



**WEST LOTHIAN COUNCIL**  
**Civic Government (Scotland) Act, 1982**  
**Second Hand Dealer's Licence - New Application**

|  |  |                               |  |          |  |                |  |            |  |            |  |                               |  |                      |  |                             |  |                  |  |                   |  |          |  |          |  |                   |  |                             |  |
|--|--|-------------------------------|--|----------|--|----------------|--|------------|--|------------|--|-------------------------------|--|----------------------|--|-----------------------------|--|------------------|--|-------------------|--|----------|--|----------|--|-------------------|--|-----------------------------|--|
| <p><b>APPLICATION</b> under Section 24 of the Civic Government (Scotland) Act, 1982 for the <b>GRANT</b> of a:</p> <p style="text-align: center; font-size: 1.2em;"><b>SECOND HAND DEALER'S LICENCE</b></p> <p>Information supplied on this form will be held on computer and applicants are advised that in processing this application background checks will be made which may include reference to personal data held on computer.</p> | For Official Use Only  |                               |  |          |  |                |  |            |  |            |  |                               |  |                      |  |                             |  |                  |  |                   |  |          |  |          |  |                   |  |                             |  |
|  | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Date of Application</td> <td style="width: 25%;"></td> <td style="width: 25%;">Fee Paid</td> <td style="width: 25%;"></td> </tr> <tr> <td>Date to Police</td> <td></td> <td>Receipt No</td> <td></td> </tr> <tr> <td>Firemaster</td> <td></td> <td>Deadline for Initial Decision</td> <td></td> </tr> <tr> <td>Environmental Health</td> <td></td> <td>Deadline for Final Decision</td> <td></td> </tr> <tr> <td>Building Control</td> <td></td> <td>Date to Committee</td> <td></td> </tr> <tr> <td>Planning</td> <td></td> <td>Decision</td> <td></td> </tr> <tr> <td>Trading Standards</td> <td></td> <td>Date Application Determined</td> <td></td> </tr> </table> | Date of Application           |  | Fee Paid |  | Date to Police |  | Receipt No |  | Firemaster |  | Deadline for Initial Decision |  | Environmental Health |  | Deadline for Final Decision |  | Building Control |  | Date to Committee |  | Planning |  | Decision |  | Trading Standards |  | Date Application Determined |  |
| Date of Application  |  | Fee Paid                      |  |          |  |                |  |            |  |            |  |                               |  |                      |  |                             |  |                  |  |                   |  |          |  |          |  |                   |  |                             |  |
| Date to Police   |  | Receipt No                    |  |          |  |                |  |            |  |            |  |                               |  |                      |  |                             |  |                  |  |                   |  |          |  |          |  |                   |  |                             |  |
| Firemaster   |  | Deadline for Initial Decision |  |          |  |                |  |            |  |            |  |                               |  |                      |  |                             |  |                  |  |                   |  |          |  |          |  |                   |  |                             |  |
| Environmental Health   |  | Deadline for Final Decision   |  |          |  |                |  |            |  |            |  |                               |  |                      |  |                             |  |                  |  |                   |  |          |  |          |  |                   |  |                             |  |
| Building Control   |  | Date to Committee             |  |          |  |                |  |            |  |            |  |                               |  |                      |  |                             |  |                  |  |                   |  |          |  |          |  |                   |  |                             |  |
| Planning   |  | Decision                      |  |          |  |                |  |            |  |            |  |                               |  |                      |  |                             |  |                  |  |                   |  |          |  |          |  |                   |  |                             |  |
| Trading Standards  |  | Date Application Determined   |  |          |  |                |  |            |  |            |  |                               |  |                      |  |                             |  |                  |  |                   |  |          |  |          |  |                   |  |                             |  |

Please Use Block Letters to complete this form

**Question 1 Personal Details** (Note: for application made as Company or Partnership please provide full details of Company/Partnership, full address of Principle or Registered Office, contact number, names, address and dates of birth for all Directors/Partners or other persons responsible for the management of the business, on a separate sheet of paper. In addition the full name, address, and date of birth of the employee or agent who is to be responsible for the day to day management of the business).

