

Subject: Registration of Second –Hand Dealers in Rossendale Borough.

Status: For Publication

Report to: Licensing Committee

Date: 6th August 2007

Report of: Head of Planning, Legal and Democratic Services

Portfolio

Holder: Finance and Risk Management

Key Decision: No

1. PURPOSE OF REPORT

1.1 To inform members of the current situation regarding the registration of second-hand shops in the Borough and to propose new fee arrangements.

2. CORPORATE PRIORITIES

2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective.

- Delivering Quality Services to Customers (Customers, Improvement)
- Promoting Rossendale as a cracking place to live and visit (Economy)
- Well Managed Council (Improvement, Community Network)

3. RISK ASSESSMENT IMPLICATIONS

3.1 There are no specific risk issues for members to consider arising from this report.

4. BACKGROUND AND OPTIONS

4.1 On the 19th December 1985, Rossendale Borough Council formally adopted Section 26 of the County of Lancashire Act 1984. This Section made it an offence for any dealer in second hand goods carrying on a business in the Borough not to register the business with the Authority. There are a significant number of exceptions to registering, including charity shops, scrap metal dealers, car dealers and any business where second hand goods are incidental to the supply of new goods. There was also a condition that those businesses kept a written record of their transactions.

4.2 The purpose of the Section was to control businesses that may be an outlet for stolen goods and to force them to keep records that could be examined by the

Police at any time. At its inception, weekly lists of stolen goods were distributed to the shops. However, over the years, that has fallen into disrepute and currently the Police have no interest in second hand dealers, not considering them to be a problem.

- 4.3 The Licensing Unit has now taken responsibility for the registration system.
- 4.4 There are 49 businesses currently registered, most of the registrations taking place in 1985-87. The last registration appears to have taken place in 1999. There is no current requirement under the Act for annual renewal of the registration.
- 4.5 However, enquiries show that most of those businesses have closed over the years and there are only 4 that are currently trading.
- 4.6 In addition, it has only been possible to identify one business that is not registered.
- 4.7 Section 26(2) of the Act says that the application “shall be accompanied by such reasonable fee to cover the expense of the District Council in dealing with such applications as the District Council may prescribe.”
- 4.8 The history of the fees charged is confused. When the Act was adopted, the fee was set at £25. However, at a council meeting on the 8th July, 1987, the fee was reduced to £5 and the decision appears to have been made retrospective – in any event, all those registered had £20 returned to them. Although there is no evidence that the fees have been altered since that date, there is an occasion in 1999 when an applicant was charged £50.

5. COMMENTS OF THE HEAD OF FINANCIAL SERVICES

- 5.1 The financial implications are noted in the report, but are not material in value.

6. COMMENTS OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

- 6.1 There are no specific legal implications.

7. COMMENTS OF THE HEAD OF HUMAN RESOURCES

- 7.1 There are no specific human resources implications.

8. CONCLUSION

- 8.1 The Council has a duty to register such dealers.
- 8.2 Equally, to require those dealers currently trading to register annually would also impose an unnecessary administrative burden on all concerned and to no purpose. It should be noted that the Council has not identified it as a problem in the past 22 years.

8.3 It is suggested that the present requirement of a 'one off' charge for registration should continue but that the fee should be commensurate with modern costs.

9. RECOMMENDATION(S)

9.1 It is, therefore, proposed that the fee of £75 be charged for all new registrations.

10. CONSULTATION CARRIED OUT

10.1 None.

11. EQUALITY IMPACT ASSESSMENT

Is an Equality Impact Assessment required No

Is an Equality Impact Assessment attached N/A

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Background Papers	
Document	Place of Inspection
The County of Lancashire Act 1984	Licensing Unit