

Civic Government (Scotland) Act 1982

**APPLICATION FOR GRANT/RENEWAL OF A
SECOND-HAND DEALER LICENCE**

Please read the attached guidance notes before completing this form

Question 1 or 2, and all other questions must be answered. Please use block capitals.

1. To be completed if applicant is a private individual

Full name (including previous name)		
Trading as		
Home address		
Post Code		
Telephone number Email address		
Age, date and place of birth	Age	Date of birth
	Place of birth	
Is applicant to carry out the day to day management of the business	YES	NO – give details
If not, give full name, address and date of birth of manager		
Telephone number Email Address		

2. To be completed if applicant is not a private individual (eg company or partnership)

Full name of company	
Trading as	
Address and post code of principal or registered office	
Telephone number and email address	
Names, private addresses and dates of birth of directors, partners or other persons responsible for management	
Name, address and date of birth of manager	
Telephone number and email address of manager	

Date Received	Fee Paid	Date to Police Fire EHO Officer Trading Standards	Reply	Objectors	Granted/ Refused
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For office use only

7. Subject to the provisions of the Rehabilitation of Offenders Act 1974, has any party named in 1 or 2 above been convicted of any crime or offence?

YES / NO If YES give details below

Date	Court	Offence	Sentence
Continue on a separate page if necessary			

8. Declaration.

A. * I/we declare that we are complying with Paragraph 2(2) of Schedule 1 of the Civic Government (Scotland) Act 1982 regulating the display of a site notice for a period of 21 days from today, at or near the premises so that it can be conveniently read by the public.

B. * I/we declare that we are unable to display a notice of this application at or near the premises because no access is available. The following action was taken to try to gain access but was unsuccessful.

Or

C. * I/we declare that the application is for a temporary licence and therefore there is no requirement to display a site notice.

D. I/we declare that the particulars given by me/us on this form are correct to the best of my/our knowledge and belief.

*** Delete A, B or C as appropriate**

I/we declare that the particulars given on this form are correct to the best of my knowledge and belief.

I/we understand that the information supplied by me/us as detailed in this form may be stored on a computer system by this authority for the purpose of licensing and that information may be disclosed to the police and other relevant parties for vetting and background enquiries whilst processing this application.

I/we understand that this authority is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

For further information see <https://www.scotborders.gov.uk/nationalfraudinitiative> on the Council website or contact the Fraud Hotline on 01835 826825

Signature of applicant:

Date:

Signature of agent (if applicable):

Date:

Any person who in, or in connection with the making of this application makes any statement which he/ she knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

SECOND-HAND DEALER LICENCE

NOTES FOR APPLICANTS

1. Please complete the form in typescript or black ink for ease of photocopying.
2. Each application should be accompanied by the fee payable of £246 or £106 for a temporary licence application.
3. Sections 24-27 and 36 of the Civic Government (Scotland) Act 1982 state as follows:
 - (1) Subject to subsection (3) below, a licence to be known as a "second-hand dealer licence" shall be required for carrying on business as a second-hand dealer.
 - (2) In this section and in sections 25 to 27 and 36 of this Act "second-hand dealer" means a person carrying on a business as a dealer in second-hand goods or articles of any description.
 - (3) A second-hand dealer 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.
 - (4) Without prejudice to paragraph 5 of Schedule 1 to this Act, a licensing authority may, after consultation with the chief constable, attach conditions to a second-hand dealer licence requiring the keeping of records in relation to the dealer stock-in-trade; and conditions so attached may, without prejudice to the authority's power under this subsection, include provision as to:
 - (a) the information to be included in these records;
 - (b) their form;
 - (c) the premises where they are to be kept; and
 - (d) the period for which they are to be kept.
 - (5) A second-hand dealer acquiring a second-hand motor vehicle for the purpose of its re-sale in the course of his business shall keep a record of the mileage reading on the vehicle's odometer when he acquired it.
 - (6) Any person who contravenes subsection (5) above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £200.00.
 - (7) It shall be a defence for a person charged with an offence under subsection (6) above to prove that he used all due diligence to prevent the commission of the offence.

- 25** (1) Subject to subsections (2) and (3) below and section 27 of this Act, a second-hand dealer shall not dispose of any item of his stock-in-trade until the expiry of 48 hours (excluding anytime on Saturdays or Sundays) after he acquired it.

- (2) Subsection (1) above shall not apply to any article acquired by the dealer in a public room and disposed of by him without being brought to his place of business.
- (3) A licensing authority may, on granting a second-hand dealer licence or at anytime thereafter, on application by the dealer and after consultation with the chief constable, order that subsection (1) above shall not apply to the disposal by the dealer of any item, or any specified item or class of items, of his stock-in-trade or any specified part of it.
- (4) An order under subsection (3) above may:
 - (a) be made subject to such conditions as the authority think fit;
 - (b) relate to stock-in-trade or items thereof still to be acquired by the dealer to whom the order relates; or
 - (c) be varied or revoked at any time by the licensing authority.
- (5) In subsection (3) above, "specified" means specified in an order under that subsection.
- (6) A holder of a second-hand dealer licence may appeal to the sheriff against a decision of the licensing authority under this section and paragraph 24(3) to (9) and (11) and (12) of Schedule 7 to this Act shall, with any necessary modifications, apply to an appeal under this subsection.
- (7) Any person who contravenes subsection (1) above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £200.00.

