

Second Hand Dealer's Licence

Why do I need a second hand dealer's licence?

A licence is required if you wish to sell any of the undernoted types of goods:

- cars, caravans and other motor vehicles, or parts thereof
- jewellery
- furniture or domestic appliances
- industrial or commercial plant and machinery

The lodging of a new grant application form lodged does not allow a person to trade unless and until the licence is granted and issued.

Exemptions

The following types of activity are specifically exempt and anyone carrying on such a business will NOT therefore require a second hand dealer's licence:

- pawnbroking;
- wholesale dealing where purchases are made exclusively from licensed second hand dealers;
- charitable business;
- dealing in second hand goods incidental to another business;
- financing the acquisition of goods by hire purchase, credit sale, etc.(ie acting as a financier)

Applications

The licence itself may be held in the name of a firm or company (i.e. non natural person) or in the name of an individual. Please ensure that you complete every question.

For renewal applications, applicants are solely responsible for ensuring their renewal application is lodged timeously, ideally around 6 weeks prior to the expiry date of the licence. Failure to lodge the renewal before the expiry date of the current licence will result in the licence lapsing.

Checks on Entitlement to Work

- For all applicants, evidence must be produced of entitlement to work in the United Kingdom, whether applying for a new licence or to renew an existing one. British citizens require to provide their current passport with the application. If an applicant does not have a current passport, then other documents must be provided as an alternative form of evidence. Information on alternative forms of evidence can be found on the Government website detailed below.
- For an EU national, the applicant's passport must be provided with the application.
- If neither a British citizen nor an EU national, the applicant's passport and residence permit confirming an entitlement to work in the UK must be provided.
- Original documents require to be exhibited and will be copied and returned to applicants.

- The application may also be passed to the UK Border Agency in relation to any issues arising on the applicant's entitlement to work in the United Kingdom.

Please see www.gov.uk for a full list of alternative documents that prove an individual's right to work in the UK.

Checks on Previous Convictions

For applicants seeking a new licence, and who were born or have been resident outside the UK for 6 months or more, there must be produced with the application documentation in relation to criminal record checks.

Applicants need to provide:

- If the applicant was born outwith the United Kingdom, a criminal record check must be provided from his or her country of origin. Applicants must also provide a criminal record check from any other country in which they have been resident for six months or more.
- If the applicant was born in the United Kingdom, but has lived in any other country or countries for six months or more, they must provide a criminal record check from those countries.
- In all cases, the criminal record checks provided must have been obtained within the six months prior to submitting the application and must be verified by the relevant UK based Embassy/High Commission where obtained from authorities outwith the United Kingdom.

We will not accept your application unless you can exhibit each of the above listed documents as appropriate. The documentation will be verified by a Customer Service Advisor.

Application Fees

For application fees, please refer to the Civic Licensing Application Fees on our website at www.renfrewshire.gov.uk

No refund of application fees will be made for applications which are subsequently refused or withdrawn.

Display of Public Notice

The enclosed **display notice** requires to be completed and displayed at the location or premises to which the licence relates, for a period of 21 days, starting on the day the application is lodged at the licensing office. The 21 days will not commence until the application has been received at the Licensing Section and accepted as a valid application. If you are in any doubt about these dates, please email the Licensing Section on licensing.cs@renfrewshire.gov.uk or by telephone on 0300 300 0300 for clarification.

Compliance Certificate

The enclosed certificate of compliance requires to be completed after the 21 days date and returned to the licensing office. The dates on this certificate must reflect the 21 days that the notice was displayed.

Both the **display notice** and the **certificate of compliance** must be produced at the licensing office once the 21 days date is over.

Prior Refusal

If you have applied for and been refused an application for a second hand dealer licence by Renfrewshire Council then, unless there has been a material change in circumstances, you cannot apply for the same kind of licence within one year of the date of refusal.

