

APPLYING FOR A SECONDHAND DEALER OR A SECONDHAND MOTOR DEALER LICENCE

Do I need a licence to be a second-hand dealer?

A secondhand dealer's licence is required by any person carrying on a business as a dealer in second hand goods or articles. A licence is only needed by the owner or manager of the business and not by salespersons or other employees.

Car Dealers require to be licensed in respect of the second-hand element of their business.

Auctioneers also require to be licensed if they purchase goods then offer them for sale by auction but do not require a licence if they merely act on behalf of the seller and receive commission on the sale of the goods.

Can I use a second-hand dealer licence issued by another authority for the purpose of dealing at fairs within the Perth and Kinross area?

The Council may accept second-hand dealers licences issued by other Scottish Authorities for dealing at fairs but for retail premises a Perth & Kinross Council second-hand dealer licence is required. Evidence of your licence must be carried at all times.

What types of goods or articles require a second-hand dealer licence?

- 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.

Are there exemptions?

Yes. The following activities do not require to be licensed:

- the business of a pawnbroker (as regulated under the Consumer Credit Act, 1974)
- a business as a wholesale dealer purchasing exclusively from licensed second-hand dealers
- a business which is charitable for the purposes of the Income Tax Acts
- 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)
- 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.

Why do I need a licence?

The licensing system is in place to ensure public safety. Every person who applies for a licence is assessed to see if they are "fit and proper" to have a licence.

Who can apply?

Any person, company or partnership can apply.

Is there an age limit?

No.

Will I require any other permission or consent?

It is in your interest, to check with The Environment Service – Planning, Pullar House, 35 Kinnoull Street, Perth PH1 5GD to ensure that you have the necessary planning consent and if not to make the appropriate planning application.

How do I apply?

You can send us your completed application or hand it into 2 High Street, Perth PH1 5PH. You can send us your completed application, apply on line at www.pkc.gov.uk or deliver it to 2 High Street, Perth PH1 5PH. The application form must be accompanied by the fee and 2 passport sized photographs if you require an identity badge.

When do I apply for a renewal of my licence?

An application form must be completed and submitted before the expiry of your current licence.

Do I need to display a site notice?

Yes, a site notice must be displayed at the premises or site for a continuous period of 21 days, in a position where it can be easily read, from the date of submission of your application. Once the 21 day period has lapsed, you must complete the Compliance Notice and return this to the Licensing Department.

If your licence relates to a single cabinet or fairs only then a site notice is not required.

How long does a licence last?

A licence will generally last for either 1 year or 3 years.

How much does it cost?

The application fee payable depends on the length and type of licence that you want. A one year licence is £200 and a three year licence is £300.

Please note that the Licensing Committee agreed to the introduction of a reduced license fee for second hand dealers who operate at car boot sales. The licence fee for dealers trading at a single car boot sale once per week will be charged at £60 for a one year licence and £150 for a three year licence.

A fairs only licence for dealers in stamps, postcards, coins and books for one year is £35 and for a fair only licence for dealers in antiques for one year is £60. There is also a fee of £60 for one year and £150 for a three year licence 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.

Please note that fees are updated annually.

How can I pay?

Online on submission of your application or alternatively Perth & Kinross Council accept cards, cash and cheque payments. Cheques should be made payable to Perth and Kinross Council. Card payments can be made over the phone (01738 475166) or in person at Pullar House. Cash payments can be made at a cash desk at Pullar House. Please do not send cash in the post.

How long does it take for me to get a licence?

By law we have 6 months to deal with an application. However, we aim to deal with applications in around **6 weeks**. Your application will not be processed until all relevant documentation has been submitted. Please use the checklist on the application form to make sure you have sent us everything. Failure to do so may result in your application being returned to you.

If we receive objections, representations or information about you from Police Scotland, Scottish Fire & Rescue Service, The Environment Service or Planning, it will take longer to deal with your application.

I have applied for a licence – what happens now?

Your application is entered into our database. We then send your information to Police Scotland, Scottish Fire & Rescue Service, The Environment Service and Planning. We allow them 21 days to consider your application.

You will get an acknowledgement letter which will explain the next part of the process.

Why do you send my application to the police?

Everyone who applies for a licence is assessed to make sure they are suitable to hold a licence. Part of that assessment involves looking at whether you have criminal convictions or whether the police hold other information about you which might suggest that you are not suitable. This is an important safeguard in protecting the public as many licence holders are in positions of trust or in jobs where public safety is very important.

What happens once we have all of the information we need?

Once we have received responses and your compliance notice, we can then decide whether to grant your licence. If there are objections, representations or other information received whereby the Licensing Department are unable to grant your licence, your application will be sent to the Licensing Committee.

What is the Licensing Committee and why would I need to attend?

The Licensing Committee is made up of Councillors. You will be invited to attend the Licensing Committee if your application cannot be dealt with by staff within the

Licensing Department. This is usually due to an objection or representation being received from the police.

The Committee meets every 6 weeks. We have a separate leaflet regarding attendance at the Committee which you should read if you are asked to attend.

Can the Council attach conditions to a second-hand dealer licence?

Yes. The Council may impose any conditions on the grant of a licence which they consider reasonable. If a licence is granted, you will be advised of the conditions which must be observed at all times. You are entitled to seek variation of any of these conditions or other conditions imposed by the Council once a licence has been granted.

Why would a licence be refused?

The law allows us to refuse your application in certain circumstances. A decision to refuse a licence will only be made by the Licensing Committee and not the Licensing Department.

The most common reason for refusing to grant a licence is that the person is considered to be not suitable, or "fit and proper" to have a licence.

Do I receive a full refund if I am refused a licence?

No, as your licence has been fully processed. However, if you applied for a 3 years licence you will be refunded the difference between a 1 year and 3 year licence.

If I am not from the UK can I still get a licence?

Yes. However, if you have not lived in the UK for at least 10 years you will need to get a Certificate of Good Conduct or Criminal Record Certificate from your country of origin. This is so we can make sure we have the same information about your criminal history as we have for people who have lived in the UK for 10 years. You should contact your Embassy or Consulate to find out how to do this. If the information you get is not produced in English you will need to arrange for it to be translated. You will have to meet the cost of getting this information, along with the cost of any translation.

Who should I contact if I have any further queries relating to second-hand dealer licences?

Telephone 01738 475000 or e-mail civiclicensing@pkc.gov.uk

Where should I send my completed application?

Corporate and Democratic Services – Legal and Governance Services
Perth and Kinross Council
2 High Street,
Perth
PH1 5PH.