

Explanatory note and [draft conditions](#)

1. Electronic record keeping

- Many second hand dealers have been granted an exemption to the licence condition requiring records to be kept in a “properly bound book with consecutively numbered pages”.
- Many records are now kept electronically in the form of a spreadsheet or similar. Police Scotland is content with this approach, and reports that the standard of electronic record in Edinburgh is extremely good.
- It is suggested that, if kept electronically, records should be saved to a back up at least weekly, in order to minimise and control any loss of records.
- It is proposed that the specific details of records to be kept are varied depending on the type of goods traded, with three categories identified:
 - Motor Vehicles
 - Clothing and textiles
 - All other goods

2. Record of sale price

It is suggested that a requirement to record ‘Price Paid’ should be added to the records required for each category. Police Scotland state that this would assist its monitoring of records for any suspicious transactions.

3. Removal of requirement to record description at time of sale

- As well as a full description of goods at the time of purchase, standard conditions currently require a further description at the time of sale to be recorded.
- Neither the Police nor Trading Standards Officers consider this necessary any more.
- Thus there is no justification for imposing this condition.

4. Removal of requirement to record name and address where value of goods is less than £50

The current condition requiring such records to be kept is an onerous one. It is proposed to limit this requirement to transactions involving goods valued at £50 or more.

5. Proof of Identity

- A routinely accepted request by Police Scotland is that a condition is attached to require that the dealer verifies the identity of a seller.

- This currently requires two forms of identification: one photographic, and another such as a utility bill not more than six weeks old.
- It is proposed to amend this condition to require photographic identification, where available, and utility bills not more than three months old.
- Any applicant who had a concern about this requirement could seek an exemption.

6. Disposal of Goods

- The relevant legislation (Civic Government (Scotland) Act 1982) prohibits the disposal of acquired goods for a period of 48 hours.
- This is intended to aid the tracing and recovery of stolen goods.
- For electronic goods such as smart phones, laptop and tablet computers, when their memories are wiped or reformatted they effectively lose their identity and may not be identifiable.
- For such goods it is proposed to specifically prohibit reformatting, reprogramming or change in any way within the stipulated 48 hour period.

Proposed Standard Licence Conditions for Second Hand Dealers

1. A record of each transaction must be maintained.
2. These records must either be kept electronically or in a properly bound book with consecutively numbered pages. If kept electronically the records should be saved to back up drive at least weekly. A suitable book may be purchased from the Council and must be paid for in addition to the Licence Fee.
3. The Records must be available on the premises at all times.
4. Records must be retained and available for inspection for at least two years.
5. The details to be recorded vary depending upon the type of goods being traded:
 - a) Second Hand Motor Vehicles:
 - Date and time of acquisition of vehicle
 - Colour, make and model of vehicle
 - Engine, chassis and registration numbers
 - Name and full address of person from whom purchased
 - Name and full address of person the vehicle sold to
 - Odometer reading on purchase and sale.
 - b) Clothing and Textiles
 - A unique transaction number which links each item or a collection of items to the seller
 - Date and time of purchase
 - Name and full address of the seller
 - The price paid
 - An indication of the method of disposal of the items
 - Where items are disposed of other than by means of retail sale the dealer shall record the name and address of the person acquiring the items.
 - c) All other goods
 - Date and time of purchase
 - Full description of each article
 - The price paid
 - The name and full address of the person from whom purchased
 - Date and time of sale
 - Name and full address of person the goods are sold to (only applicable to goods sold for over £50).
6. The name and address of the seller of goods must be verified by two acceptable forms of identification, one of which should be photographic where available. Acceptable forms of identification are utility bills not more than three months old and official photographic identification such as passport, driving licence or PASS card.
7. As stipulated by the Civic Government (Scotland) Act 1982, no items shall be disposed of for at least 48 hours after acquisition, excluding Saturday and Sunday

unless specifically exempted. For clothing and textiles, items must be traceable to the seller using the unique transaction number for the 48 hour period. Electrical goods must not be reformatted, reprogrammed or changed in any way within the 48 hour period.

8. The Licensee shall not dispose of goods to, or acquire goods from, any person less than sixteen years of age, whether such person is acting on his own behalf or on behalf of another person. This condition shall not apply to the disposal of any video game or similar where the price paid is less than £25 per item. (N.B. Video game does not include any reference to the games console).

9. No goods or vehicles shall be stored or displayed outwith the licensed premises.

10. All acoustic and amplified music and/or vocals shall be controlled to the satisfaction of the Director of Services for Communities.

11. In relation to premises for the sale of motor vehicles, any noise associated with the servicing, repair, testing or valeting of such vehicles shall be controlled so as not to cause annoyance to the satisfaction of the Director of Services for Communities.

12. No burning of materials shall be allowed on the premises.

13. No goods shall be received or taken in pledge.

14. No pawn ticket shall be received or taken for any article which has been pawned nor shall the Licensee negotiate in any manner with the holder of any such pawn ticket or his agent for the purchase of any article to which the pawn ticket refers.

15. The Licensee shall not acquire in the course of his 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 public authority, institution or utility company and legibly marked as being so issued or known by the dealer to be so issued.

16. 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.

17. The Licensee shall not keep or permit to be kept on his premises any smelting pot or implement for melting, altering or defacing gold, silver, lead or other metals.

18. The Licensee's records must be available for inspection by any Police Constable, other authorised Police staff or duly authorised council officer when the premises are open for business.

19. The Health and Safety at Work Act 1974 and the Workplace (Health, Safety and Welfare) Regulations 1992 shall be complied with.

20. Any conditions imposed by the Planning Authority shall be complied with.