Processing your application

When your application is lodged and the appropriate fee has been paid, a copy of your application will be sent to Police Scotland, Scottish Fire & Rescue and various Council departments. They will carry out their own investigations and inspections and report back to the licensing office.

The legislation allows for consideration of the application within three months and a decision within nine months.

If an objection or representation is received in relation to your application, you will be sent a copy of the letter. Your application and the letter of objection or representation will then be referred to the Regulatory Functions Board meeting. You will be called to a hearing before the Board and given the opportunity of addressing the Board.

Right of Appeal

If your application is refused, or granted conditionally, you are entitled to ask the Council within 21 days to give reasons for such refusal, or the imposition of such conditions, and thereafter (within 28 days of the Board's decision) entitled to appeal to the Sheriff against the decision on certain grounds.

If there is an objection to your application and the application is subsequently granted the objector can also ask the Council to give reasons for such grant and thereafter is (within 28 days of the Board's decision) entitled to appeal to the Sheriff also.

You may wish to seek independent legal advice in relation to any appeal.

Conditions of Licence

Renfrewshire Council may attach additional conditions to the licence as it sees fit, with each application being dealt with on its own merits.

The holder of a second hand dealer licence must keep a book for each article purchased and which states the name and address of seller, description of article, date of sale, name and address of purchaser and date of purchase.

This book must be produced to any police officer or local government officer on request and should be kept on the premises for at least one year from the date of sale.

Duration of Licence

Applications for the grant of a licence are generally granted for a period of one year, whilst applications to renew an existing licence are normally granted for a two year period.

Any Further Questions

Should you have a query that is not covered in these guidance notes please feel free to contact the Civic Licensing Standard Officers by email at enforcement.licensing@renfrewshire.gov.uk for further information or advice.

Contact Details

Tel: 0300 300 0300

E-mail: customerservice.licensing@renfrewshire.gov.uk

Website: www.renfrewshire.gov.uk



Renfrewshire
Council

Second Hand Dealer Licence Conditions

1. The Dealer shall be licensed to sell: *(insert types of goods)*
2. The Dealer shall be permitted to sell only from the premises referred to above.
3. This licence is granted under the authority of Renfrewshire Council and is conditional on the Dealer complying with the relevant provisions of the Civic Government (Scotland) Act 1982 and any amendment thereof and with the conditions contained in the said licence and in the schedule annexed hereto.
4. The Dealer shall keep a book recording in respect of each article purchased, the name and address of the seller of the article, a description of the article, the date of sale, the name and address of the purchaser of the article and the date of that purchase. The book containing such records are to be produced to any Police Officer on request. Such books are to be kept on the premises for a period of one year from the date of sale of the article by the Dealer.

This is the Schedule of Conditions referred to at Condition 3 of the foregoing licence granted by Renfrewshire Council (hereinafter referred to as “the Council”). These conditions must be observed at all times. Please note: that in terms of Section 7 to the Civic Government (Scotland) Act 1982, it is an offence not to comply with a condition attached to a licence and, subject to Section 7(3) to the 1982 Act, the holder of a licence shall be guilty of an offence and liable, on summary conviction, to a fine.

A. MOTOR VEHICLES

1. Subject to Note 3 hereto the licenceholder will keep or cause to be kept a Register of all motor vehicles bought and sold.
2. The Register must be in the form of a properly bound book with consecutively numbered pages or in another form approved by the Council, and each vehicle purchased by the licenceholder must be entered into and numbered in the Register. The form of Register approved by the Council is detailed at Note 1 hereto.
3. The Register must include the following details, in the style approved by the Council. The approved style may be found at Note 1 hereto. Such details must be inserted within the Register within forty eight hours of acquisition or sale, that is, ; 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; and date of most recent MOT certificate.
4. Entries in the Register and the Register itself must be preserved by the licenceholder for at least three years.

