

**REPORT TO:** Licensing Sub-Committee

**MEETING DATE:** 10 October 2013

**BY:** Depute Chief Executive - Resources and People Services

**SUBJECT:** Licensing of Second Hand Dealers & Window Cleaners

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## **1 PURPOSE**

- 1.1 To advise the Sub-Committee of the proposed terms of the resolutions being proposed for public consultation regarding the licensing of window cleaners and second hand dealers.

## **2 RECOMMENDATIONS**

- 2.1 That the Sub-Committee approve the terms of the draft resolutions attached hereto and authorise the Corporate Legal Advisor and such staff as she may appoint to proceed with the process of advertising the drafts in the local press.
- 2.2 To accept a further report following the public consultation period and make a final determination on the proposals in the light of any public representations received.

## **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 received a letter from Police Scotland, dated 30 May 2013, requesting that the Council now make resolutions to licence these activities. The Sub-

Committee agreed to this request at their meeting on 13 June 2013 and authorised the Licensing division to produce initial drafts of the proposed resolutions and liaise with the Police regarding their terms.

- 3.4 This process has now been completed and the proposed resolutions are attached hereto for approval. In the event that the Sub-Committee approve the wording of the resolutions, 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 then require to be considered at a further hearing before any new resolution was confirmed. Confirmation of the resolution would also then 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.

#### **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 draft resolutions 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. 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
- 7.3 Report to Licensing Sub-Committee dated 13.6.13

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<b>DATE</b>	26/09/2013

## **RESOLUTION RE LICENSING OF SECOND HAND DEALERS**

East Lothian Council, as Licensing Authority for East Lothian do hereby resolve in terms of Section 9 of the Civic Government (Scotland) Act 1982 that, under Sections 24-27 of the Civic Government (Scotland) Act 1982 (“the Act”):

- (1) Sections 24-27 inclusive of the Act relating to second-hand dealers’ licences shall have effect.
- (2) Subject to the provisions of Sections 24-27 inclusive of the Act, a licence under the Act to be known as a “Second-hand Dealers’ Licence” shall be required for the carrying on of the classes of business specified in Clause (3) hereof throughout the whole area of the Licensing Authority with effect from *x*.
- (3) The said classes of business which require to be licensed in terms of this Resolution are as follows:-
  - (a) Motor Vehicles, motor cycles and caravans, including spare parts, accessories and tyres;
  - (b) Bicycles;
  - (c) Personal effects including children’s toys, clothing, jewellery, watches, cameras and photographic equipment, and mobile telephone equipment;
  - (d) Antiques, paintings, historical prints and maps;
  - (e) Household effects including electrical and gas goods, personal computers, computer peripherals and discs;
  - (f) Musical instruments;
  - (g) Vinyl records, cassettes, compact discs and DVD/Blu-ray discs.
  - (h) Stamps and coins;
  - (i) Antique and modern furniture and soft furnishings;
  - (j) Books and magazines;
  - (k) Garden equipment, garden ornaments and statues;
  - (l) Manufactured and general goods.
- (4) This Resolution may be cited as the East Lothian Council (Second Hand Dealers) Resolution 2013.

## **RESOLUTION RE LICENSING OF WINDOW CLEANERS**

East Lothian Council, as Licensing Authority for East Lothian do hereby resolve in terms of Section 9 of the Civic Government (Scotland) Act 1982 that, under Section 43 of the Civic Government (Scotland) Act 1982 (“the Act”):

- (1) Section 43 of the Act relating to Window Cleaners’ licences shall have effect.
- (2) Subject to the provisions of Section 43 of the Act, a licence under the Act to be known as a “Window Cleaners licence” shall be required for the carrying on of the trade of, or being employed as, a window cleaner within the whole area of the Licensing Authority with effect from *x*.
- (3) This Resolution may be cited as the East Lothian Council (Window Cleaners Licence) Resolution 2013.