

**CIVIC LICENSING COMMITTEE – 16 AUGUST 2012**

**LICENSING OF SECOND HAND DEALERS**

**REPORT BY THE DIRECTOR OF CORPORATE SERVICES**

**ABSTRACT**

The purpose of this report is to invite the Committee to determine whether the Standard Conditions applied to Second Hand Dealer's Licences be amended to remove the prohibition on a Second Hand Dealer carrying on business as a second hand dealer in any premises in which the business of a pawnbroker is carried on or in any other premises having access to such premises.

**1. RECOMMENDATION**

It is recommended that the Committee determine whether the Standard Conditions applied to Second Hand Dealer's Licences be amended to remove the prohibition on a Second Hand Dealer carrying on business as a second hand dealer in any premises in which the business of a pawnbroker is carried on or in any other premises having access to such premises.

**2. BACKGROUND**

The Standard Conditions that are attached to Second Hand Dealer's Licences contain the following condition:-

"The dealer shall not carry on business as a second hand dealer in any premises in which the business of a pawnbroker is carried on or in any other premises having access to such premises."

The Council has received representations asking that the Committee reconsiders its position in respect of this matter. It would appear that there are a number of businesses that are both Second Hand Dealers and pawnbrokers. Pawnbrokers are licensed by the Office of Fair Trading under the Consumer Credit Act 1974. A brief survey of other local authorities has ascertained that some local authorities apply this condition but others do not. Members may consider that this condition is anachronistic and does not take into account current practices in relation to the sale and purchase of second hand goods and the recent increase in the number of businesses offering pawnbroking services.

The Committee may wish to consider permitting pawnbroking in premises where second hand dealing also takes place subject to a requirement that the pawnbroker is licensed by the Office of Fair Trading under the Consumer Credit Act 1974. This would mean that both activities are properly and appropriately regulated. If the Committee is minded to do so then it is suggested that the Standard Condition be amended to read as follows:-

"The dealer shall not carry on business as a second hand dealer in any premises in which the business of a pawnbroker is carried on or in any other premises having access to such premises. Notwithstanding the foregoing, the dealer shall be permitted to carry on business as a second hand dealer in premises in which the business of a pawnbroker is carried on or in any other premises having access to such premises so long as the pawnbroking business is appropriately licensed to do so by the Office of Fair Trading under the Consumer Credit Act 1974."

**3. FINANCIAL IMPLICATIONS**

There are no significant financial implications arising from this report.

**4. HUMAN RIGHTS IMPLICATIONS**

There are no human rights implications arising from this report

**5. EQUALITIES IMPLICATIONS**

The issues dealt with in this report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required.

**6. CONSULTATION**

The Chief Executive, Head of Finance, Chief Constable and the Director of Infrastructure Services have been consulted in the preparation of this report.

**COLIN MCMAHON  
DIRECTOR OF CORPORATE SERVICES**

**NOTE:** No background papers were relied on to a material extent in preparing the above report.