under the age of 18 to own or hire an air weapon.

More powerful weapons are classed as firearms and would require a firearms licence.

The Violent Crime Reduction Act restricts the selling of air weapons to trades/businesses registered as a firearms dealer and handed over in person to prevent anonymous sales over the internet, and via car boot sales, corner shops etc.

It is therefore currently legal for someone over the age of 17 to carry an air weapon in public provided it is covered and unloaded. It is also legal to use an air weapon in a shooting range of other private premises, providing that under 17s are supervised by someone over the age of 21, and that missiles are not fired into public areas.

Air Weapons Offences in Aberdeen:

Recent incidents involving air weapons in the City are covered by existing legislation. They were around such weapons being discharged from homes where the missiles entered public space and/or hit members of the public or animals.

Incidents where people are carrying air weapons in public are relatively rare in the City and cases of public concern would most likely involve a loaded and/or uncovered weapon, which would be an offence under existing legislation.

There have been a number of incidents in other parts of Scotland.

Proposed Restriction on Sale and Usage of Air Guns (Scotland) Bill:

Tommy Sheridan MSP consulted on proposals for the above Bill, which is based on the premise that “air guns are lethal weapons and should be banned except for exceptional purposes in registered gun clubs or by designated local authority pest control officers.”

This would go further than existing legislation, if passed and would require a ‘reverse Sewell motion’ if passed by the Scottish Parliament, as weapons legislation is reserved to Westminster.

A local consultation was carried out with a view to formulating a response to Mr Sheridan’s consultation on the proposed bill with a response date of 2 March, the results of which are summarised below. In consultation with Councillor Dean, it was decided that it would not be appropriate to submit a response by the deadline, and that it would be more appropriate for Councillor Collie’s motion to be fully discussed before any view was formulated. 10 responses were received. The majority, 9, were in favour of the proposed Bill, with Councillor Fletcher, Liz Taylor, Head of Service (Health and Social Care) (Central) making no detailed comments. One response against the proposed Bill was received.

In addition, there were comments received from two local people in response to the publicity around Councillor Collie’s motion being considered at Council. They have been attached to the report.

Results of Consultation on Proposed Bill:

Those consulted were asked to respond to the questions in the consultation on the Bill:-

- My Bill proposes to ban the use of all air guns except for use in gun clubs or for legitimate pest control purposes. Do you agree with this proposal?
- My bill proposes to include all air guns in this ban but excludes replica guns. Do you think that the scope of the Bill should be widened to include replica guns?
- My Bill proposes to ban the sale of all air guns except by Registered Firearms Dealers to registered Gun Clubs and Local Authorities. Do you agree with this restriction?
- My Bill proposes to enforce the storage of all air guns in Gun Clubs and Local Authority premises to be in secure storage. Do you agree with this restriction?
- My Bill prevents the sale and possession of guns to the general public but still facilitate the sport of shooting through registered gun clubs. Do you agree with control?
- Making something illegal does not guarantee that a particular practise will end but I believe this bill will reduce the circulation and misuse of air guns. Do you agree?
- Other comments regarding this proposed Bill.

Detailed comments received were:-

- **Councillor Greig:**

My reaction is to support the ban. I would also like to see a ban extended to replica guns, though this might not be feasible/workable. A ban often looks like an easy option but from what I've read this is a very welcome proposal.

My opinion is that I support the proposed bill to limit the sale and circulation of air weapons. I tend to support the ban on the sale of replica guns but would need more information on this.

These are views I would be contributing to a discussion with my Group and with the Community Safety Partnership. The policy that I would support would be subject to further internal discussion. I am convinced that there would be a wide range of views amongst all Councillors and partners.

I want to see a safer environment and I believe that the circulation of air guns needs to be carefully and effectively controlled to achieve this.

- **Councillor Jaffray:**

Did you know that over seven and a half years ago I put a motion to Council to see if we could ban air guns? Everyone was in agreement and the motion was passed to the relevant Committee for action. The Press "dug out" my old motion about a week ago and referred to it in the paper.

The Committee agreed to give an official money to go out and buy three airguns in different price ranges. I did not know that guns are judged on their velocity. Having bought the airguns and ammunition the velocity of each gun had to be fired and tested. Aberdeen City Council and Grampian Police do not have the facilities to test guns, and our official had to take the guns on the train to Glasgow to get Strathclyde Police to test them as they have facilities for doing this. If the velocity of any of the guns had been too powerful then we could have prohibited their sale but we as a City could not have made a bylaw without taking it to the Scottish Parliament, so my motion was the first step.

Unfortunately, all guns met the criteria and so we failed at that time. In the intervening years more people and animals have been killed and maimed with people using these airguns irresponsibly and I am very glad that Councillor Collie has now put a motion to Council on the same subject.

- **Councillor Dean:**

As you will have seen from my response to Councillor Greig, I don't think it will be possible to reach a "Council" view on this until Councillor Collie's motion is debated by the Policy and Strategy Committee.

I feel that this is much more a matter of conscience than of policy, and would be hoping that all Groups on the Council take this as a "free vote", with no Party influence.