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5. The licenceholder shall not dispose of any item of his stock-in-trade until the expiry of 48 hours (excluding any time on a Saturday or a Sunday) after he acquires it. This shall not apply to any article acquired by the licenceholder in a public motor auction and disposed of by him without being brought to his place of business. The Council may order that the provisions of Section 25 of the Civic Government (Scotland) Act 1982 shall not apply to the disposal of the licence holder's stock-in-trade or any part of it.
6. If the licenceholder intends to sell or dispose of any vehicle to another licenceholder or dealer, he must
 - (i) complete a trade sale of vehicle form in the style approved by the Council. Please see Note 2 hereto in this regard. The trade sale of vehicle form is to be signed by the licenceholder.
 - (ii) retain one copy of the trade sale of vehicle form as part of his records for at least three years.
7. The licenceholder must comply with the provisions of the General Products Safety Regulations 1994, and any amendment thereof. Any defect which would render a vehicle unsafe requires to be rectified prior to the vehicle being displayed for sale.
8. The licenceholder shall store vehicles purchased in the course of his dealing only on the business premises specified in the licence certificate attached hereto.
9. The licenceholder shall comply with the provisions of the Fire Precautions Act 1971, as appropriate, and the Workplace Regulations 1997, and any amendments thereof.
10. Notwithstanding the conditions referred to above, the licenceholder, while trading, shall comply with any reasonable order or instruction given by a Constable of Strathclyde Police:
 - (i) for the prevention of a disruption or annoyance to the public or to the occupiers of any premises; or
 - (ii) in connection with any emergency or disturbance.
11. The licenceholder must ensure that any used vehicles sold to customers must conform to the Road Vehicle (Construction and Use) Regulations 1994 affecting the construction and use of cars and must, where applicable, be accompanied by a current MOT Certificate.
12. The licenceholder must comply with the provisions of the Sale of Goods Act 1979, and any amendment thereof. In addition, the licenceholder must provide all reasonable facilities and access to enable prospective customers or their nominees to carry out an examination of the vehicle prior to sale.

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13. The licenceholder shall comply with the Consumer Transaction (Restriction on Statements) Order made under the provisions of the Fair Trading Act 1973, and any amendment thereof in that when selling a new vehicle subject to a printed guarantee or warranty, that guarantee or warranty must not purport to take away or diminish any rights which the consumer would otherwise enjoy in law. Any guarantee or warranty document must also include a statement advising the consumer that the guarantee or warranty is in addition to his statutory or common law rights.
14. The licenceholder must ensure that all reasonable steps and due diligence is taken to verify the recorded mileage of the used vehicles and the licenceholder will use his best endeavours to obtain a signed statement from the previous owner(s) as to the vehicles mileage.
15. The licenceholder shall ensure that all advertising undertaken by him or on his behalf complies with the pertaining codes and standards set by the Advertising Standards Authority and the Independent Television Commission, and with the requirements of the Trades Descriptions Act 1968, and any amendment thereof. In particular, reference to credit facilities within any advertisement must conform to the Consumer Credit Advertisements Regulations.
16. The licenceholder must ensure that advertisements for used vehicles quote prices inclusive of VAT, and that the prices are inclusive as per the Price Acts 1974 and 1975, and the Price Marking Order 1999, and any amendment thereof.
17. The licenceholder must ensure that effective and immediate action is taken to achieve a just settlement of a complaint. To this end, the licenceholder must have in place an easily identifiable and accessible arrangement for the reception and handling of complaints. Details of the complaints procedure must be provided upon request to an authorised officer of the Council.
18. The licenceholder must keep their Register (referred to in Condition 1) on the premises specified in the licence attached hereto, and available for inspection at any reasonable time upon request by an authorised officer of the Council, or Strathclyde Police, in accordance with Section 5 of the Civic Government (Scotland) Act 1982. Failure to do so shall constitute a breach of this licence condition.
19. The licenceholder must ensure that customers are informed, by means of a prominently displayed notice, where they should address enquiries and complaints to the Council, that being "the authorised officer" Trading Standards department, Renfrewshire Council, Council Headquarters, South Building, Cotton Street, Paisley PA1 1BR. Where the licenceholder is a member of a trade association, the notice should also give the address of the conciliation services of that association.

