



Midlothian

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

LICENSING OF SECOND-HAND DEALERS

NOTES FOR GUIDANCE

- 1 A Second-Hand Dealer's Licence is required by Second-Hand Dealers in stamps, books, coins, jewellery, antiques, furniture, cars, clothes, memorabilia, leisure equipment, and or tools etc. Applications can be made on the relative application form, copies of which are available from the Council Offices, Midlothian House, 40-46 Buccleuch Street, Dalkeith.
- 2 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 incidental to another business not being that of a dealer in such goods or articles; and
 - (e) a business either of financing the acquisition of goods by means of hirepurchase agreements, conditional sale agreements or credit sale agreements or of financing the use of goods by means of hiring agreements.
- 3 Completed application forms must be accompanied by a **sketch plan** of the premises and cheques/postal orders made payable to Midlothian Council or cash. If application forms are delivered by hand, applicants or their agents should deliver them to Reception, Midlothian House, 40-46 Buccleuch Street, Dalkeith.
- 4 All questions must be answered. Failure to do so may result in the application being delayed or possibly conviction.
- 5 **Subject to the provisions of the Rehabilitation of Offenders Act 1974, ALL CONVICTIONS MUST BE DECLARED** including those not resulting in imprisonment or fines e.g. **Admonitions, Community Service Orders, Compensation Orders, Deferred Sentences, Probation Orders, etc.**
- 6 If you are unable to provide this information you will be able to obtain it from Police Scotland You can submit a subject access request to Police Scotland by emailing: dataprotectionsubjectaccess@scotland.pnn.police.uk or by writing to Data Protection Central Processing Unit, Information Management Unit, Police Scotland, Queen Street, Aberdeen, AB10 1ZA.

Your request must be accompanied by scans/ photos/ photocopies of two official documents which between them should confirm your date of birth and your current address.

Once the Chief Constable is satisfied as to your identity, Police Scotland have one month to reply to your request.

Further information and application forms can be found on the Police Scotland website on the following link:

<http://www.scotland.police.uk/access-to-information/data-protection/subject-accessrequests>

7 **Failure to make a full declaration may lead to refusal of the application, prosecution and, if any omission is discovered after the Licence has been granted, suspension.**

8 The fee is £420.00 (3 years).

9 The applicant shall, for a period of 21 days beginning with the date on which the application was submitted, display a Notice confirming that application has been made and after the expiry of the 21 day period, duly certify that this Notice has been posted.

For all premises licences – Where applications are submitted in the name of a non-natural person e.g. a firm, the name of the applicant and the name and address of the employee who will carry out the day to day management of the activity should be recorded in the Notice; and a statement should be attached showing the names and private addresses if the director, partners or other persons responsible for its management.

10 The Council will consult the Chief Constable, Chief Fire Officer, the Council's Trading Standards Officer and Planning Manager

11 It is the applicant's responsibility to ensure that they have the correct planning permission in place prior to using a site for any purpose. Ideally this should be established before applying for a licence. If they have any queries about the suitability of a site for a certain use then they should approach the planning authority directly for advice. Pre-Application Advice can be sought here:-

http://www.midlothian.gov.uk/info/180/development_management_planning_applications/279/planning_information_and_guidance

12 It should be understood that any Licence does not carry with it the necessary consent or approval to any proposed development which may be required under Planning or Building Control legislation or under any other Statutes and Enactments

13 If the property to which the application relates is owned by the Council, landlords' consent for the proposed use should be obtained.

- 14 Second hand car dealers are required to maintain records of purchases and sales in the form of a register detailing date of purchase; purchase price; colour; make and model of vehicle; date of first registration; engine and chassis numbers; registration number; name and address of seller; name and address of any previous owner shown on the registration document; odometer reading both on purchase and on sale; date of sale; sale price; date of most recent MOT Certificate; and name and address of purchaser; and trade sales reports.

Registers are available from the Council at a cost of £17. Trade sales reports are also available at a cost of £14 per 100 sheets.

- 15 An excerpt from the Act regarding the disposal of stock in trade and offences is shown in the **Appendix** hereto.
- 16 There is attached a statement that has been provided by Scottish Fire and Rescue Service about the responsibility of the person who has responsibility for the premises to ensure that a fire risk assessment is carried out by a competent person and to record outcomes.

Business Gateway Midlothian

If you are starting a business, or if you already run your own business and could use some extra support and advice please email BG@midlothian.gov.uk to register, an Adviser will then be allocated to provide a range of support services for businesses including support from a network of partners.

If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website www.midlothian.gov.uk to access our online Privacy notice