



## SHEFFIELD CITY COUNCIL Committee Report

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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** 25<sup>th</sup> October 2012

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**Subject:** South Yorkshire Act 1980 – Section 52  
Second Hand Dealers Registration Proposed Fee

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**Author of Report:** Shimla Rani - 2037752

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**Summary:** For Members of the Licensing Committee to consider implementing a nominal fee for the registration of second hand dealers

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**Recommendations:** That Members of the Licensing Committee note the contents of the report and approve the proposed new fee.

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**Background Papers:** Attached to this report

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**Category of Report:** OPEN

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**REPORT OF THE CHIEF LICENSING OFFICER (HEAD OF LICENSING)  
TO THE LICENSING COMMITTEE**

**No: 83/12**

**South Yorkshire Act 1980 – Section 52  
Second Hand Dealers Registration - Proposed Fee**

**1.0 PURPOSE AND OUTCOMES**

- 1.1 The purpose of this report is for members to consider implementing a nominal fee for the registration of second hand dealers.
- 1.2 The outcome of this report is to ensure that the Licensing Service recovers the reasonable costs of administering and enforcing the second hand dealer's registration scheme.

**2.0 SECOND HAND DEALERS REGISTRATION**

- 2.1 The registration of second dealers has recently transferred to the Licensing Service from the Trading Standards department for which there are over 500 registrations.
- 2.2 A second hand dealer is any person who carry's on the business of a dealer in second hand goods. The person and the premises must be registered with the Council (unless exempted).
- 2.3 Section 52 of the South Yorkshire Act 1980 that regulates second hand dealers is attached at appendix 'A'.

**3.0 PROPOSES FEE**

- 3.1 A second hand dealer's registration lasts for three years from the date of issue and currently there is no fee to register.
- 3.2 A fee of £15 on application is proposed to cover the administration/enforcement of the system. This fee would equate to £5 a year for the applicant and will be reviewed annually.
- 3.3 We have proposed the above fee so that it does not prevent us from delivering on our priorities whilst ensuring we recover our reasonable costs.
- 3.4 The Provision of Services Regulations 2009 which came into force on 28 December 2009, Para 18(4) states any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of these procedures and formalities

#### **4.0 CONSULTATION**

- 4.1 A consultation letter on the proposed fee has been sent to all current second hand dealers registered with the authority (over 500) on the 11<sup>th</sup> September 2012 asking for comments by the 1<sup>st</sup> October 2012. A copy of the consultation letter is attached at appendix 'B'.
- 4.2 A total of six responses have been received, details of which are attached at appendix 'C'. Full copies of the responses will be available at the meeting should Members wish to view this.

#### **5.0 FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications for the Council arising from this report. Should Members agree the proposed fee as detailed in the report above, the Council will recover its reasonable costs of the Licensing Service in relation to administering / enforcing the above licensing system.

#### **6.0 RECOMMENDATIONS**

- 6.1 That members consider all the information provided in the report and that included in any attachments before determining whether to approve the fee.

#### **7.0 OPTIONS OPEN TO THE BOARD**

- 7.1 To authorise the Chief Licensing Officer and Head of Service to implement the new registration fee for second hand dealers.
- 7.2 To authorise the Chief Licensing Officer and Head of Service to implement a registration fee for second hand dealers with amendments.
- 7.3 To defer the decision to implement the new registration fee for second hand dealers
- 7.4 To refuse to implement the new registration fee for second hand dealers.

Stephen Lonnia  
Chief Licensing Officer & Head of Licensing  
Business Strategy & Regulation  
Place

9<sup>th</sup> October 2012

## APPENDIX 'A'

## South Yorkshire Act 1980

### Section 52

- (1) As from the appointed day, a person shall not in the county carry on the business of a dealer in second-hand goods unless he is registered by the county council under this section or exempted from registration by, or by virtue of, subsection (9) below and, when he is not so exempted, he shall not carry on such a business in premises occupied by him when the premises are not so registered.
- (2) On application for registration under this section the county council shall register the applicant and, if the application specifies premises, those premises and issue to the applicant a certificate of registration.
- (3) (a) Every person registered under this section shall, as respects every transaction under which he acquires articles in the course of his business, enter, in a book kept by him for that purpose, the date of the transaction, the quantity and description of the articles and the name and address of the person from whom the articles were acquired.

(b) Any book kept by a person in pursuance of paragraph (a) above, shall be retained by him until the end of the period of one year beginning with the day on which the last entry was made in the book.
- (4) Registration under this section shall remain in force for three years from the date thereof.
- (5) If any person contravenes subsection (1) or (3) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.
- (6) The occupier of any premises used by a person registered under this section for the purposes of the business in respect of which he is so registered shall keep a copy of the certificate of registration displayed in the premises, and, if without reasonable excuse he fails to do so, he shall be guilty of an offence and liable on

summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5.