|                           |  |                             |  |                       |  |
|---------------------------|--|-----------------------------|--|-----------------------|--|
| Surname                   |  | Forename                    |  | Middle name(s)        |  |
| Maiden name               |  | Age                         |  | Date of birth         |  |
| Home address              |  |                             |  | Previous home address |  |
| Post code                 |  |                             |  |                       |  |
| Time resident at address  |  | Telephone or contact number |  |                       |  |
| Title e.g. Mr/Mrs/Miss/Ms |  |                             |  |                       |  |

**Question 2 Business name** (if any)

Address of business premises. (Include Post code)

Type of goods you propose to trade/sell

Do you wish to apply for an exemption in relation to condition number 7 of the licence in terms of Section 25 of the act?

Yes / No

Telephone number or business contact number

Specify the period for which the licence is required  
*See Note 5*

It is strongly advised that before completing this application you read the notes.

|  |      |                                 |         |          |          |
|--|------|---------------------------------|---------|----------|----------|
| <b>Question 3</b> Does the applicant propose to carry on the day to day management of the activity for which this application applies? <i>(If No please give managers details below)</i> |      |                                 |         | Yes / No |          |
| Full name of manager   |      |                                 |         |          |          |
| Full address of manager  |      | Length of experience of manager |         |          |          |
| Post code  |      | Date of birth                   |         |          |          |
| <b>Question 4</b> Has any person named in answer 1 been convicted of any crime or offence in any Court in the United Kingdom?  |      |                                 |         |          | Yes / No |
| If answer is <u>YES</u> please provide details below, continue on separate sheet if necessary.   |      |                                 |         |          |          |
| Name   | Date | Court                           | Offence | Sentence |          |
|  |      |                                 |         |          |          |
| <b>NOTE: Subject to the Rehabilitation of Offenders Act, 1974, <u>ALL</u> crimes, offences and penalties <u>MUST</u> be declared.</b>  |      |                                 |         |          |          |
| <b>Question 5a</b> Has any person named in answers 1 previously held or does currently hold a Second Hand Dealer's Licence?  |      |                                 |         |          | Yes / No |
| If yes which Authority granted the licence?  |      |                                 |         |          |          |
| What is the reference number?  |      | When was it granted             |         |          |          |
| When did / does it expire  |      |                                 |         |          |          |
| <b>Question 5b</b> Has any person named in answer 1 ever applied for and been refused a Second Hand Dealer's Licence?  |      |                                 |         |          | Yes / No |
| If yes which Authority refused the licence?  |      |                                 |         |          |          |
| When was it refused?   |      |                                 |         |          |          |

**DECLARATION by Applicant (\*\* delete whichever is not applicable)**

\*\* (A) I/We declare that I/We shall, for a period of 21 days commencing that date hereof, display at or near the premises or site, so that it can conveniently be read by the public, a notice complying with the requirements of Paragraph 2(3) of Schedule 1 to the Civic Government (Scotland) Act, 1982.

OR

\*\* (B) I/We declare that I/We are unable to display a notice of this application at or near the premises or site because I/We have no right of access or other rights enabling Me/Us to do so, but that I/We have taken the following steps to acquire the necessary rights, namely:-

*Please detail the steps you have taken in the box below*

But have been unable to acquire those rights

(C) I/We declare that the particulars given by Me/Us on this form are correct to the best of My/Our Knowledge and belief.

|  |  |   |  |
|--|--|---|--|
| <b>Date:</b>                                     |  | <b>Signature of Applicant:</b>                      |  |
| <b>Where Applicant is Company or Partnership</b> |  |   |  |
|  |  | <b>Signature of Agent:</b>                          |  |
|  |  | <b>Agent's Address</b>                              |  |
| <b>Date:</b>                                     |  | <b>Position of applicant in Company/Partnership</b> |  |

## Second Hand Dealers Licences

### **Information to Applicants and Notes for Guidance in Completing Application Forms.**

#### **Licensing Requirements**

1. 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 and a licence will be required only by the owner or manager of the business and not by salesmen or other employees.

