

Guidance on Applying for a Second Hand Dealer's Licence

Before lodging your application for Second Hand Dealer's Licence please ensure that you have read the following guidance.



1. WHAT IS A SECOND HAND DEALER'S LICENCE REQUIRED FOR?

Within the Glasgow City Council boundary a Second Hand Dealer's Licence is required for carrying on the business of a second hand dealer in the following goods:

- motor cars, motor cycles, caravans or parts thereof
- jewellery
- furniture and domestic appliances
- antiques
- clocks and watches
- gold, silver, medals and coins (*a separate Metal Dealer's Licence may also be required*)
- televisions, radios, video recorders and musical instruments
- bicycles
- computer equipment, including, without prejudice to the foregoing generality, processing units, monitors, keyboards, scanners, printers, lap-tops and hand held computers, electronic games consoles and electronic and computer games;
- audio and visual recording equipment, including, without prejudice to the foregoing generality, audio and video tapes, vinyl discs, compact discs and digital video discs;
- telecommunications equipment, including, without prejudice to the foregoing generality, facsimile machines, answering machines and mobile telephones;
- hi-fi equipment, including, without prejudice to the foregoing generality, record players, tape recorders and players, compact disc players, digital video disc players, complete hi-fi systems and separate radio tuners or receivers and amplifiers and speakers; and
- boats and parts thereof, including, without prejudice to the foregoing generality, outboard motors and engines and boat trailers

A Second Hand Dealer's Licence shall not be required for carrying on:

- a) the business of a pawnbroker (that is to say, 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 this Act;
- 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 incidentally to another business not being that of a dealer in such goods or articles;
- e) a business either of financing the acquisition of goods by means of hire-purchase agreements, conditional sale agreements or credit sale agreements (as defined in section 189(1) of the Consumer Credit Act 1974) or of financing the use of goods by means of hiring agreements.

2. WHO SHOULD APPLY?

An individual, company or organisation carrying on the business of second hand dealing should apply for a licence. If a company or organisation applies for a licence they **must** provide details of an individual who will be responsible for the day to day management of the premises.

An individual applying for a licence who does not intend to be responsible for the day to day management of the premises can name another individual as their day to day manager.

Potential applicants are advised to take their own independent legal advice if they are in any doubt as to who should be detailed on their application. In particular applicants should note that a day to day manager will be considered a joint licence holder and, should that manager leave during the currency of a licence, there will be implications for the licence.

3. WHAT ARE THE MINIMUM REQUIREMENTS FOR APPLYING?

Before you can apply for a Second Hand Dealer's Licence you must meet these minimum requirements

- Any individual named on the application form must be at least 18 years or age; and

- Any individual named as the licence holder or day to day manager must be able to work legally in the UK

4. ARE THERE DIFFERENT TYPES OF APPLICATION?

Depending on your circumstances you can apply for one of three types of application.

If you do not currently hold a licence with this Council you can apply for the following:

Grant If you do not currently hold a licence you can make a Grant application. This type of licence lasts for three years. You will **not be licensed** to carry out the business of a second hand dealer until the licence is granted.

Temporary You can apply for a temporary licence that lasts for a period of no more than 6 weeks. You will **not be licensed** to carry out the business of a second hand dealer until the licence is granted.

If you currently hold a licence with this Council you can apply to renew the licence before it expires.

Renewal **Your renewal application must be lodged no later than the expiry date of your current licence.** You cannot submit your renewal application more than six months before the expiry of the licence. Provided your renewal is lodged before the expiry of your current licence you can continue to operate whilst the application is being considered.

If you forget to renew your licence or are unable to do so due to unforeseen circumstances you should contact the Licensing Section as soon as you become aware your licence has expired.

5. HOW DO YOU APPLY?

To apply for a Licence you should complete the attached application form and submit it to the Licensing Section with the relevant fee.

AT OUR CITY CENTRE SERVICE DESK

Your application can be submitted in person at our:

City Centre Service Desk
45 John Street
Glasgow G1 1JE

From 5 February 2018 you can book an appointment online to submit your application at the Service Desk. Please be aware you will no longer be able to book your appointment via telephone. An appointment can be made using the following link. Please select 'Licensing' from the list of available options and choose 'Apply for a Licence' to schedule a suitable appointment.

<http://www.glasgow.gov.uk/booking>

Appointments are available Monday to Friday excluding Public Holidays. More information on making an appointment is available on our website:

<http://www.glasgow.gov.uk/licences/appointments>

We recommend that applications are lodged in person in order to ensure they are correct. Our staff will check your application and help you correct any mistakes. Please note our staff cannot complete the form for you.

