

CIVIC GOVERNMENT (SCOTLAND) ACT, 1982
SECOND-HAND DEALERS LICENCE
INFORMATION FOR APPLICANTS

1. The Civic Government (Scotland) Act, 1982 introduced a new system for licensing certain activities and the Council has agreed that, with effect from 1 February 1986 second-hand dealers within the Perth and Kinross area will require a licence under Section 24 of the Act.
- 1.2 The Council may accept second-hand dealers licences issued by other authorities for the purpose of dealing within the area, other than on retail premises. Evidence of the licence must be carried at all times when dealing as such.
- 1.3 The Council may grant restricted fairs only licences for dealers, attending occasional fairs/sales, who do not hold a second-hand dealers licence issued under the Civic Government (Scotland) Act 1982.

2. Licensing Requirements

- 2.1 A "second-hand dealer" is defined as a person carrying on a business as a dealer in second hand goods or articles of any description and a licence will be required only by the owner or manager of the business and not by salespersons or other employees.
- 2.2 The Council has resolved that a licence be required to carry on a business in the undernoted goods:

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.

The Council has also agreed that dealers in stamps, postcards, coins and books be exempt from the requirement to record details in respect of individual items or lots purchased for less than £50. This exemption will not apply in respect of any item within a lot which it is intended to be offered for sale at more than £50.

- 2.3 The following activities are specifically exempted from the provisions of the Act and will therefore not require to be licensed:
 - (a) the business of a pawnbroker (as regulated under the Consumer Credit Act, 1974);
 - (b) a business as a wholesale dealer purchasing exclusively from licensed second-hand dealers;
 - (c) a business which is charitable for the purposes of the Income Tax Acts;
 - (d) a business as a dealer in second-hand goods or articles incidental to another business not being that of a dealer in such goods or articles (eg where used articles are taken in part exchange against new articles;
 - (e) a business of either financing the acquisition of goods by means of hire purchase agreements, conditional sale agreements or credit sale agreements (as defined in the Consumer Credit Act, 1974) or of financing the use of goods by means of hiring agreements.

Car Dealers shall require to be licensed in respect of the second-hand element of their business. Auctioneers shall also require to be licensed if they purchase goods then offer them for sale by auction but shall not require a licence if they merely act on behalf of the seller and receive commission on the sale of the goods.

3. How to apply for a licence

- 3.1 The attached application form should be completed in ballpoint pen or typed. The application may be made in the name of a firm or company (ie a non-natural person) or individual as appropriate. All applicants should complete either Section 1 if applying as an individual person or Section 2 if applying in the name of a company or partnership. All other questions must be answered and any convictions against the applicant or any person named on the application form for any type of offence must be listed under Section 7. A sketch plan showing the location of your business premises should also be submitted along with the application if your premises are outwith a town/village and may be difficult to find.

3.2 /

- 3.2 A Site Notice must be displayed for a continuous period of 21 days from the date of submission of the application. A copy of this Notice is enclosed along with a Compliance Notice, which should be returned to me within 21 days to certify that you have complied with the display requirement. A Site Notice is not required for an application for a temporary licence or a fairs only licence.

Licences will normally be granted for a period of 3 years except where a shorter period has been requested or where the Council agrees otherwise. **FAIRS ONLY LICENCES WILL BE GRANTED FOR A ONE YEAR PERIOD ONLY.** The fee is £230 for a three year licence, £170 for a one year licence, £170 for a temporary licence, £30 for a fairs only licence for dealers in stamps, postcards, coins and books and £55 for a fairs only licence for dealers in antiques. There is also a fee of £135 for a 3 year licence or £55 for a single year for those dealers who operate a single cabinet not exceeding 2 metres x 1 metre x 0.5 metres in recognised antique centres. This reduction does not apply to those dealers who have more than one cabinet in the same, or in different establishments or to those who also trade from other premises. Application for a temporary licence or a fairs only licence should be made at least 35 days prior to the event. In the event of the Council refusing your application or in the event of you withdrawing your application a fee equivalent to a one year application fee will be retained.

- 3.3 The completed application form should be returned to me at the address below along with:

- (a) the appropriate fee,
- (b) the location plan (where appropriate)
- (c) two passport sized photographs for the issue of an identity card (where the dealer intends to act from other than his business premises), and
- (d) the Compliance Notice should be returned after 21 days (where required).

4. Grant or Refusal of Application

- 4.1 A copy of your application will be sent to Tayside Police, Tayside Fire & Rescue, the Council's Director of Planning & Transportation Services and Director of Environment Services. They will then carry out their own enquiries and inspection and report to me. If the Council feels that any other enquiries should be carried out, you will be told of the nature of these enquiries and the results of them may be taken into account when making a decision on your application. Any objections made by those consulted will be reported to the Licensing Committee of the Council and you will be given the opportunity to be heard by the Committee before a decision is made on your application.

- 4.2 The Council must consider your application within three months of it being lodged and reach a decision on it within six months. However, if no objections are received, your application will normally be dealt with and a licence issued within three to four weeks. You may not operate as a second-hand dealer until you have been issued with a licence.

- 4.3 The Council may impose any conditions on the grant of a licence which they consider reasonable and if a licence is granted, you will be advised of the conditions which must be observed at all times. The standard conditions approved by the Council are attached for your information. You are entitled to seek variation of any of these conditions or other conditions imposed by the Council once a licence has been granted.

- 4.4 The Council may refuse an application:

- (a) if they consider that the applicant is not a fit and proper person to hold a licence,
- (b) Where the premises or vehicle are not considered suitable for the proposed activity,
- (c) For any other good reason.

Where an application is refused, the applicant may appeal to the Sheriff and you may care to seek the advice of a solicitor.

- 4.5 If you need any help in filling in the form or need any advice, please contact my Service.

**I T Innes
Head of Legal Services**