

Second Hand Dealers Licence

In terms of Section 24 of the Civic Government (Scotland) Act 1982 second hand dealers require to be licensed. The second hand dealer's licensing scheme is administered by the Council's Licensing Department.

The Team are able to provide general guidance on the scheme but cannot assist you to complete your application form or provide legal advice on whether a licence is required. You should seek legal advice from a solicitor or advice centre if you are unsure as to whether if you require a licence.

Second Hand Dealers who require a licence from the Council

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. Person in that section refers to a legal person i.e. an individual, partnership, company or formally constituted organisation. A licence for premises trading in second hand goods can therefore be held by individuals, partnerships, companies or formally constituted organisations. Licences are not required for salespersons or other employees.

The Council is required to resolve which categories of second hand goods should be covered by second hand dealer's licensing scheme in Perth and Kinross and at present a licence is required to carry on a business as a dealer of:

- a) Households effects and electrical goods
- b) Musical instruments and equipment
- c) Cameras and photographic equipment
- d) Records, tapes, video discs and other recording material
- e) Bicycles, Antiques and jewellery
- f) Stamps, postcards, coins and books
- g) Tools, implements and plant
- h) 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.

Exemptions from requiring a Second Hand Dealers Licence

Section 24(3) of the Civic Government (Scotland) Act, 1982 provides that second hand dealers licences shall **not** be required for carrying on the following businesses:

- a) The business of a pawnbroker (a person who, under a regulated agreement under the Consumer Credit Act, 1974, takes an article in pawn).
- b) A business as a wholesale dealer purchasing exclusively from second hand dealers licensed under the Civic Government (Scotland) Act 1982.

- c) The business of a charity (a body which is entered in the Scottish Charity Register).
- d) A business as a dealer in second hand goods or articles incidentally to another business not being that of a dealer in such goods or articles (e.g. when used articles are taken in part exchange against new articles).

How do you apply for a Second Hand Dealers Licence?

If you want to apply for a licence you must submit an application form along with the required documents and the appropriate fee. You can apply and pay on line at <https://www.pkc.gov.uk/article/15620/Second-hand-dealer-licence> and the current fees can be found on the Second Hand Dealers webpage.

All applications are copied to the Council's consultees who can recommend that conditions in addition to the standard conditions detailed on this page are attached to the licence when granted. If you do not want to accept any recommended conditions then the application would be referred to the Licensing Committee for a decision to be made regarding which conditions will apply to your licence. Mandatory background checks will be carried out on all applicants by Police Scotland.

How will my application be decided?

We have nine months in which to make a decision regarding your application however the majority of applications are determined within 6-8 weeks and applications which do not attract any adverse comments or objections are granted by the Head of Legal Services under delegated powers.

All other applications require to be referred to the Licensing Committee for a decision to be made to grant or refuse your application. You will be advised if your application is being referred to the Licensing Committee. The Committee meets every six weeks and you will be sent notice of the date and time of the meeting at which your application is to be considered along with a copy of the report on your application. Meetings are held at 2 High Street, Perth and you or your representative will be given the opportunity to explain to the committee at the meeting why you consider your application should be granted.

If your application is refused by the Licensing Committee you may have a right of appeal against that decision and can request a written statement of reasons in relation to the decision from the Licensing Team, this must be done within 10 days of the date your application was refused. Appeals against decisions can be made to Perth Sheriff Court, information regarding the Sheriff Court is available from the [Scottish Courts](#) website and you should consult your own legal representative should you wish further information on how to appeal.

How do I make an objection or representation about a second hand dealer's licence?

Any member of the public can make an objection or representation about a second hand dealer's licence application unless the application is for a temporary licence.

Guidance explaining how an objection or representation can be made can be viewed here <https://www.pkc.gov.uk/article/15590/Appealing-objecting-to-a-licensing-application->

What standard conditions will be applied if my licence is granted?

Standard conditions that are applied to second hand dealer's licences can be found in the downloads section of this page <https://www.pkc.gov.uk/article/15620/Second-hand-dealer-licence>

Please note that if your licence is to deal in motor vehicles then the second hand car dealer's conditions will be applied, these can also be found in the downloads section of this page.

How long will my licence be granted for?

A second hand dealer's licence is issued for a period of either 1 year or 3 years for both the grant or renewal of a licence.

What if I want to vary any of the standard conditions in relation to my licence?

If you are a current licence holder and wish to vary a condition of your licence you need to make a material change application using the form online and pay an administration fee. Please note that a separate application must be made for each licence which you wish to be varied.

Once your application form and fee are received a copy of your application will be sent to the Council's consultees for their comments. If there are no adverse comments received from advisors the licence can be varied by the Head of Legal Services using delegated powers. However, if any adverse comments are received the application would then need to be referred to the next suitable Licensing Committee for a decision to be taken. If your application needs to go to the committee the whole process may take three to four months depending on how long it takes for the advisors to respond. If your variation application is referred to committee you will be invited to attend the meeting to explain to the committee why you consider your application should be granted.

If you are applying for a new licence or to renew an existing licence and wish to request that any of the standard conditions be varied you can request that at the time you make your application without making a separate variation application. You should include a letter with your application form explaining what condition you wish varied and the reasons for that. The procedure is the same as for

variation applications and if any adverse comments are received the application would then need to be referred to the next suitable Licensing Committee for a decision to be taken on the grant or renewal of the application including your request for the conditions to be varied.

You should be aware that if your application requires to be referred to the Licensing Committee that this will delay the determination of your application.

What if my details change or I no longer wish to hold my licence?

You should notify us as soon as you can if your details change or any of the information given in your application becomes out of date due to a change in your circumstances.

If you no longer wish to hold your licence you can surrender it to the council at any time by returning your licence together with a letter stating that you wish to surrender it. If you surrender your licence it will cease to have effect.

How do you complain about a licence holder?

Complaints regarding licence holders may be made to the Licensing Department. These should be made in writing by email to civiclicensing@pkc.gov.uk or letter and give all the information you can about the nature of the complaint including the date. Complaints regarding unlicensed second hand dealers should be made to Police Scotland by calling 101.

LICENSING DEPARTMENT CONTACT DETAILS

Name: Licensing Department

Address: Pullar House, 35 Kinnoull Street, Perth, PH1 5GD

Email: civiclicensing@pkc.gov.uk

Tel: (01738) 475180 between 9am and 1pm weekdays