

**REPORT TO:** Licensing Sub-Committee  
**MEETING DATE:** 13 June 2013  
**BY:** Executive Director (Support Services)  
**SUBJECT:** Licensing of Second Hand Dealers and Window Cleaners

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## **1 PURPOSE**

- 1.1 To advise the Sub-Committee of a request received from Police Scotland that the Council resolve to include second hand dealing and window cleaning among the activities for which a licence under the Civic Government (Scotland) Act is required

## **2 RECOMMENDATIONS**

- 2.1 That the Sub-Committee consider the terms of the request from Police Scotland, attached as Appendix One hereto, and any comments given by the Police in support thereof at the meeting, and determine whether to:
- (i) Refuse to grant the request, or
  - (ii) To initiate a public consultation regarding the request, or
  - (iii) To grant the request, and authorise the Corporate Legal Advisor and such staff as she may appoint to initiate the process of creating resolutions.
  - (iv) If the second or third options are chosen, to accept a further report either providing the outcome of the consultation in option (ii), or presenting the proposed wording of the resolutions for consideration in option (iii).

## **3 BACKGROUND**

- 3.1 In terms of Schedule 1, Article 9 of the Civic Government (Scotland) Act 1982, the series of activities deemed to be “optional” activities in terms of the Act shall only fall liable to require a licence under the Act if the Local Authority makes a resolution to that effect.

- 3.2 “Optional” activities in this connection include Second Hand Dealing (in terms of Sections 24-27 of the Act) and Window Cleaning (in terms of Section 43 of the Act).
- 3.3 At the present time the Council has not made a resolution requiring either of these activities to be licensed under the Act. The Council has received a letter from Police Scotland, dated 30 May 2013, requesting that the Council now make resolutions to licence these activities. Said letter is annexed hereto.
- 3.4 In the event that the Sub-Committee agree to the request, the process in terms of Schedule 1, paragraph 9, would be for the proposed wording of the resolutions to be advertised in the local press, giving members of the public a period of 28 days within which to submit representations. The content of such representation would require to be considered before any new resolution was confirmed. Confirmation of the resolution would also require to be advertised in the Press. The new licensing regime would not come into effect for a period of nine months after the date of adoption of the resolution.
- 3.5 Any resolution in respect of Second Hand Dealing would require to specify the particular class or classes of the activity which it would be intended to require a licence in connection with.
- 3.6 The Act simply requires that any new resolutions are publicly advertised and that representations received are considered. The Sub-Committee may however wish to consider whether there would be any benefit in having a public consultation on the matter prior to proceeding to the promotion of a resolution. This would obviously cause significant delay and expense.

#### **4 POLICY IMPLICATIONS**

- 4.1 None. The Council as Licensing Authority have the statutory power to resolve to licence any activity listed in the 1982 Act as an “optional” activity. The two activities covered by the Police request fall into this category.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – There would be initial costs in advertising the proposed resolutions, initially and after confirmation, and additional costs if a full

public consultation were considered. New licensed activities would create new licence fee income streams for the Council.

6.2 Personnel - None

6.3 Other – None

## **7 BACKGROUND PAPERS**

7.1 Letter from Police Scotland dated 30 May 2013

7.2 Civic Government (Scotland) Act 1982

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<b>DATE</b>	30 May 2013



Date: 30<sup>th</sup> May 2013

Your Ref:

Our Ref: J/LIC/3705/HB

Colin Brown  
Chief Inspector

Local Area Commander for East Lothian

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30 MAY 2013

Received

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Web: [www.scotland.police.uk](http://www.scotland.police.uk)

Dear Sir/Madam

## **Civic Government (Scotland) Act 1982 Window Cleaners and Second Hand Dealer Licences**

The Civic Government Scotland Act 1982 differentiates between activities, which must be licensed, and those, which an authority may elect to licence if it sees fit.

In East Lothian the sub committee has previously elected, NOT to licence the activities of window cleaners and second hand dealers.

The police respectfully request that the sub committee consider licensing the activities carried out by window cleaners and all second hand dealers. The purpose of regulating both these activities would be to assist in the prevention of crime, ensure public safety and to protect the environment.

Window cleaners are unique amongst street traders in that they could have access to the inside and back of domestic premises and in the interests of 'crime prevention' the police would request that they are licensed.

Second hand car dealers have a huge responsibility when it comes to public safety and protecting the environment. Other second hand dealers will come into regular contact with stolen property and licensing them will assist in combating the resale of stolen goods therefore preventing crime.

Both 'serious and organised crime groups' in East Lothian carry out these activities and the potential for them to utilise these channels is a genuine risk.

For your information West Lothian and Mid Lothian Councils undertake Licensing for these groups and the Scottish Borders Council undertake Licensing for Second Hand Dealers only.

Submitted for your due considerations.

Yours faithfully

*Inspector Bob Rodriguez*

PP

Colin Brown  
Chief Inspector