- **Councillor May:**

I know of a fellow pupil at primary school who lost an eye having been hit by an airgun pellet.

I was also hit on the thigh as a young child.

I fully support this Bill

- **Grampian Police**

Please see below a comment from our Firearms Licensing Manager on this proposed legislation:-

1. Yes
2. Yes, but there would surely need to be some sort of exemption for bona fide theatrical or film production companies.
3. Yes
4. Yes
5. Yes but there would need to be some way that the Police, on stopping someone with an air weapon in a public place or even checking weapons in a firearms cabinet in their home, could determine that the gun had been lawfully purchased.
6. In general, yes

- **David Lury, Chairman, Denwood Range Association (managing the Denwood Target Shooting Centre):**

Thank you for the invitation from Leslie Brown to respond regarding Mr Sheridan's proposals for Airgun controls.

The general reaction of the substantial number of people who take part in target shooting as a sport, using various types of cartridge and air guns, and observing closely defined and controlled rules of competition, is undoubtedly that proposals such as Mr Sheridan's will achieve nothing more than to add a further package of bureaucratic regulations to their leisure activities.

Target shooters will observe these further regulations if they become law, just as they observe all the existing regulations. Those who commit the offences quoted from the statistics will ignore any new restrictions, just as they ignore the existing laws against assault, vandalism, and dangerous use of firearms. The amount of gun crime has gone up, not down, since controls on firearms were increased after Dunblane.

While any human death is a tragedy, any injury deplorable, and vandalism regrettable, the small number of reported incidents, particularly in proportion to the 500,000 airguns reckoned to be in circulation, suggests that proper enforcement of existing legislation should suffice to keep future incidents to the irreducible minimum - zero will never be achieved.

It is worth noting the misleading presentation of some of the 'supporting' statistics, for example in the paragraph:-

“In 2005-06, air guns were used in 79% of offences of vandalism; 63% of offences of reckless conduct with firearms; 57% of offences of minor assault; 75% of offences of serious assault; and 8% of offences of robbery.”

This text carefully avoids indicating clearly that all the percentages are airgun shares of total firearms incidents in each category, not airgun shares of all vandalism etc.

There is no attempt in the proposal to assess the additional workload for the police and the costs (including compensation) involved in implementing the proposals; both would clearly be substantial, especially in relation to tracing airguns possessed by people with no desire to register them or give them up.

If there is a genuine intention to allow the sport of target shooting with airguns to continue, then any restrictions introduced should recognise in particular that shooters need to be able to own their airguns personally, and transport, store and use them at more than one club/range. The existing firearms' legislation provides rules for these situations which have been shown to work satisfactorily when applied with common sense.

Most target shooting with airguns is at distances of 10m or less. The equipment required to set up an airgun range can easily be, and today regularly and frequently is, transported and set up temporarily but safely in spaces which are used for other purposes at other times. It follows that under the sort of regulation proposed, there would be numerous applications for registrations of new gun clubs, and pressure for dispensations to allow serious shooters to continue to train on domestic premises.

To pick up on Mr Sheridan's list of questions:-

My Bill proposes to ban the use of all air guns except for use in gun clubs or for legitimate pest control purposes. Do you agree with this proposal?

No, because the recent evidence is that such a ban would not reduce the already illegal incidents complained of.

My Bill proposes to include all air guns in this ban but excludes replica guns. Do you think that the scope of the Bill should be widened to include replica guns?

Replica guns are a very different matter, which should be debated entirely separately.

My Bill proposes to ban the sale of all air guns except by Registered Firearms Dealers to registered Gun Clubs and Local Authorities. Do you agree with this restriction?

No - see above.

My Bill proposes to enforce the storage of all air guns in Gun Clubs and Local Authority premises to be in secure storage. Do you agree with this restriction?

No - see above.

My Bill prevents the sale and possession of guns to the general public but still facilitate the sport of shooting through registered gun clubs. Do you agree with control?

Not as proposed, because the proposals are based on a misunderstanding of how the sport functions - see above.

Making something illegal does not guarantee that a particular practise will end but I believe this bill will reduce the circulation and misuse of air guns. Do you agree?

No - see above

Other comments regarding this proposed Bill.

See above.

- **Bob Murray, Crime Prevention Panel representative on Aberdeen Community Safety Partnership:**

I agree with all the bans proposed on air guns, however I do not agree with the final restriction which prevents the sale and possession of guns to the general public but still facilitate the sport of shooting through registered gun clubs. Does this refer to all types of gun including firearms?

What provision will be made for farmers and other landowners/authorities using air guns or licensed firearms for vermin control or sport on their land?

I consider that the same restrictions and licensing controls that apply to firearms should be applied to air guns.

Scottish Parliament Discussion on Airguns Legislation

On 21st March Scottish Ministers announced a 2-year time frame for the new legislation to be operational when they would review the effectiveness of the new legislation on airguns, in 2008 as well as 2009. This followed a meeting with ACPOS (Association of Chief Police Officers in Scotland) who indicated that the new legislation was strong and that a total ban on airguns would be disproportionate.