

**Civic Government (Scotland) Act 1982
Licensing of Second Hand Dealers in Clothes and Textiles****Report by Director, Corporate Resources****1 Purpose of Report**

To seek the advice of the Committee about the conditions of licensing attaching to Second Hand Dealers in Clothes and Textiles.

2 Background

Of late, there have been a few applications for Second Hand Dealers licences in Clothes and Textiles. The form that the activity takes involves the purchase of bagged second hand clothes and payment of the fee based on the weight of the consignment, normally 50p per kilo; and its resale to an agency abroad in a location where the clothes will be recycled.

Current conditions of licensing (attached as **Appendix 1**) provide that the licence holder shall record information in a register which will be kept for the purpose, ie the following information:-

- Date and time of purchase
- Description
- Seller's name and address
- Date and time of sale
- Description at time of sale (if different)
- Purchaser's name and address

This creates a difficulty in that in ordinary circumstances the sheer volume of individual items renders the task of keeping a register almost onerous, time consuming and highly resource intensive which may cast doubt on the reasonableness of the Council's requirement that the Register be kept.

In the circumstances it is considered that a revision of the register is appropriate for this type of activity and it is suggested that consideration be given to altering the format of the register to include the following information:-

- Date and time of purchase
- Description of Goods eg Clothes, etc
- Unique transaction Number
- Price Paid
- Seller's name and address
- Date and time of sale
- Description at time of sale (if different)
- Purchaser's name and address or Method of Disposal
- Sale Price

3 Consultations

Discussions have taken place with the licence holders and they are in agreement with the proposal.

4 Conclusion

It is suggested that an alteration is reasonable in the circumstances ie subject to a review of the activity in the future in relation to the experience gained when it has been in operation for a period of say one year.

5 Recommendation

The Committee is asked to consider the report.

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Background Papers:

File C G 10.21

(RGA/MT)

APPENDIX 1

Conditions of licensing

- 1 The licensee shall maintain records in the prescribed form which are obtainable from the Council.
- 2 The licensee shall not dispose of any item of stock-in-trade until the expiry of 48 hours (excluding any time on Saturdays or Sundays) after acquisition except insofar as articles acquired at a public rousp and disposed of without being brought to the place of business.
- 3 The licensee shall not acquire in the course of business:-
 - (a) any voucher, note or other document issued by or under the authority of any public or local authority or any charitable institution by virtue of which a person may receive any assistance whatsoever; or
 - (b) any article of clothing issued by or on behalf of any such authority or institution and legibly marked as being so issued, or known by the dealer to be so issued.
- 4 The licensee 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.
- 5 The licensee shall not dispose of goods to, or acquire goods from, any person who appears to be under 16 years of age, whether such person is acting on his own behalf or on behalf of another person.
- 6 The licensee shall not keep, or permit to be kept, in or on the premises any smelting pot for melting, altering or defacing gold, silver, lead or other metals.
- 7 The licensee shall not dispose of any item of stock-in-trade until the expiry of 48 hours (excluding any time on Saturdays or Sundays) after acquisition except insofar as articles acquired at a public rousp and disposed of without being brought to the place of business.
- 8 The licensee shall not receive or take any goods in pledge; or receive or take a pawn ticket issued by a pawnbroker of any article which has been pawned or negotiate in any manner with the holder of any such pawn ticket or any person on his behalf for the purchase of any article to which the pawn ticket refers.