

GUIDANCE ON APPLYING FOR A SECOND HAND DEALER LICENCE

A Second Hand Dealer Licence is required for any person who carries on a business as a dealer in second hand goods or articles. The business requires to be licensed by the owner(s) of the business only. An employee does not require a licence.

What types of goods or articles do I need a Second Hand Dealer Licence for?

If you deal in any of the second-hand goods listed below you need a second-hand dealer's licence.

- household effects, including electrical and gas goods and home entertainment.
- personal effects including clothing, watches, jewellery, photographic equipment and mobile telephone equipment.
- bicycles and scooters;
- motor Vehicles, motor cycles and caravans including spare parts, accessories and tyres.
- antiques, paintings, historical prints and maps.
- stamps and coins.
- antique and modern furniture and soft furnishings.
- sports equipment.
- personal computers, laptops, tablets and associated computing equipment.
- musical Instruments.
- DVD and Blu-ray discs, CDs and vinyl records
- DIY equipment
- audio equipment
- prams, buggies and baby equipment

What exemptions apply?

A Second Hand Dealer Licence is not required in respect of:-

- The business of a pawnbroker;
- A business as a wholesale dealer purchasing exclusively from second-hand dealers licensed under this Act;
- The business of a charity which is Scottish Registered;
- 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;
- A business either of financing the acquisition of goods by means of hire purchase agreements, conditional sales 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.

Who can apply?

Any person can apply. The application can be submitted by an individual, partnership or company.

How do I make an application?

Your application should be made on the form that is available to download from our website. You should also look at the guidance on completing the application form. The application form must have the following submitted with it:-

- The application fee. This can be paid in cash, by cheque made payable to "Falkirk Council", debit/credit card or postal order.
- Photographic Identification (new applications submitted by individual only)
- Proof of address (new application submitted by individual only)
- Criminal Record Check if required.
- Location plan showing at least two named roads and surrounding buildings or the situation of the application site in relation to the locality. The application site must be clearly marked.

Once I submit my application, can I operate as a Second Hand Dealer?

If the application is for a new licence you cannot operate as a Second Hand Dealer **until your application is granted**. If the application is for renewal of an existing licence you can continue to operate as per the last licence granted until we make a decision on your application.

How much will it cost?

The application fees for a Second Hand Licence are:-

- New/Renewal application £255
- Variation £35

Generally you won't get your money back if we have started to process your application and change your mind or if your application is refused.

What happens if I have convictions or fixed penalties?

You need to tell us on the application form of **all** current convictions, conditional offers and/or fixed penalties within or outwith the UK recorded against any person(s) named on the application. If the application is for the renewal of an existing licence you are only required to tell us of convictions, fixed penalties or conditional offers since your licence was last granted. If you don't submit all information we will send your application form and fee back to you. If you have a current conviction the application will automatically be determined by the Civic Licensing Committee.

What if I have lived outside the UK for six months or more within the last 10 years?

If any persons named on the application has lived outside the UK for a period of six months or more within the last 10 years a Certificate of Good Conduct or Criminal Record Certificate from the Country you stayed in requires to be provided. The Criminal Record Certificate must have been obtained within the last 6 months prior to submitting the application. This is so we can make sure we have the same information about your criminal record as we have for people who have lived in the UK for 10 years. You should contact the Embassy or Consulate to find out how to do this. If the information is not in English then you will need to arrange for it to be translated. You will have to meet the cost of getting this information, along with costs of any translation.

How will my application be processed?

For new and renewal applications a 28 day consultation period begins on receipt of your application. This is when you display the Notice for a period of 21 days on or near the premises you are best to check with the licensing office to ensure we have your application before you display the notice. The notice must be displayed where it can be easily seen and read by the public 24/7. Thereafter, you complete the Certificate of Compliance and submit it to the Licensing Office. Any person can object to your application at this stage.

During the consultation period your application will be sent to the following: Police Scotland, Scottish Fire and Rescue Service, Environmental Health, Building Standards, Development Control, and Trading Standards.

How long will it take to process my application?

We have nine months to make a final decision on your application. No decision can be made on any application until the consultation period of 28 days has passed. In practice most applications take approximately four to six weeks to process unless it has to be determined at a meeting of the Civic Licensing Committee.

The application will be determined at a meeting of the Civic Licensing Committee if:-

- any person named on the application has unspent conviction(s);
- objections are received;

The Council can make an application to the Sheriff to extend the six month determination period if required.

What happens if my application is granted?

You will receive a letter and licence advising of this. Second Hand Dealer Licences are normally granted for 3 years. If the licence is granted by officers the Standard Conditions will apply. If the licence is granted by the Civic Licensing Committee it will be granted with the Standard Conditions along with any additional conditions that the Committee may apply.

What happens if my application is refused?

If your application is refused, you are not allowed to make another application for this type of licence for 1 year from the date of the refusal unless you can show that there has been a material change in circumstances. You are entitled to ask us within 28 days of the application being refused by the Committee to give reasons for the refusal. Within 28 days of the Committee decision you may be entitled to a right of appeal to the Falkirk Sheriff on certain grounds.

Do I have to do anything else during the duration of my licence?

If anything changes you must tell us for example change in manager or address. Depending on the change a variation fee may be charged. If the person who is the licenceholder changes a new licence application will have to be submitted.