

The Highland Licensing Committee

Meeting - 1 October 2013

Agenda Item	7.1
Report No	HLC/072/13

Second Hand Dealer's Licences – The Money Shop, 20 Inglis Street and 22 Lombard Street, Inverness. Variation of Licence Conditions (Ward 15 – Inverness Central)

Report by the Legal Manager

Summary

This Report relates to a request for the variation of conditions of two second hand dealer's licences

1.0 Background

1.1 The Highland Council has resolved that in terms of the Civic Government (Scotland) Act 1982 a licence will be required for persons operating a business as a second hand dealer.

1.2 Instant Cash Loans Ltd. t/a The Money Shop currently holds a second hand dealers licence for each of its premises located at 20 Inglis Street and 22 Lombard Street, Inverness.

1.3 A copy of the standard second hand dealers conditions of licence are attached in Appendix 1 for Members information.

2.0 Variation Request

2.1 On 11 July 2013 Instant Cash Loans Ltd submitted the following requests for variation of their licences:

- 2.2
- Condition 3.1 – That records are not kept within a bound book but be maintained electronically under each customer account.
 - Condition 10 – The restriction of carrying on both as a pawnbroker and a second hand dealer be lifted to enable them to trade within both areas.

3.0 Process

3.1 Following receipt of the request the following Agencies/Services were consulted:

- Police Scotland (Statutory Consultee)
- Fire and Rescue Service (Statutory Consultee)
- Highland Council Trading Standards Service

- Highland Council Environmental Health

3.2 No objections have been received from any of the Agencies/Services detailed above.

4.0 **Condition 3.1**

4.1 If Members are minded to grant the variation request in relation to Condition 3.1 above regarding the keeping of records the Committee is invited to agree that delegated powers be provided to the Legal Manager (Regulatory Services) to approve any further requests received from other licensed second hand dealers seeking to use electronic record keeping, providing that there are no objections from the Agencies/Services detailed in paragraph 3.1 of this report.

5.0 **Policies**

5.1 The following policies are relevant to this case:

Standard Second Hand Dealer's Licence conditions. A copy of these can accessed at

www.highland.gov.uk/businessinformation/licensing/civicgovernmentlicensing

6.0 **Recommendation**

6.1 The Committee is invited to:

- (i) determine the request for variation of licence conditions in respect of the two premises detailed above;
- (ii) if minded to grant the variation request in relation to Condition 3.1 above regarding the keeping of records, agree that delegated powers be provided to the Legal Manager (Regulatory Services) to approve any further requests received from other licensed second hand dealers seeking to use electronic record keeping, providing that there are no objections from the Agencies/Services detailed in paragraph 3.1 of this report.

Designation: Legal Manager

Officer Reference: Michael Elsey

Date: 16 August 2013

Background Papers: Civic Government (Scotland) Act 1982

Appendix 1 – Copy of Standard Second Hand Dealer's Licence Conditions

THE HIGHLAND COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

SECOND HAND DEALER'S LICENCE: SCHEDULE OF CONDITIONS

These conditions apply to the Second Hand Dealer's Licence granted to you by the Highland Council (hereinafter referred to as "the Council") and must be observed at all times.

1. The licence is valid until the date shown on the licence, which must be displayed clearly within the premises so that it can be seen by members of the public.
2. A Second Hand Dealer when acting as such shall have with him at all times the identification issued to him by the Council and shall, when requested, permit any person to inspect the same and to note the writing thereon. The identification and licence must not be altered, erased or defaced in any way, must be kept clean and legible and must not be lent or used by any other person. Should the identification or licence be lost or become defaced or illegible or require to be replaced for any other reason, the licence holder shall within 5 days obtain a replacement from the Council on payment of the appropriate fee.
3. The licence holder shall keep a register of all items bought and sold.
 - 3.1 The register must be in the form of a properly bound book with consecutively numbered pages or in another form approved by the Council and each item purchased by the licence holder must be numbered.
 - 3.2 The register must include the following details in a style approved by the Council:
 - Full description of each article.
 - Serial number relating to each article (if applicable).
 - Identification marks.
 - The price paid or consideration given for the goods.
 - Date and time of acquisition.
 - Location of the goods during the retention period.
 - Name, address and signature of the seller.
 - Date and time of sale by the dealer.

- 3.3 Entries in the register must be preserved for at least 3 years.
- 3.4 The licence holder shall not dispose of any item of his stock-in-trade until the expiry of 48 hours (excluding any time on Saturdays or Sundays) after he acquires it. This shall not apply to any article acquired by the licence holder in a public group and disposed of by him without being brought to his place of business. The Council may authorise the disposal of the licence holder's stock-in-trade or any part of it.
4. The licence holder shall keep the register referred to in Condition 3.1 above available for inspection at any reasonable time by any authorised officer of the Highland Council or the Police.
5. The licence holder shall store items purchased in the course of his dealing only on the business premises specified in the licence or on other premises approved by the Council.
6. The licence holder shall comply with all fire precaution requirements to the satisfaction of the Firemaster.
7. Notwithstanding the above or any other conditions annexed a licence holder while trading shall comply with any reasonable order or instruction given by a Constable -
 - (i) for the prevention of obstruction or annoyance to the public or to the occupiers of any premises; or
 - (ii) in connection with any emergency or disturbance.
8. The licence holder shall notify the Council of any material change of circumstances affecting him or any other person or company named on the licence or affecting the activity to which the licence relates. A licence holder who ceases to act as such for the unexpired period of the licence or whose licence has been suspended by the Council shall, within 5 days, return the licence to the Area Administrator.
9. The licence holder shall not accept a pawn ticket issued by a pawnbroker for any article which has been pawned.
10. The licence holder shall not carry on business as a Second Hand Dealer in any premises in which the business of a pawnbroker is carried on.