

**LICENSING COMMITTEE INFORMATION SHEET**  
**3 MAY 2023**

**TYPE OF APPLICATION:** Variation of Second-Hand Dealer's Licence  
**APPLICANT:** Cex Ltd

**INFORMATION NOTE**

Application must be determined by 27/11/2023

**DESCRIPTION**

Variation of second-hand dealer's licence.  
The applicant is requesting for condition 3 on the licence to be removed. Condition 3 provides that the licence holder shall keep all articles in his shop or other place where his ordinary business is carried on. He shall not dispose of any articles acquired by him except goods bought at auction until the expiry of 48 hours (excluding any time on Saturdays and Sundays) after the date on which it shall appear from his books or electronic records that such articles have been purchased or received.

Letter of objection received from Police Scotland in response to the applicant's application for the grant of the variation to the licence.

**CONSULTEES**

- Police Scotland
- Trading Standards

**OBJECTIONS/REPRESENTATIONS**

- Police

It is a condition that a second-hand dealer's licence holder shall keep all articles in his shop or other place where his ordinary business is carried on. He shall not dispose of any articles acquired by him except goods bought at auction until the expiry of 48 hours (excluding any time on Saturdays and Sundays) after the date on which it shall appear from his books or electronic records that such articles have been purchased or received.

**GROUND FOR REFUSAL**

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i)for the time being disqualified from holding a licence, or

(ii)not a fit and proper person to be the holder of the licence;

(b)the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c)where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i)the location, character or condition of the premises or the character or condition of the vehicle or vessel;

(ii)the nature and extent of the proposed activity;

(iii)the kind of persons likely to be in the premises, vehicle or vessel;

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

(d)there is other good reason for refusing the application;

**and otherwise shall grant the application.**