

ABERDEEN CITY COUNCIL

---

COMMITTEE	Licensing
DATE	03 November 2015
DIRECTOR	Angela Scott (Interim)
TITLE OF REPORT	Variation of Second Hand Dealer Licence Conditions – Outcome of Consultation
REPORT NUMBER	CG-15-126
CHECKLIST COMPLETED	Yes

---

1. **PURPOSE OF REPORT**  
To advise members of any responses to the consultation following the Committee's decision on 01 September 2015 to adopt in principle variations to the conditions attached to Second Hand Dealer licences.
2. **RECOMMENDATION(S)**  
That the Committee –
  - (a) ratifies the changes to the conditions as outlined in Appendix 1;  
and
  - (b) instructs officers to complete the statutory variation procedures.
3. **FINANCIAL IMPLICATIONS**  
None
4. **OTHER IMPLICATIONS**  
It is necessary to amend condition 4 to ensure that it complies with the terms of the Civic Government (Scotland) Act 1982.

## 5. BACKGROUND/MAIN ISSUES

At its meeting on 01 September 2015, the Committee considered and endorsed in principle proposed variations to the standard conditions attached to Second Hand Dealer licences.

The changes are –

- (i) Condition 4: removal of the requirement for the Chief Constable or his representatives to obtain a warrant to inspect records and seize good and articles;
- (ii) Condition 2: allow Second Hand Dealers to store records electronically; and
- (iii) Condition 3: amend the wording of the condition to prohibit the disposal of items of stock in trade where the expiry of the 48 hours that goods must be held for before disposal, falls on a Saturday or Sunday.

The holders of Second Hand Dealer licences have been consulted on the changes but there have been no responses indicating a desire to be heard by the Committee in respect of the proposed variations.

## 6. IMPACT

### **Improving Customer Experience –**

Allowing records to be stored electronically will better meet the needs of licence holders who have been requesting such a change to the conditions.

### **Improving Staff Experience –**

The proposal will have a neutral impact on the staff experience.

### **Improving our use of Resources –**

The proposal will remove the time spent by officers administering individual requests for variations to the licence conditions and will reduce the amount of business to be placed before the Licensing Committee

### **Corporate -**

None

### **Public –**

The report is unlikely to be of interest to the public and the recommendations will have a neutral impact of those persons with the protected characteristics, therefore an Equality and Human Rights Assessment is not required.

## 7. MANAGEMENT OF RISK

Implementing the changes to the conditions will remove the risk of a legal challenge to the conditions on the ground that they are

unreasonable and go beyond the terms of the Civic Government (Scotland) Act 1982.

8. BACKGROUND PAPERS

Civic Government (Scotland) Act 1982.

9. REPORT AUTHOR DETAILS

Jacqui Wallace

Registered Paralegal

Litigation and Licensing

Direct Dial: 01224 522985

Email: [jwallace@aberdeencity.gov.uk](mailto:jwallace@aberdeencity.gov.uk)