The Council is required to resolve which categories of second hand goods should be covered by second hand dealers licensing scheme and at present a licence is required to carry on a business in the undernoted second hand goods:

- a)* Stamp Dealers
- b)* Second Hand Book dealers.
- c)* Antique Dealers.
- d)* Second hand Jewellery dealers.
- e)* Dealers in Second Hand Furniture.
- f)* Dealers in Second Hand Electrical and/or Gas Goods.
- g)* Dealers in Second Hand General Goods.

A separate licensing scheme applies to the licensing of second hand motor vehicle dealers.

2. 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 (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 the Civic Government (Scotland) act 1982.
- c)* A business which is for charitable for the purpose 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.g. when used articles are taken in part exchange against new articles).
- e)* A business either of financing the acquisition of goods by means of hire purchase agreements, conditional sale agreements or credit sales agreements (as defined in Section 189(1) of the Consumer Credit Act, 1974) or are financing the use of goods by means of hiring agreements.

#### **How to Apply for a Licence**

3. The attached application form should be completed and submitted either by mail to The Licensing Section , West Lothian Council, West Lothian House, Almondvale Boulevard, Livingston, EH54 6QG or in person at West Lothian Connected, Unit 16A Almondvale Centre, Livingston EH54 6NB. The payment counter at West Lothian connected is open for receipt of applications between 8.30 am – 4.30 pm Monday, Tuesday and Thursday, between 10.00 am and 4.30 pm on Wednesday and between 8.30am to 3.30pm Friday and between 9.30 am – 2.00 pm Saturday

4. The application may be made in the name of a firm or company (i.e. a non-natural person) or an individual as appropriate. All Individuals should complete Question 1, Companies or Partnerships should provide the following details on a separate sheet:

- i)* Full details of company or partnership.
- ii)* Full address of Principle or Registered Office, contact number and contact name.
- iii)* Addresses and dates of birth for **all** directors/partners or other persons responsible for the management of the business.
- iv)* Full name, address and date if birth for the employee or agent who will be responsible for the day to day management of the business.

All other questions must be answered and any convictions against the applicant or any person named in the application form for any type of offence must be listed under Question 4. A sketch plan showing the location of your business premises should also be submitted along with the application if your premises are outwith a town/village and may be difficult to find.

5. A licence will normally be granted for a period of one year unless the premises or land are to be used only for a short period, in which case a temporary licence may be granted for a period of up to a maximum of six weeks. The applicant must specify the particular period for which they require a licence.
6. Unless the application is for a temporary licence for a period of less than 6 weeks, a site notice must be displayed at or near the premises or site so that it can conveniently be read by the public, advertising your application. The site notice must be displayed for **at least 21 days** beginning with the date on which the application was submitted to the Council. A style for this site notice is enclosed with the application form.

Paragraph 2 of Schedule 1 of the Civic Government (Scotland) Act, 1982 deals with the advertisement of your application. If your application is for a temporary licence, this site notice is not required and the declarations (A and B) at the top of page 3 of this application should be deleted.
7. Once the site notice has been displayed for the requisite period, a compliance notice in the style included in your application papers should be submitted to the Council.
8. The completed application form should be returned to the Payment Counter, District Court Building, Almondvale Boulevard, Livingston, EH54 6QW along with the appropriate fee:
  - a) Fee Structure:

|               |   |         |
|---------------|---|---------|
| Initial Grant | - | £114.00 |
| Renewal Fee   | - | £85.00  |
| Temporary Fee | - | £79.00  |
  - b) A location plan (where appropriate).
  - c) The compliance notice should be returned **after** 21 days (where required).
9. Any person who in or in connection with the making of this application makes any statement which he 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 not exceeding £500.
10. If you wish to apply for exemption from the requirement contained within the Civic Government (Scotland) Act 1982, that second hand goods be kept for at least 48 hours before being sold, you should do so in writing to the address given above.

