

**PERTH AND KINROSS COUNCIL****Licensing Committee****22 February 2018****CIVIC GOVERNMENT (SCOTLAND) ACT 1982****New Fees for Second Hand Dealers Operating From a Car Boot Sale****Report by Head of Legal & Governance Services****PURPOSE OF REPORT**

This report recommends the introduction of a reduced license fee for second hand dealers who operate at car boot sales.

**1. BACKGROUND / MAIN ISSUES**

- 1.1 The Council, as Licensing Authority, regulates civic licensing under the Civic Government (Scotland) Act 1982. This Act allows the Council to regulate a number of activities. Licensing of some activities is mandatory, for example knife dealers. For other activities, each local authority will decide if the activity should be licensed.
- 1.2 In 1988 the former Perth and Kinross District Council adopted a resolution that second-hand dealers within Perth and Kinross would require to be licensed under Section 24 of the 1982 Act. This has continued to be the case since 1996, when Perth and Kinross Council became responsible for licensing.
- 1.3 A second-hand dealer's licence is required by any person carrying on a business as a dealer in certain second-hand goods or articles. These are:
  - Households effects and electrical goods
  - Musical instruments and equipment
  - Cameras and photographic equipment
  - Records, tapes, video discs and other recording material
  - Bicycles, Antiques and jewellery
  - Stamps, postcards, coins and books
  - Tools, implements and plant
  - Motor vehicles, motor cycles and mopeds as defined by section 190 of the Road Traffic Act, 1972 or by any subsequent legislation or any other type of vehicle including trailers and caravans.
- 1.4 The cost of a second hand dealer's licence is £300 for a 3 year licence and £200 for a one year licence. In 2008, a decision was made to introduce a

reduced fee to second hand dealers selling antique items from a single cabinet at an Antiques Centre in order to encourage dealers to operate within the law. .

- 1.5 It has recently come to light that there are several car boot sales within the Perth and Kinross area where some of those taking up stands/stalls appear to be second hand dealers but are operating without licences (i.e. those operating a business of second hand dealing rather than members of the public occasionally selling their own goods)..
- 1.6 It is important that all second hand dealers are licensed, as this ensures that those traders are complying with the conditions of licence, which are designed to protect the public. However, it is recognised that for some very small businesses, operating only at one car boot sale, the cost of the licence may be prohibitive, and may discourage traders from applying for a licence. In order to encourage those unlicensed dealers to apply for licences, it is proposed that a reduced fee is introduced for second hand dealers operating at car boot sales. This would be in line with those arrangements already in place for traders who have single cabinets at Antique Centres.

## **2. PROPOSALS**

- 2.1 It is proposed that a reduced fee be introduced for a second hand dealers licence, for dealers trading at a single car boot sale once per week. It is proposed that the fee is £60 for a one year licence and £150 for a three year licence.

## **3. CONCLUSION AND RECOMMENDATION(S)**

- 3.1 It is hoped that offering a reduced fee will achieve a balance between protecting the public and encouraging those who are operating a second hand dealer's business to be licensed.
- 3.2 It is recommended that the Committee
- (i) approves the introduction of a reduced fee for a second hand dealers licence, for dealers trading at a single car boot sale once per week;
  - (ii) agrees that the fee for this licence should be £60 for a 1 year licence and £150 for a 3 year licence.

### **Author(s)**

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**Approved**

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	<b>Yes</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>Yes</b>
Workforce	<b>None</b>
Asset Management (land, property, IST)	<b>None</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>None</b>
Strategic Environmental Assessment	<b>None</b>
Sustainability (community, economic, environmental)	<b>None</b>
Legal and Governance	<b>Yes</b>
Risk	<b>None</b>
<b>Consultation</b>	
Internal	<b>None</b>
External	<b>None</b>
<b>Communication</b>	
Communications Plan	<b>None</b>

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

The proposals set out in this report will support the delivery of the Perth and Kinross Community Plan/Single Outcome Agreement in terms of the following priorities:

- Promoting a prosperous, inclusive and sustainable economy
- Creating a safe and sustainable place for future generations.

#### Corporate Plan

The proposals set out in this report will support the delivery of the Corporate Plan in terms of the following priorities:

- Promoting a prosperous, inclusive and sustainable economy
- Creating a safe and sustainable place for future generations

### 2. Resource Implications

#### Financial

- 2.1 It is anticipated that the introduction of a reduced fee will increase the numbers of licences applied for by those operating as second hand dealers at car boot sales. The income from fees will be used to meet the cost of processing applications.

Workforce

2.2 Not applicable

Asset Management (land, property, IT)

Not applicable

**3. Assessments**

Equality Impact Assessment

Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) and are not considered to be relevant

Strategic Environmental Assessment

Not applicable.

Sustainability

Not applicable.

Legal and Governance

The proposals are compatible with the requirements of the Civic Government (Scotland) Act 1982.

**4. Consultation**

Internal

4.1 Not applicable

External

4.2 Not applicable

**5. Communication**

Not applicable

**2. BACKGROUND PAPERS**

Not applicable

### **3. APPENDICES**

None