You can ask someone to lodge the form on your behalf at the Service Desk; however, if the form requires to be amended, you must initial any changes before the form is accepted.

BY POST

You can submit your application by post to the following address:

Licensing Section
Glasgow City Council
City Chambers
George Square
Glasgow G2 1DU

We recommend that you send the application by Recorded Delivery/Special Delivery to ensure that it is received.

We do not recommend that you send a renewal application to us by post. If you do, you must ensure that it is lodged with us before the expiry date of your current licence.

6. HOW MUCH IS THE APPLICATION FEE?

The current application fees are detailed below; the amount you pay is dependent on the duration. The fee is payable when the application is lodged and is non-refundable.

	Temporary	3 Year
Grant of Licence	£124	£298
Renewal of Licence		£298

The fees given are correct as of 1 April 2014. Fees are reviewed on 1 April each year and may change.

Applications lodged in person can be made by Cash, Cheque, Postal Order or Credit/Debit Card. Applications lodged by post can be paid by Cheque or Postal Order only (**Do not send cash by post**).

Cheque and Card payments will only be accepted from the applicant. Cheques should be made payable to 'Glasgow City Council'.

A list of the fees and charges levied by the Council's Licensing Section can be found on our website:

<https://www.glasgow.gov.uk/CHttpHandler.ashx?id=8747&p=0>

7. HOW WILL THE APPLICATION BE PROCESSED?

A 28 day consultation period begins on receipt of your application. For grant or renewal applications, any person can object to your application during the consultation period. For temporary applications, only the statutory consultees can provide comment.

For grant or renewal applications, on the day your application is lodged, you must display the relevant site notice (included in the application pack) at or near the premises for a period of 21 days. If the notice is taken down or defaced you must take steps to immediately replace the notice. At the end of the 21 days you should remove the notice and return the relevant Certificate or Compliance to the Licensing section to confirm the notice was displayed correctly. If you do not follow this part of the process, your application may be refused. Applicants for temporary licence are not required to display the site notice.

During the 28 day consultation period your application will be sent to the following statutory consultees:

Police Scotland	The Police may object or make a representation to the application if they do not consider you or anyone else named on the application to be a 'fit and proper person' to hold a licence. The Police may also charge you with an offence if you have made a false statement on your application form or failed to declare convictions.
Environment Health	The Council's Environmental Health team who will provide the Licensing section with a report.
Local Councillors and Community Council	A notice of the application will be sent to the local Councillors and Community Council for the premises. The notice will provide details of the application and advise them of the last date for making an objection or representation.

Once the 28 day consultation period is complete, we will review your application.

If no adverse comments have been received, your certificate of compliance confirming display of the site notice has been returned and there are no other issues with your application, then it will be considered 'straightforward' and placed on a list of applications to be granted. We will then contact you, in writing, once the application has been granted.

If there is a problem with the application such as a police objection we will refer the application to a meeting of the Licensing and Regulatory Committee for a decision. If this happens you will receive a Recorded Delivery letter requesting your attendance at the meeting and explaining the reasons why your application is being called before Committee. Although you are not legally required to attend it is recommended that you do so. We will contact you, in writing, after the meeting to advise you of the Committee's decision.

9. HOW LONG WILL IT TAKE?

The Council is allowed six months to consider your application but we aim to deal with all applications as soon as possible. It normally takes about 3 to 4 months to deal with most applications.

Applications which are not straightforward (e.g. Police Scotland object to the application) have to be referred to the Licensing and Regulatory Committee and normally take 4 to 6 months to process. This is due to the volume of applications that the Committee can consider at each meeting.

10. WHAT HAPPENS AFTER MY APPLICATION IS GRANTED?

You will receive a letter advising that your application has been granted. The letter will include your licence and detail any conditions or requirements you are subject to – for example the licence may have been granted subject to your compliance with Environmental Health conditions.

11. WHAT HAPPENS IF MY APPLICATION IS REFUSED?

You will receive a letter advising that your application has been refused. You have the right to appeal the decision at Glasgow Sheriff Court (unless your application was for a temporary licence).

An applicant wishing to appeal normally requires to first obtain a written Statement of Reasons for the decision. This can be obtained on written request to the Licensing Section within 28 days of the decision. The Council will give written reasons for its decision within 10 days of being requested to do so.

The Council cannot provide guidance on making an appeal; if guidance is required you should consider taking your own independent legal advice or, alternatively, you can contact the Sheriff Clerk at Glasgow Sheriff Court, 1 Carlton Place, Glasgow, G5 9DA.