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20. The licenceholder must ensure, by the clear display of appropriate symbols or other means, that customers are informed of the licenceholder's adherence to the industry's code of practice, and must provide details of the industry's complaints and arbitration procedures upon request.
21. The licenceholder shall conduct business only under the name appearing on the licence attached hereto and all notices, advertisements, etc. issued by or on behalf of the licenceholder should be in that name, together with the true name and nature of the business, all in terms of the Business Names Act 1985, and any amendment thereof.
22. The licenceholder shall prominently display the licence certificate attached hereto on his premises in such place and at such a height that it can be readily seen by members of the public.
23. The licenceholder shall notify the Licensing Section, Corporate Services Department, Council Headquarters, North Building, Paisley of any material change of circumstances affecting him or any other person or company named in the licence or affecting the activity to which the licence relates within 14 days of said change. The licenceholder who ceases to act as such for the unexpired period of the licence, or whose licence has been suspended by the Council, shall, within seven days, return the licence to the Director of Corporate Services.

Second Hand Dealer Licence Conditions

NOTE 1

Renfrewshire Council Civic Government (Scotland) Act 1982 Form of Approved Register

Serial Stock No	Reg Mark	Make Model	Date of Reg	Colour	Indicated mileage at purchase	Date of Last test	Chassis/ VIN No	Engine Number	Date of Purchase Purchase price	Name and address of Seller
1/96	1.123 ABC	Ford Fiesta 1.3LX	12/9/93	White	21,764	03/07/95	BBATMB/1 1 2345	MB12345	19 Sept 1995 £4500	David Smith 1 High Street

Name and Address of Previous Owner	Date of Sale Sale Price	Name and Address of Purchaser	Indicated Mileage at Sale	Date of most recent MOT Certificate	Remarks
Tom Brown Jones 15 Smith Street	17 December 1995 £5200	John Millar 123 Dundee Road	21,764		

Most dealers should be able to adapt their existing VAT or computer records to contain the additional information required.

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NOTE 2

TRADE SALE OF VEHICLE

Sold by: _____

Sold to; _____

DETAILS OF VEHICLE

Make	Model	Colour
Engine Capacity	Date first reg	Reg Number
MOT Expiry Date	Stock Number	Traders licence no

ODOMETER READING

NB This statement should be read in conjunction with the information given on the vehicle. If the vehicle odometer is incorrect (options B and C) this should be adequately disclaimed on the vehicle odometer itself.

A*. The true mileage is recorded on the vehicle odometer is:

* Complete only ONE of three declarations

B*. The odometer reading is incorrect. The true mileage is:

C*. Despite enquiries the full mileage history of this vehicle is unknown. The odometer reading must therefore be taken as incorrect.

Signature: _____
(Seller)

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NOTE 3

1. Dealers may use their VAT Register as their Register provided it is amended to include all the information required in Condition 3 above or alternatively may use an electronic device for the storing and processing of information recording all second-hand goods acquired, received, sold, despatched or otherwise disposed of in the course of his/her business as a second-hand dealer provided all the information required in Condition 3 above is included. The device shall be capable of producing printed records of all records stored therein and processed thereby and modifications made thereto. The dealer must keep particulars of all modifications made in the records kept by the device. If such records are used they should be readily available for inspection at all reasonable times and secondary records must be maintained if the VAT Register is removed from the premises or the computer system is out of operation for any reason.
2. The Council may, at any time, vary the terms of a licence on any grounds which they consider reasonable. Notice will be given to the licenceholder at least seven days before any proposed variation is considered. The licenceholder will be given an opportunity to be heard by the Council before any variation is made.
3. The Council may order suspension of a licence if in their opinion -
 - (a) the licenceholder is no longer a fit and proper person to be the holder of such licence, whether because of convictions for offences which have taken place since the grant or renewal of the licence or for any other good reason;
 - (b) the activity to which the licence relates is being managed by or carried on for the benefit of a person other than the licenceholder, who would have been refused the grant or renewal of a licence;
 - (c) the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety; or
 - (d) a condition of the licence is being contravened.