**(7)** A police constable may at all reasonable times enter upon, inspect and examine any premises which he has reasonable cause to believe are used for or in connection with the business of a dealer in second hand goods and any book kept in accordance with subsection **(3) (a)** above, and may do all such things as are reasonably necessary for the purpose of ascertaining whether there is, or has been, in or in connection with the premises, a contravention of the provisions of this section.

**(8) (a)** If a person registered under this section acquires any second hand goods from a person whom he knows to be under the age of 16 years, whether those goods are offered by that person on his own behalf or on behalf of another person, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

**(b)** Any person who, on selling second hand goods to a person registered under this section gives that person a false name or false address shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

**(9)** This section shall not apply to-

**(a)** any person engaged in a business carried on by a group organisation or body which is registered as a charity under section 4 of the Charities Act 1960 or excepted from registration by virtue of subsection (4) of that section; or

**(b)** a person in respect of whom particulars are registered under the Scrap Metal Dealers Act 1964 in respect of his business as a scrap metal dealer; or

**(c)** a person engaged in business as a dealer in waste paper, cardboard, textiles or plastics in bulk in respect of his business as such; or

**(d)** the holder of a licence issued under section 22 of the Consumer Credit Act 1974, in respect of activities covered by the licence of a person who does not need such a licence by virtue of section 21 of that Act; or

**(e)** a person engaged in the 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 said Act of 1974) or of financing the use of goods by means of bailment agreements, in respect of any such business or any transaction incidental thereto; or

- (f) a person engaged in a business of which the primary purpose is the supply of new unused goods and to which the supply of second hand or used goods is merely incidental;

and for the purpose of this section a person is not to be treated as carrying on the business of a dealer in second hand goods merely because occasionally he enters into transactions belonging to a business of that sort.

## APPENDIX 'B'



Licensing Service  
Sheffield City Council  
Block C Staniforth Road Depot  
Staniforth Road  
Sheffield, S9 3HD  
Tel:0114 2037752 Fax:0114 2734510  
E-mail: [general.licensing@sheffield.gov.uk](mailto:general.licensing@sheffield.gov.uk)  
Website: [www.sheffield.gov.uk](http://www.sheffield.gov.uk)  
Date Tuesday, 11<sup>th</sup> September 2012



[name and address]

Reference: Lic/Secondhanddealers/SJL

Dear Sir/Madam

### **IMPORTANT INFORMATION**

#### **South Yorkshire Act 1980 - Section 52 Second Hand Dealers Registration**

I write to inform you that the Licensing Service of Sheffield City Council have now taken over the administration/enforcement of the Second Hand Dealer's Registration scheme from Sheffield's Trading Standards Department. Details and application packs can be found on our website by logging onto [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

On reviewing the system, the Licensing Authority is seeking to place a nominal fee of **£15** for the processing of the Second Hand Dealer's Registration system (this would equate to £5 a year for the registration).

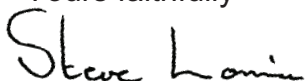
To ensure that we obtain the opinions of all Second Hand Dealers we have undertaken this short consultation and I would appreciate any comments that you have in relation to this proposal, either in support of, or against the proposed fee.

Please provide your comments by **5pm Monday, 1<sup>st</sup> October 2012** to the address given below or via email to [general.licensing@sheffield.gov.uk](mailto:general.licensing@sheffield.gov.uk) :

**Licensing Service  
Sheffield City Council  
Block C Staniforth Road Depot  
Staniforth Road  
Sheffield, S9 3HD**

If you require any further information regarding this matter please do not hesitate to contact the Licensing Service on 0114 2037752.

Yours faithfully



Stephen Lonnia  
**Chief Licensing Officer, Head of Licensing  
Licensing Services**

## APPENDIX 'C'

# Consultation Comments Received

Name / Organisation Details	Comments
B.R. Hobson of 'Moorgate Acoustics (Sheffield) Ltd'	'Does not think the 'charge' is unfair – would be willing to contribute/pay for this'
M Revill	"As you say, £15 is a nominal fee...not a great fortune."
Sarfraz Ishaq	The fee would not be problematic however states that it should be free.
J. Woodhead of J & R Woodhead Antique	Is not in favour of a registration fee.
Mark Ociecko	Is not in favour of a registration fee
H Greaves of Dronfield Antiques of Sheffield	'I would imagine that the proposed fee of £15 will cost more to administer than the revenue which it will generate.'

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