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Any person who, when selling anything to a second-hand dealer, gives the dealer a false name or address shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £200.

- (1) If anything is offered to a second-hand dealer in the course of his business and he has reason to believe that it has been stolen or otherwise unlawfully obtained he may, subject to subsection (3) below, detain the person offering it and a constable may arrest that person and take possession of it.
- (2) Nothing in subsection (2) above authorises a second-hand dealer to detain a person longer than is reasonably necessary for obtaining the attendance of a constable.
- (3) No civil liability shall arise as a result only of the above detention in good faith of a person under subsection (2) above.

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- (1) Where a second-hand dealer is convicted of an offence relating to second-hand dealing, the court by which he is convicted may make any order which it is competent to make under section 7(6) of this Act and an extract of such conviction and sentence (if any) shall, within 6 days after the date of the conviction, be transmitted by the clerk of the court to the licensing authority which granted the licence.
- (2) Where a second-hand dealer is convicted-
 - (a) of an offence relating to second-hand dealing; or
 - (b) of an offence which in the opinion of the court is an offence involving dishonesty,

the court may, in addition to any other order which it is competent to make, order that he shall not dispose of any second-hand goods acquired by him until the expiry of a period of 7 days after their acquisition.
- (3) In making an order under subsection (2) above, the court shall specify a period not exceeding 2 years for which it is to remain in force, but the court may revoke such an order at any time on the application of the person to whom it relates.
- (4) Any person who fails to comply with an order made in relation to him under subsection (2) above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £500.00 or to imprisonment for a period not exceeding 60 days or to both.

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Where a person carries on business as a second-hand dealer and as a metal dealer and as an itinerant metal dealer or as any two of these kinds of dealer he shall require the appropriate licence in respect of each activity.

4. Unless the application is for a temporary licence for up to 6 weeks, you must display a site notice, at or near the premises which you propose to use, in a place where this can be conveniently read by the public, for a period of 21 days beginning with the date when you submit this application to the Council. Please use the attached style of notice.

At the end of the 21 day period, the attached Certificate must be completed and returned to the Council.

5. If you wish exemption from the prohibition on sale of any items of stock until the expiry of 48 hours after their acquisition, application should be made by covering letter, specifying the item or class of items for which exemption is requested and the reasons why exemption is required.
6. Please send the completed form, application fee and other documents to:

The Licensing Unit, Regulatory Services - Legal and Licensing, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA.

Telephone: 01835 826662; e-mail liquorandlicensing@scotborders.gov.uk

not less than 3 months before the proposed commencement date of the licence.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

SCOTTISH BORDERS COUNCIL - SECOND HAND DEALER

Second hand dealing in the following types of goods have to be licensed in the Scottish Borders area with effect from 26th July 2004. From that date it will be an offence under Section 7(1) of the 1982 Act to trade in the categories of second hand goods listed without a licence:

Agricultural vehicles, plant, equipment and parts thereof.
Antiques, bric-a-brac, works of art and other collectibles including stamps.
Bicycles, including tricycles and tandems and any associated equipment.
Boats, dinghies and other water borne craft, associated equipment and parts thereof.
Books, magazines and other printed material.
Caravans, motor homes, related equipment and parts thereof.
Clothing including furs.
Computer hardware, software, DVD's, video cassettes and other recording or playback audio mediums.
Domestic electrical, gas or electronic apparatus.
Furniture and soft furnishings.
Jewellery including watches, clocks and other chronometers.
Motor vehicles, motor cycles, mopeds, trailers and parts thereof.
Musical instruments and associated equipment.
Office equipment.
Perambulators, pushchairs and buggies.
Photographic and cinematic equipment.
Sporting and/or recreational equipment.
Telephonic instruments including mobile phones, fax machines and associated equipment.
Tradesmen's tools and equipment.
Toys

If you are trading in any of the above second hand goods, you must have a licence.

Please do not hesitate to contact any of the Council's Licensing Officers if you have any questions or queries regarding the licensing system/process.

Licensing Unit
Regulatory Services - Legal and Licensing
Scottish Borders Council
Council Headquarters
Newtown St Boswells
TD6 0SA

telephone: 01835 826662

e-mail: liquorandlicensing@scotborders.gov.uk



CIVIC GOVERNMENT (SCOTLAND) ACT 1982

SITE NOTICE

NOTICE IS HEREBY GIVEN that application has been made on:*

to SCOTTISH BORDERS COUNCIL for a SECOND HAND DEALER LICENCE

in respect of premises at:*

Name and address of applicant:*

Proposed type of business:*

Proposed business hours:*

Any objections and representations in relation to the application may be made to the Licensing Unit, Regulatory Services - Legal and Licensing, Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 0SA within **28 DAYS** of the above mentioned date.