Before suspending a licence, the Council shall hold a hearing and the licenceholder has a right to state his case to the Council and may also appeal to the Sheriff against the decision.

4. The Council will make every endeavour to issue a Renewal Notice to the last known address of the licenceholder but it will be the duty of the licenceholder to ensure that an application for renewal is timeously made whether or not a Renewal Notice has been received.
5. It is an offence to contravene any condition attached to a Second-Hand Vehicle Dealer's Licence.

Display Notice for applications under the Civic Government (Scotland) Act 1982

New Grant	
Renewal	

Type of Licence applied for:			
Applicant Name and address:	Name		
	Town		Postcode
Address of Premises to be licensed:			
	Town		Postcode
Proposed Days & Times you will be operating:			
Nature of Business: <i>(please describe the details of the licensable activities you will be carrying out or the goods you are selling)</i>			
Name and address of Day to day manager or agent	Name		
	Town		Postcode
Date application lodged	/ /		
Last date for representations/objections <small>(28 days after the application was accepted as lodged)</small>	/ /		

Representations / objections should be sent to: licensingadmin.cs@renfrewshire.gov.uk or by post to:
Renfrewshire Council, Licensing Section, Renfrewshire House, Cotton Street, Paisley, PA1 1TT

Important - Please see additional information below in relation to the format for representations or objections for the public and information for the applicant regarding this notice

Representations/Objections

Representations/objections about the application may be made by any member of the public.

Representations / objections must:

- be in writing
- specify the grounds of the objection, or as the case may be, the nature of the representation
- set out the name and address of the person making it
- must be signed (including electronically) by the person, or on their behalf; and
- be made within 28 days of the application

Copies of any representations or objections will be given to the applicant.

If a representation or objection is made to the Licensing Authority after this date but before a final decision is taken on the application, then the Licensing Authority may consider the late representation or objection if it is satisfied that there is sufficient reason for the representation or objection to have been made after the deadline.

Representations / objections should be sent to: licensingadmin.cs@renfrewshire.gov.uk or by post to: Renfrewshire Council, Licensing Section, Renfrewshire House, Cotton Street, Paisley, PA1 1TT

Display information for applicant

- Both pages of this notice MUST be clearly displayed
- This notice must be displayed on or near the premises to be licensed in a position where it can be easily read by the public.
- This notice must be displayed for a period of 21 days from the date the application was lodged with the Licensing Authority.
- The last date for representations/objections is 28 days from the date the application was lodged. This date must be marked in the relevant box on Page 1 of this Notice.
- After the notice has been displayed for 21 days, a certificate of compliance must be completed and the notice displayed at the premises both returned to the Licensing Authority at the address above. Alternatively confirmation of display can be submitted in writing and signed, together with full applicant and premises details.

Certificate of Compliance

Confirmation of display of public notice

Civic Government (Scotland) Act 1982

Confirmation of display of notice

This section must be completed by the applicant and the whole notice returned to the Licensing Authority at the end of the 21-day display period.

Your confirmation should be sent to:

licensingadmin.cs@renfrewshire.gov.uk or by post to:

Renfrewshire Council
Licensing Section
Renfrewshire House
Cotton Street
Paisley

Alternatively, please provide confirmation of display in writing with signature, along with full applicant and property details.

*Where the said Notice was removed, obscured or defaced during the abovementioned period, I took reasonable steps for its protection and replacement as follows:- (give details and circumstances below)

I (Full name of applicant)			
Applicant for a (insert type of licence)			
Certify that the notice of application has been displayed as prescribed above for a period of not less than 21 days from _____ ending on _____			
Applicant's signature		Date	