

9. REPORT ON MOTOR SALVAGE OPERATORS**THE VEHICLE (CRIMES) ACT 2001 & THE MOTOR SALVAGE OPERATORS REGULATIONS 2002****Report By: Head Of Environmental Health And Trading Standards****Wards Affected:**

County-wide

Purpose

1. To inform the Committee of new registration responsibilities being placed on local authorities and to determine procedures for this activity.

Background

2. The Vehicle (Crimes) Act 2001 and The Motor Salvage Operators Regulations 2002 place responsibility on local authorities to make provision for the registration of Motor Salvage Operators. The Act came into force on 21st October 2002.
3. A motor salvage dealer purchases worn out or damaged vehicles in order to repair them or recover re-usable parts, which can be regarded as useful objects (as opposed to scrap). Any person who carries on a business dealing wholly or partly in:-
 - The recovery of salvageable parts from motor vehicles for re-use or re-sale; or
 - The purchase of written off vehicle and their subsequent repair and re-salewill need to be registered with the local authority in whose area that business is situated. Failure to register is an offence.
4. Registration must be granted upon application, except where the local authority is not satisfied that the applicant is a fit and proper person. Registrations can be cancelled where the authority becomes aware that the applicant is not fit and proper. West Mercia Constabulary have agreed to carry out checks on applicants without charge.
5. The registration shall be for a 3-year period.
6. The local authority may require a fee for the work involved in administering the registration system. In common with other licensing fees, this fee should be with a view to recovering reasonable costs incurred, and not set to "make a profit."
7. A register of dealers shall be maintained by the local authority and the public shall be permitted to have access to the register at any reasonable time.

Further information on the subject of this report is available from Suzanne Laughland, Acting Licensing Manager on (01432) 261675

Enforcement

8. The Police will have sole responsibility for the enforcement of this legislation.

Fees

9. The Government has suggested that a fee of £40 - £70 per application would be considered as reasonable. The midlands licensing forum have consulted organisations and the Police regarding registration. In addition, Officer time has been spent creating application forms, guidance notes and conditions. Therefore the Midlands Licensing Form members have suggested and agreed that a registration fee of £70 would be reasonable. Fees may also be charged for inspecting the public register and making copies of any entry contained in the register.

Resource implications

10. Twenty large Motor Salvage operators are estimated to require registration, however there may be many more smaller outlets that fit the definition of a Motor Salvage operator. The local authority will have to consult with other agencies to establish which businesses require registering e.g. Environment Agency, Business Rates.
11. It is estimated that to complete a registration from the initial invitation to apply for registration through to issue will take three hours of officer time. An estimate cannot be made on the time taken to establish which businesses require registration.
12. The licensing section will have to set up a new database system, public register and consult with other organisations consequently this new legislation will have some resource implications. However the licensing service is currently in the process of appointing two temporary administration staff that will take some of the computer work from the licensing officers, therefore providing there are not too many smaller premises requiring registrations the licensing section could administer the set of registrations with the current staffing resources.

Authority

13. The Motor Salvage Operators Regulations 2002 amends the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 so as to ensure that the functions under this new legislation cannot be undertaken by the Cabinet and therefore would fall within the remit of the regulatory committee. It would require the Council to amend its Constitution and it would be appropriate to delegate the administration of the new registration to the Director of the Environment as with other licences.
14. The Act states that the local authority shall not proceed with any proposed refusal or cancellation of registration until an applicant or registered person has been given an opportunity to make representations to them about the proposal. If the person concerned informs the local authority that he desires to make oral representations, the local authority shall give him an opportunity of appearing before, and being heard by, a person appointed by the local authority.

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15. This is an unusual provision and means that the hearing of such objections would not be by this Committee but by a person appointed by the Council who would make the final decision. Bearing in mind that there is a further right of appeal to the Magistrates Court it would be appropriate for the person appointed to be the Director of Environment.

Recommendations

That the Committee consider :-

- (a) The new legislation relating to motor salvage operators;
- (b) Approve a registration fee of £70;
- (c) Agree that there shall be no charge for inspection or making copies of the public register;
- (d) Approve a fee for making a certified copy of the register of £15; and
- (e) Agree that the above fees shall be subject to periodic revision at the same time as all other fees;
- (f) They recommend the Council to amend the Constitution (Delegated Powers of the Director of Environment) by adding:-

“The Director of the Environment and officers authored by him no lower than the position of Trading Standards Manager to act on behalf of the Council in relation to its functions and responsibilities for registering motor salvage operators including being the person appointed by the Council to hear oral representations, concerning the proposed refusal, refusal to renew or cancellation of a registration.”