12. ARE THERE CONDITIONS ATTACHED TO THE LICENCE?

Yes. There are standard conditions attached to all Second Hand Dealer's Licences. A copy of these conditions is provided with this guidance. As a licence holder you will be expected to comply with every condition. Failure to do so could result in the Council suspending or revoking your licence.

OTHER FREQUENTLY ASKED QUESTIONS (FAQS)

AM I GUARANTEED TO BE REFUSED BECAUSE I HAVE CERTAIN CONVICTIONS?

The fact that you have certain convictions does not prevent you applying nor does it guarantee that you will be refused. Every application is considered on its own merit.

MY LICENCE EXPIRES ON A WEEKEND OR PUBLIC HOLIDAY, WHAT SHOULD I DO?

Your licence ceases to have effect unless you lodge a renewal application on or before the expiry date shown on your licence. This applies even if the expiry date shown on the licence is a weekend or a public holiday such as 31 December. If you find yourself in this situation, ensure you lodge your application, at the latest, on the last working day prior to the licence expiry.

CAN I GET FURTHER INFORMATION?

Yes. If you have any further questions about the application process the Council's Licensing Team will be happy to assist you. Please note that whilst the Licensing Team can provide guidance, the team cannot offer you legal advice.

You can contact us by phone or email.

Phone: 0141 287 5354

Email: LicensingEnquiries@glasgow.gov.uk

Appendix 1

Conditions attached to a Second Hand Dealer's Licence

- 1 The licenceholder shall keep or cause to be kept regular books in relation to his stock in trade and enter forthwith therein:-
 - a) a proper and distinctive description of every article purchased or received by him or anyone acting on his behalf;
 - b) the name and address of the person from whom he purchased or received the same;
 - c) the date and hour of the day of such transaction;
 - d) the price paid or agreed to be paid for such article; and
 - e) the address of the premises where the article is to be kept.
- 2 The licence holder shall attach forthwith to every article purchased or received by him a ticket or note to enable such article to be identified with the entry relative thereto in the books kept by him.
- 3 The licenceholder shall, on demand, forthwith admit to his premises any constable and produce to such constable and allow to be examined, the books kept by him and allow such constable to write his name immediately after the last entry therein.
- 4 The licenceholder shall, on demand, produce to any constable any article which he has purchased or received and which is in his possession regarding which information has been given tending to show or to render it probable that the article has been stolen, embezzled or fraudulently obtained and shall deliver any such article to such constable who shall give a receipt therefor.
- 5 The licenceholder shall not dispose of any article acquired by him in the course of his business until the expiry of 48 hours (excluding any time on Saturdays and Sundays) after its acquisition.
- 6 The licenceholder shall, for a period of 2 years from the date of the last entry, retain at his principal place of business, all records kept by him.
- 7
 - (i) The licenceholder shall, if the article is a second hand motor vehicle acquired for the purpose of its resale in the course of business:-
 - a) the date and time of the purchase of the vehicle;
 - b) the colour, make and model of the vehicle;
 - c) the registered number of the vehicle and the engine and chassis number;
 - d) a note of the mileage reading on the vehicles odometer when it was acquired;
 - e) the name and address of the seller;
 - f) a note of the two previous owners (if appropriate) of the vehicle as set out in the vehicle registration document;
 - g) the date and time of the resale; and
 - h) the name and address of the purchaser.
 - (ii) immediately after the acquisition of the vehicle record the particulars required under conditions (a) to (f) inclusive above and immediately after the sale of the vehicle the particulars required under conditions (g) and (h) above.
 - (iii) adhere to the relevant sections of the Code of Practice for the Motor Industry - A Code drawn up by the Motor Agents Association, the Scottish Motor Trade Association and the Society of Motor Manufacturers and Traders in consultation with the Director General of Fair Trading.
- 8 The licenceholder shall not, without the consent of the Licensing Authority, deal in any goods other than those specified in his form of application for this licence.
- 9 If during the currency of the licence, the holder is convicted of any offence, they shall, within 28 days, provide full details of such convictions, in writing, to the Licensing Authority.
- 10
 - (i) The licenceholder shall maintain a register of the disposal of all tyres which shall include the following information; date of disposal, quantity of tyres, name, address and registration number of waste carrier, and name and address of final disposal point.
 - (ii) The register and associated documentation shall be made available for inspection to an authorised officer of the Council.

- (iii) Copies of the Waste Transfer Note which records the disposal details of the tyres ie. Date, quantity and location shall be obtained from the waste carrier and retained for inspection.
- (iv) Records shall be kept for a period of 2 years.