Objections and representations must be made in accordance with the following provisions:

Any objection or representation relating to an application for the grant or renewal of a licence shall be entertained by the licensing authority if, but only if, the objection or representation:

- (a) is in writing;
- (b) specifies the grounds of the objection or, as the case may be, the nature of the representation;
- (c) specifies the name and address of the person making it and is signed by him or on his behalf;
- (d) was made to them within 28 days of the above mentioned date of application.

An objection or representation shall be considered to have been made to Scottish Borders Council within the period referred if it is delivered by hand or posted (by registered or recorded delivery post) so that in the normal course of post it might be expected to be delivered to them within that time.

Applicant's Signature:*

Date:*

This site notice must be displayed for a period of 21 days from the date the application was lodged with Scottish Borders Council at or near the premises in a position clearly visible to the public.

Where the application is made by a company or partnership, full names and addresses of all directors or partners must be detailed in an annexed list.

CONFIRMATION OF DISPLAY OF SITE NOTICE

TO BE RETURNED TO SCOTTISH BORDERS COUNCIL FOLLOWING THE 21 DAY DISPLAY PERIOD

I (full name of applicant)*

Confirm the site notice has been displayed as prescribed above for a period of not less than 21 days

Signed:*

Date:*

* REQUIRES TO BE COMPLETED IN FULL

Civic Government Licensing

PRIVACY NOTICE – SECOND HAND DEALER LICENCES

What information do we need?

Scottish Borders Council will act as the 'Data Controller' for the personal data you provide to us. The Data Protection Officer, who is responsible for ensuring personal data is managed in accordance with data protection legislation, can be contacted as follows:

Address: Data Protection Officer, Information Management, Scottish Borders Council, Newtown St Boswells TD6 0SA.

Email: dataprotection@scotborders.gov.uk

Telephone: 0300 100 1800

The information we collect from you will include details such as your name, address, e-mail address, telephone number, date and place of birth.

For the purposes of this specific service, the personal data we require includes special category information about you (also known as 'sensitive personal data'), specifically health information (disability, allergies, fitness to operate), For taxi driver or private hire driver licence applications, we ask for and hold specific information relating to medical conditions and a full group 2 medical standards certificate is required.

In addition we also require details of any previous criminal convictions and previous licence information.

Why do we need this information?

Your information is being collected to allow Scottish Borders Council to administer the process of applying for licences under the Civic Government (Scotland) Act 1982.

We need to know the personal data requested on the application form in order to provide this service to you. If you do not provide this information then we will be unable to process your request for a licence. We will not collect any personal data from you that is not needed for this purpose.

The lawful basis for collecting your information in these circumstances is:

Compliance with legal obligation:

Scottish Borders Council is required to collect your information in order to carry out the function of providing licences in relation to the Civic Government (Scotland) Act 1982, which is a statutory function of a local authority.

Where we collect special category data this processing is necessary for reasons of substantial public interest for aims that are proportionate and which contain appropriate safeguarding measures.

What will we do with your information?

We will use your information to process your application for a licence. Depending on the type of licence, this will involve sharing your information as shown in the table below.

Type of licence	Who your information will be shared with
Second hand dealer	Police Scotland, Trading Standards and Scottish Fire and Rescue Service

Applications where valid objections or representations are made will be considered at meetings of the Civic Government Licensing Committee, which are open to the public however some business maybe held in private. We are also required to publish information in licensing registers, which will include your name, address and type of licence. No special category data is included in the register.

When you do not provide information directly to us, we may receive it from other relevant organisations including other Council services, other Local Authorities or Police Scotland.

You should also be aware that your data will be stored on servers located within the United Kingdom. We will take all reasonable steps to ensure that your data is kept secure and more information on how we do this can be provided by contacting the Data Protection Officer.

How long will we keep your information?

We will keep your information for the length of time specified within our document retention schedules, and after this period it will be destroyed under secure arrangements More information on our retention policy and procedure can be obtained from the Data Protection Officer if required.

Automated Decision Making

No automated decision making will take place.

Your Rights

You have the right to request access to any personal data held about you by the Council. You can also request that we restrict the use of your information or even object to any further processing. You can do this by contacting the Data Protection Officer using the contact details provided above. We will respond to your request within thirty calendar days.

For more information on your rights please visit our website <http://www.scotborders.gov.uk/DPYourRights> or if you would like a hard copy of this information, please contact us using the contact details provided above.

If you are unhappy with the way the Council has processed your personal data please contact the Council's Data Protection Officer. If after raising your concerns with the Data Protection Officer you remain dissatisfied you have the right to complain to the Information Commissioner's Office.

Information Commissioner's Office

The ICO is the UK's independent body set up to uphold information rights.

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Telephone: 0303 123 1113 [Email: casework@ico.org.uk](mailto:casework@ico.org.uk)

The Information Commissioner's Office – Scotland
45 Melville Street, Edinburgh, EH3 7HL
Telephone: 0303 123 1115 [Email: Scotland@ico.org.uk](mailto:Scotland@ico.org.uk)