

REPORT TO: Licensing Sub-Committee

MEETING DATE: 12 December 2013

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Licensing of Second Hand Dealers & Window Cleaners

1 PURPOSE

- 1.1 To advise the Sub-Committee of the outcome of the public consultation exercise undertaken regarding the proposed licensing of window cleaners and second hand dealers.

2 RECOMMENDATIONS

- 2.1 That the Sub-Committee formally confirm and adopt the terms of the resolutions attached hereto and authorise the Service Manager-Licensing, Administration & Democratic Services and such staff as she may appoint to proceed with the process of advertising such confirmation in the local press.

3 BACKGROUND

- 3.1 In terms of Section 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). These activities do not currently require to be licensed in East Lothian as no such resolutions have been made to date.
- 3.3 The Council received a letter from Police Scotland, dated 30 May 2013, requesting that the Council make appropriate 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 The Sub-Committee approved draft resolutions in respect of both matters at their meeting on 10 October 2013 and authorised the Licensing team to proceed to advertise and consult on the proposals. The consultation process in terms of Section 9 of the 1982 Act, required 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 consultation period ended on 25 November 2013.
- 3.5 I would advise that no responses have been received by the Licensing Office relative to this consultation. The Sub-Committee are now in a position to formally endorse these resolutions. Confirmation of the resolutions will require to be advertised in the Press. The new licensing regime would then come into effect nine months after the date of adoption of the resolutions. The suggested effective date for the coming into effect of these resolutions would be 15 September 2014.

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 these 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 have been initial costs in advertising the proposed resolutions, and there will be further costs to advertise their confirmation. New licensed activities will 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 and 10.10.13

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DATE	25/11/13

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.