

EAST AYRSHIRE COUNCIL

**LOCAL GOVERNMENT LICENSING PANEL
17 DECEMBER 2009**

**CONSIDERATION OF VARIATION OF THE RESOLUTION IN RESPECT OF
SECOND HAND DEALERS' LICENSING**

Report by Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 To invite the Licensing Panel to ratify the decision to vary the resolution in respect of the licensing of second hand dealers to include computers, gaming equipment and mobile phones.

2. BACKGROUND

- 2.1 At the meeting of the Licensing Panel held on 24 September 2009, the panel members considered the report dated 14 September 2009 by the Depute Chief Executive/Executive Director of Corporate Support and agreed the proposal to vary the categories of second hand goods for sale which require to be licensed, to include computers, gaming equipment and mobile phones.
- 2.2 It was further agreed that it be remitted to the Head of Legal, Procurement and Regulatory Services to carry out the necessary procedures.

3. DISCUSSION

- 3.1 In terms of Section 9 of the Civic Government (Scotland) Act 1982, the Notice of Intention to vary the Resolution was advertised in the Kilmarnock Standard and Ayrshire Post in their issues of week ending 23 October 2009. (copy attached at Appendix 1 to this report).
- 3.2 No objections or representations having been lodged within the 28-day period specified in the Act, the Licensing Panel may now resolve to vary the resolution in respect of the licensing of second hand dealers to include computers, gaming equipment and mobile phones.
- 3.3 A licensing authority shall, as soon as they have made or varied a resolution, publish in a newspaper circulating in their area –
- (a) the terms of the resolution or variation so made, together with

(b) a notice stating that with effect from the date specified as that on which the resolution comes into effect, it will be an offence under Section 7(1) of the Act to do without a licence whatever the resolution specifies as an activity which requires to be licensed; and that applications for licence in respect of the activity will be considered by the authority after the expiry of one month after the date of the making of the resolution.

3.4 In terms of Section 9(2) of the Act the variation of the resolution cannot come into effect until the expiry of 9 months from the date of the making of the resolution.

4. FINANCIAL IMPLICATIONS.

4.1 As detailed in 3.3 above, variation of the Resolution must be advertised in the local press. Advertising costs will be in the region of £300.00.

5. LEGAL IMPLICATIONS

5.1 Section 9 of the Civic Government (Scotland) Act 1982 defines the procedure for varying Resolutions.

6. POLICY IMPLICATIONS

6.1 Nil.

7. CONCLUSIONS

7.1 The necessary initial procedures having been carried out, the Licensing Panel may now agree to vary the resolution to extend the categories of second hand goods for sale which require to be licensed to include computers, gaming equipment and mobile phones.

7.3 The inclusion of these categories would assist to prevent crime and reset of stolen goods and would allow Strathclyde Police, when investigating crimes of dishonesty, to have access to more information and be afforded enhanced co-operation from licensed dealers.

8. RECOMMENDATIONS

8.1 It is recommended that the Licensing Panel consider the contents of this report and agree:-

(i) to vary the Resolution relating to second hand dealers to include computers, gaming equipment and mobile phones;

- (ii) to remit to the Head of Legal, Procurement and Regulatory Services to make the necessary arrangements; and
- (iii) otherwise to note the content of the report.

Elizabeth Morton
Depute Chief Executive/Executive Director Corporate Support

EM/GK

7 December 2009

LIST OF BACKGROUND PAPERS

1. Report by the Depute Chief Executive/Executive Director of Corporate Services dated 14 September 2009.
2. Minutes of the meeting of the Local Government Licensing held on 24 September 2009.

Any person wishing to inspect of the background papers listed above should telephone 01563 576161 and ask for Mr David Mitchell, Head of Legal, Procurement and Regulatory Services or e-mail david.mitchell@east-ayrshire.gov.uk

Implementation Officer: Stuart McCall, Legal and Procurement Services Manager.

**EAST AYRSHIRE COUNCIL
CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**NOTICE OF INTENTION TO VARY THE RESOLUTION
IN RESPECT OF SECOND HAND DEALERS**

Notice is hereby given that East Ayrshire Council intends to vary the Resolution in respect of Second Hand Dealers, as follows:

East Ayrshire Council, the Licensing Authority for East Ayrshire in terms of the Civic Government (Scotland) Act 1982, hereby resolve:-

Firstly, that as from 1 October 2010, the activities undernoted, the provision for the licensing and regulation of which is made in the Section of the above Act, also noted, shall require to be licensed in accordance with the provisions of the Act relating to the activity and shall be regulated by those provisions, namely:

Activities	Section of the Act
Sale of second hand computers, gaming equipment and mobile phones	Section 24

Secondly, that the foregoing resolution is made in relation to the whole of East Ayrshire, being the area of the Licensing Authority.

Any representations in respect of the proposed variation of the Resolution may be made, in writing, to the undernoted within 28 days of the date of publication of this notice.

**Elizabeth Morton
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