### **Grant or Refusal of Application**

11. A copy of your application will be sent to the Chief Constable, The Firemaster, The Council's Environmental Health, Planning and Trading Services. They will carry out their own enquiries and inspection and report to me. If the Council feels that any other enquiries should be carried out, you will be told the nature of these enquiries and the results of them may be taken into account in coming to a decision on your application. Any objections made by those consulted will be reported to the Licensing Sub-committee of the Council and you will be given an opportunity to be heard by the Sub-Committee before a decision is made on your application.
12. The Council must consider your application within 3 months of it being lodged and reach a decision within 6 months. If no objections are received, however, your application will normally be dealt with and a licence issued within 4 weeks. You **may not** operate as a second hand dealer until you have been issued with a licence.
13. The Council may impose conditions on the grant of a licence which they consider to be reasonable and if a licence is granted, you will be advised of the conditions which must be observed at all times. The standard conditions approved by the Council for second hand dealers licences are available on request. You are entitled to seek variation of any of these conditions or other conditions imposed by the Council once a licence has been granted.
14. If the Council resolves to refuse your application, you will be provided with the full reasons for that decision having been taken and will have the right of appeal to the sheriff against that decision.

### **Miscellaneous Provisions**

- 15.** A separate second hand dealers licence is required for each set of premises used for the purpose of trading second hand goods. A separate licence is not required for premises that are used for storage purposes, but such storage arrangements do require the express approval of the Council under a main licence.
- 16.** if any item of goods 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 detain the person offering it and a constable may arrest that person and take possession of it. This power of detention is contained in Section 26(2) of the 1982 Act. This sub-Section does not, however, authorise the second hand dealer to detain a person longer than is reasonably necessary for obtaining the attendance of a Constable. By virtue of Section 26(4) of the 1982 Act, no civil liability shall arise as a result only if the detention in good faith of a person under this Sub-Section.
- 17.** If you need any assistance in filling in the application form or require any advice arising from the application form or these notes please contact the Miscellaneous Licensing Section of the Legal Services at the address given below.

West Lothian Council  
West Lothian House  
Almond Boulevard  
Livingston  
EH54 6QG



West Lothian Council  
Licensing  
**Service Standards**

***“West Lothian Council is committed to providing the people of West Lothian with services which are reliable, courteous and effective.”***

**Applying for Licences under the Civic Government (Scotland) Act, 1982, and for other Miscellaneous Licensing Schemes**

|                                    |   |
|------------------------------------|---|
| <b>Description of our Service:</b> | <p>Processing applications for licences for the activities listed below. Separate licences are required for each of the following activities:</p> <ul style="list-style-type: none"><li>Tattooing &amp; Skin Piercing</li><li>Street Traders</li><li>Wheeled Bin Cleaners</li><li>Window Cleaners</li><li>Late hours catering establishments</li><li>Public Entertainment</li><li>Public Fireworks Displays</li><li>Market Operators</li><li>Indoor sports entertainment</li><li>Second hand dealers – general goods</li><li>Second hand dealers – motor vehicles</li><li>Metal dealers</li><li>Itinerant Metal dealers</li><li>Fruit machines (but not in hotels or public houses)</li><li>Prize Bingo</li><li>Amusement arcades</li><li>Cinemas</li><li>Theatres</li><li>Track betting</li><li>Game and venison dealers</li><li>Civil Marriages</li><li>Sex Shops</li></ul> |
| <b>Our Customers Are:</b>          | All those who wish to apply for licences for the above.   |
| <b>Our Business Address is:</b>    | <p>Licensing Service<br/>Legal Services<br/>West Lothian House<br/>Almondvale Boulevard<br/>Livingston<br/>EH54 6QG<br/>Telephone: 01506 777229/777230/777187</p> <p>Various e-mail addresses, including –<br/><a href="#">Licensing Team</a></p>   |
| <b>Business Hours:</b>             | <p>Monday to Thursday 8.30am – 5.00pm<br/>Friday 8.30am – 4.00pm</p>  |
| <b>Application Lodging Hours:</b>  | <p>Monday, Tuesday and Thursday 8.30am – 4.30pm<br/>Wednesday 10.00am – 4.30pm<br/>Friday 8.30am – 3.30pm<br/>Saturday 9.30am – 2.00pm</p> <p>Application form should be completed and submitted either by mail to The Licensing Section, West Lothian Council, West Lothian House, Almondvale Boulevard, Livingston or in person at West Lothian Connected, Unit 16A Almondvale Centre, Livingston.</p>  |

**We Will:**

**Provide all documents and assistance needed to make an application, including information about procedures and fees.**

**Provide a receipt for your application fee, either immediately if the application is made in person, or within 3 working days if the application is made by post.**

