

Civic Government (Scotland) Act 1982

Guidance Notes - Second Hand Dealer

- The enclosed **public notice requires to be completed and displayed** on or near the premises where it can be easily read by the passing public in the street, for a period of 21 days, starting on the day the application is lodged.
- The enclosed **Compliance Notice requires to be completed and returned** to the Licensing Section only after the 21 day notice period is over.
- The Licensing Committee may attach additional conditions to the licence as it sees fit, with each application being dealt with on its own merits.
- **A fire risk assessment must be carried out on the premises and be returned with your completed application.**

Once we have received your Application, we will send a copy to Police Scotland. We will consult with other Council Services depending on the nature of your application.

If we think any additional enquiries should be carried out, you will be notified and the results of these may be taken into account before we decide your application. We will also require to take account of any objection to your application, either from consultees or from members of the public. We may hold a Hearing to decide whether to approve your application and, if so, you will be notified in advance of this to give you an opportunity to be heard.

We must consider your application within 3 months of it being sent to us and must reach final decision within 6 months. No functions for which a Second Hand Dealer's Licence is required should take place until a licence is issued.

We can refuse your application if we consider that:

- a) you are not a fit and proper person to hold a licence;
- b) the premises are not suitable or convenient for the proposed activity; and if
- c) there is any other good reason to refuse your application.

When an application is refused, you can ask for written reasons for the refusal and you have a right of appeal to the Sheriff.

If you require any further information please contact the Licensing Administrator on telephone number 01259 450000 or email address licensing@clacks.gov.uk

Civic Government (Scotland) Act 1982
Application for the Grant/Renewal
of a Second Hand Dealer's Licence

EACH QUESTION MUST BE ANSWERED
PLEASE PRINT IN BLOCK CAPITALS

Full Name of Licence Holder (including any middle names):	First Name:	Last Name:	
Full Name of Company (If Applicable):			
Licence Holder Address:			
Telephone Number:			
Email Address:			
Age, Date & Place of Birth	Years	Date of Birth	Place of Birth
Is the Licence Holder to carry out day-to-day management of the business? (tick one box only) If NO, give full name, address, date of birth & phone number of employee or agent who will be involved in the management.	Yes	<input type="checkbox"/>	No
			<input type="checkbox"/>
(If Applicable) Name, Private Address, Dates of Birth of Directors, Partners or other Persons Responsible for its Management e.g. Office Bearer of a Committee			

Name (if any) and address of premises for which a licence is required (hereinafter called “the premises”)				
Specify days and times when it is proposed the premises will be open for the purpose of the purchase and sale of second hand goods				
State nature of goods in which it is proposed to trade				
State address of premises at which goods will be stored when not being offered for sale.				
State where record of sales will be kept if not at the premises				
Has any party named in the application previously or currently held a second hand dealer’s licence?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, which Authority granted the licence?			Expiry Date:	
Has any party named in the application ever applied for and been refused a licence?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, which Authority refused the licence?				
When was it refused?				

Please select Option A or Option B below	
(A) I/WE declare that I/we shall, for a period of 21 days commencing with the date hereof, display at or near the premises so that it can conveniently be read by the public, a notice complying with the requirements of paragraph 2(3) of Schedule 1 of the Civic Government (Scotland) Act, 1982.	<input type="checkbox"/>
(B) I/WE declare that I am/we are unable to display a notice of this application at or near the premises because I/we have no rights of access or to her rights enabling me/us to do so, but that I/we have taken the following steps to acquire the necessary rights, namely:- (Here specify steps taken)	<input type="checkbox"/>
I declare that the particulars given by me on this form are correct to the best of my knowledge and belief.	<input type="checkbox"/>
Signature	
Print Name	
Date	

Completed forms can be submitted directly by:

- email to: licensing@clacks.gov.uk (as a singular signed PDF/word file)
- in person to the [Speirs Centre](#)
- by post to: Clackmannanshire Council, Licensing Team, Kilncraigs, Greenside St, Alloa, FK10 1EB

Each application must be accompanied by payment. This can be made at the [Speirs Centre](#) or [online via our Pay It page which can be found at: <https://www.clacks.gov.uk/council/payit/>](#)

If you require any further information please contact :
Licensing on tel: **01259 450000** or
by email at: licensing@clacks.gov.uk

IMPORTANT NOTICE

Any person who in or in connection with the making of this application makes any statement which they know to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence.

Data Protection Act 2018

The information which you provide on this form will be processed by Clackmannanshire Council, which is the 'data controller' for the purposes of the General Data Protection Regulation and the Data Protection Act (2018). For more information on how this application is handled, please see the Licensing Authorities data protection [policy](#) which can be found at www.clacks.gov.uk/regulation/dataprotectionpolicy/

Second Hand Dealer's Licence Display Notice

I, the undersigned hereby declare that an application for the grant/renewal of a Second Hand Dealer's Licence has been made to Clackmannanshire Council, Kilncraigs, Alloa.

A copy of the application form lodged with the Council is displayed opposite.

Any objection or representation relating to the application should be made to the Partnership & Performance, Clackmannanshire Council, Kilncraigs, Alloa, FK10 1EB by *

Any objection or representation must:

- be made in writing,
- specify the ground for the objection or the nature of the representation,
- specify the name and address of the person making it,
- be signed by him or on his behalf.

Such a representation shall be considered to have been made within the period referred to if it is delivered by hand within that period or posted (by registered or recorded delivery post) so that in the normal course of post it might be expected to be delivered within that period or emailed to licensing@clacks.gov.uk prior to the date detailed above.

It should also be noted that where an objection or representation is made to the Council after the date referred to but before a final decision is taken on the application, it is competent for the Council to entertain it if satisfied that there is sufficient reason why the objection or representation was not made within the period of time stated.

Signature of Applicant or Agent	
Print Name	
Date	

*The date stated should be the Twenty First day after the latest of the following: -

- (a) the date of publication by the Council of a notice in a newspaper of the application where the form of licence falls within a prescribed class;
- (b) the date (if any), specified by the Council; and
- (c) the date the application was made to the Council.

The Site Notice must be displayed for the whole of the period of Twenty One days at or near the premises so that it can be conveniently read by the public

Licensing of Second Hand Dealer's Licence Confirmation of Site Notice

Full name of Applicant/Agent & address (include postcode)	
Name & Address of premises (include postcode)	

As required under Schedule 1 to the above Act. I hereby certify that:			
a Notice has been posted at or near the premises			<input type="checkbox"/>
Date From:		Date to:	

Please provide details and circumstances below if the Notice was removed, obscured or defaced during the above mentioned period:
Please provide details and circumstances below if you have been unable to post or email the Notice as required to the Licensing Authority under Schedule 1 to the above Act:

Signature	
Print Name	
Date	

**To be returned to Licensing, Clackmannanshire Council, Kilncraigs, Alloa, FK10 1EB,
after a Site Notice has been displayed for 21 days**

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- by post to: Clackmannanshire Council, Licensing Team, Kilncraigs, Greenside St, Alloa, FK10 1EB