

Report

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| Report to: | Licensing Committee |
| Date of Meeting: | 8 September 2010 |
| Report by: | Executive Director (Corporate Resources) |

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| Subject: | Civic Government (Scotland) Act 1982 Licensing of Second-Hand Dealers |
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1. Purpose of Report

1.1 The purpose of the report is to:-

- ♦ consider an amendment to the existing Resolution for the licensing of second-hand dealers.

2. Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that second-hand dealing in the goods listed in Paragraph 4.2 now be licensed; and
- (2) that the draft Resolution for the Licensing of Second-Hand Dealers, as detailed in Appendix 1, be approved.

3. Background

3.1 At present a Second-Hand Dealer's licence is required when a person deals in any of the following second-hand goods:

- ♦ Motor vehicles, motor vehicle spares and parts
- ♦ Motor cycles and parts thereof
- ♦ Caravans, motor homes and parts thereof
- ♦ Bicycles
- ♦ Domestic appliances
- ♦ Furniture
- ♦ Jewellery, antiques, clocks, watches, gold, silver, medals, coins
- ♦ Musical instruments
- ♦ General household effects
- ♦ Televisions and radios
- ♦ Video recorders and DVD players
- ♦ Toys
- ♦ Tradesmen's tools and equipment
- ♦ Photographic and cinematic equipment
- ♦ Telephonic instruments including mobile phones, fax machines and associated equipment
- ♦ Computer hardware and software including handheld computer games
- ♦ DVDs, video cassettes and other recording or playback audio mediums

4. Present Position

4.1 The current Second-Hand Dealers' Resolution was last reviewed in 2005. In light of increased use of technology and experience since that time, it is now considered appropriate to review the list of second-hand goods included in the Resolution.

4.2 The proposed additional second-hand goods to be included are as follows:-

- (1) Motor vehicles, motor vehicle spares and parts
Add "including tyres"
- (2) Motor cycles and parts thereof
Add "including tyres"
- (3) Furniture
Add "including mattresses, headboards, pillows and cushions"
- (4) Video recorders and DVD players
Amend to "Audio/Video players and recorders"
- (5) Computer hardware and software including hand held computer games
Amend to "Computer hardware, games hardware and related software"
- (6) DVDs, video cassettes and other recording or playback audio mediums
Amend to "DVDs, CDs and other audio/video playback or recording mediums"
- (7) **Clothing**

4.3 If the Committee wishes these additional items to be licensed, then the current Resolution will require to be amended and a draft Resolution is attached as Appendix 1. The amended and additional items have been highlighted in bold above.

4.4 In terms of Section 9 of the Civic Government (Scotland) Act 1982, appropriate notice of any amendments to the Resolution will require to be given in the press for a statutory period of 28 days. Once that process has been completed, a further report requesting approval for the Final Resolution will be submitted to Committee.

5. Employee Implications

5.1. None.

6. Financial Implications

6.1. None.

7. Other Implications

7.1. The risk to the Council is that it fails to fulfil its duty to protect the public. There are no apparent implications in terms of sustainable development.

8. Equality Impact Assessment and Consultation Arrangements

8.1. There is no requirement to carry out an impact assessment in terms of the proposals contained within this report.

8.2 Consumer and Trading Standards, Strathclyde Police and Strathclyde Fire and Rescue were all consulted on the content of the Resolution and their comments have been taken on board when reviewing the Resolution.

Robert McIlwain
Executive Director (Corporate Resources)

10 August 2010

Link(s) to Council Objectives and Values

- Objectives:
Improve Community Safety

Previous References

- Licensing Committee, 19 January 2005

List of Background Papers

- None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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Civic Government (Scotland) Act 1982
Licensing of Second-Hand Dealers

Draft Resolution

South Lanarkshire Council, in terms of Section 9 of the Civic Government (Scotland) Act 1982, resolves that as from a date not less than 9 months from the date of the making of this Resolution, the following categories of Second-Hand Dealing within South Lanarkshire shall require to be licensed and regulated in accordance with the provisions of Sections 24 to 27 (inclusive) of the said Act:-

- 1 Motor vehicles, motor vehicle spares and parts including tyres
- 2 Motor cycles and parts thereof including tyres
- 3 Caravans, motor homes and parts thereof
- 4 Bicycles
- 5 Domestic appliances
- 6 Furniture including mattresses, headboards, pillows and cushions
- 7 Jewellery, antiques, clocks, watches, gold, silver, medals, coins
- 8 Musical instruments
- 9 General household effects
- 10 Televisions and radios
- 11 Audio/video players and recorders
- 12 Toys
- 13 Tradeperson's tools and equipment
- 14 Photographic and cinematic equipment
- 15 Telephonic instruments including mobile phones, fax machines and associated equipment
- 16 Computer hardware, games hardware and related software
- 17 DVDs, CDs and other audio/video playback or recording mediums
- 18 Clothing

For the purposes of clarification all previous Second-Hand Dealer resolutions will be revoked from the date this resolution is passed.

Any person wishing to make representations about the proposed Resolution may, on or before ???? notify in writing his/her representations to the Head of Legal Services, South Lanarkshire Council, Montrose House, Montrose Crescent, Hamilton ML3 6LB

It is the intention of the Council to consider any representations so made and to make the Resolution, whether under modification or otherwise by the Licensing Committee at a meeting after that date.

Geraldine McCann
Head of Legal Services
Montrose House
Montrose Crescent
Hamilton ML3 6LB