**Provide an acknowledgement advising that your application has been received.**

**Invite comments on your application, where required, from other Council services and outside agencies, such as the Police, within 1 working day of the date of acknowledgement that your application has been received.**

**Contact you within 3 working days if any problems come to light with your application.**

**Issue your licence within 4 weeks of its being lodged with the Council provided it presents no problems.**

**Inform you of any objection(s) to your application and of the date, time and place of the Licensing sub-committee meeting where your application will be considered. We will give you at least 7 days notice and explain your rights to attend or to be represented at the meeting. We will also give you a copy of any objection(s) received in connection with your application. Note: Licensing Sub-Committee meetings are normally held every 6 weeks.**

**Issue your licence/permission within 3 working days of its approval.**

**Inform you in writing within 5 working days of the decision being made if your application is refused, giving the reasons for refusal.**

## **Making A Complaint**

If you wish to make a complaint or a comment about the service, please write to:

Chief Solicitor,  
Legal Services,  
West Lothian Council  
West Lothian House,  
Almondvale Boulevard  
Livingston.  
EH54 6QG

Your complaint will be recorded and investigated. You will be advised of the outcome of the complaint.

## **Customer Feedback**

The Licensing Service is committed to providing a client focussed quality service to you, the client. In order to help us to improve our service and standards it would be appreciated if you would complete the attached questionnaire and return to:

Licensing Services (Misc)  
Free Post  
West Lothian Council  
West Lothian House  
Almondvale Boulevard  
Livingston  
EH54 0BR

**Legal Services  
West Lothian Council – Civic & Misc. Licensing  
Client Feedback**

**Q1 Did the Licensing Service provide you with the right information at the right time? (e.g. application forms, guidance notes, etc.)**

A1 Yes  No

**Q2 How clear was the written material provided by the Licensing Service. (e.g. guidance notes, application forms)?**

A2 Excellent  Very Good  Average   
Poor  Very Poor

**Q3 Would you find it helpful to receive such material by electronic means (i.e. E-mail or available from the Council's Web Site) ?**

A3 Yes  No

**Aspects of Service**

Thinking in general about any recent contact you may have had with Licensing Services, please say how much you agree or disagree with the following statements about aspects of the service.

**Q4 The telephone was answered promptly:**

A4 Strongly agree  Agree  Disagree   
Strongly disagree  Not applicable

**Q5 The Licensing Service Office was easy to get to:**

A5 Strongly agree  Agree  Disagree   
Strongly disagree  Not applicable

**Q6 The replies to my letters/faxes/E-mail were prompt:**

A6 Strongly agree  Agree  Disagree   
Strongly disagree  Not applicable

**Q7 The staff were courteous:**

A7 Strongly agree  Agree  Disagree   
Strongly disagree  Not applicable

**Q8 The process of applying for a licence was clearly explained to me:**

A8 Strongly agree  Agree  Disagree   
Strongly disagree  Not applicable

**Q9 I got all the information I needed at the right time:**

A9 Strongly agree  Agree  Disagree

Strongly disagree  Not applicable

**Q10 The application form was easy to understand:**

A10 Strongly agree  Agree  Disagree

Strongly disagree  Not applicable

**Q11 The advice I received was helpful:**

A11 Strongly agree  Agree  Disagree

Strongly disagree  Not applicable

**Q12 The guidance notes were easy to follow:**

A12 Strongly agree  Agree  Disagree

Strongly disagree  Not applicable

**Q13 The response to my queries was prompt:**

A13 Strongly agree  Agree  Disagree

Strongly disagree  Not applicable

**Q14 It would have been helpful to have more information available electronically:**

A14 Strongly agree  Agree  Disagree

Strongly disagree  Not applicable

**Q15 The Licensing Service communicates well with its customers:**

A15 Strongly agree  Agree  Disagree

Strongly disagree  Not applicable

**Q16 Overall, I am happy with the service provided by the Licensing Service:**

A16 Strongly agree  Agree  Disagree

Strongly disagree  Not applicable

**Have you any comments or suggestions about how the service provided by the Licensing Service could be improved?**

Comments/Suggestions