
REPORT TO: ENVIRONMENTAL and
DEVELOPMENT SERVICES

AGENDA ITEM: 15

DATE OF MEETING: 30th January 2003

CATEGORY:
DELEGATED

REPORT FROM: ENVIRONMENTAL HEALTH
MANAGER

OPENPARAGRAPH NO:

MEMBERS' CONTACT POINT: Carl Jacobs
595717

DOC:

SUBJECT: Motor Salvage Operators
Regulations 2002

REF: c:\myfiles\com\ES\
Msalvageops

WARD(S) AFFECTED: All

TERMS OF REFERENCE: ES13

1.0 Recommendations

- 1.1 That the Committee approves the adoption of the Motor Salvage Operators Regulations 2002, and the officers designated as signatories for the Regulations.
- 1.2 That the Committee approves the charges set for administrative purposes of £60 for registration and if a Criminal Records Bureau check is required this fee will be levied at the appropriate fee additional to the registration. A certified copy of the Register (Signed by an Authorised officer as a true copy) will be charged at £10 and £5 for a non certified copy of the register.

2.0 Purpose of Report

- 2.1 To draw members attention and authorise officers to Act on behalf of the Authority in regards to the Registration of Motor Salvage Operators Regulations 2002.
- 2.2 The legislation regulates the trade of dismantling and disposing of motor vehicles. It is designed to control the unscrupulous traders to dispose of stolen vehicles. The legislation is hoped to make it much harder for criminals to dispose of stolen vehicles and increase the chance of detection and to reduce the likely hood of providing false identity for already stolen cars 'ringing'

3.0 Detail

- 3.1 All Motor Salvage Operators (See appendix1 for definition of operator) now need to Inform and Register with their appropriate Local Authority. The Regulations do not give any powers of inspection to the Local Authority but does give powers of Entry to the Police to Motor Salvage Yards. Any body operating such a premises without registration would be committing an offence, enforceable by either the Derbyshire Constabulary or by SDDC. Traders additionally need to inform the Local Authority of any changes that may affect the licence and if they cease trading.

- 3.2 The Regulations require that the Local Authority shall register all applications unless **certain conditions exist** . These are that :-
- a) application form incorrectly completed
 - b) fee has not been paid or
 - c) person not a fit and proper person
- 3.3 It is likely that any refusal or cancellation of a licence will be on the grounds that the person is not a fit and proper person and this information will be provided by the police or via the Criminal Records Bureau.
- 3.4 Any refusal of approval is subject to appeal and would be placed before the Licensing Sub-Committee at the earliest opportunity. If the Committee confirmed the decision to refuse the applicant could then appeal to the Magistrates Court within 21 days.
- 3.5 The Authority is charged by the Regulations to keep a register which will hold information such as the name and usual residence of the operators. This information is open to the Police.
- 3.6 A public register must also be kept which hold similar information to the register in but not information relating to home address's.
- 3.7 The Regulations allow the Local Authority to charge a reasonable fee for operating the Registration Scheme and the Home Office guidance suggests a fee of between £40- £70. It is suggested that a fee £60 be levied for each application which will cover the Authorities administration charge. Each Registration is valid for a 3 Year period.
- 3.8 Fees can also be charged for a certified copy of the Public Register and it is additionally suggested that the full amount allowed of £10 be levied. For non Certified copies of the Public Register it is suggested that the charge is £5.
- 3.9 At present we are still in discussion with the Derbyshire Constabulary regarding information that can be released to the Local Authorities in relation to the element of fit and proper person. If the police are unwilling to freely give this information (as required by the code of practice) because of Data Protection we will need to obtain it from the Criminal Records Bureau. This will result in an additional cost, which would be an additional cost to the applicant on top of the Local Authority Fee.
- 3.10 It is requested that the signing of Notices, Certificates of Registration and Certifying copies of the register be delegated to the following officers.
- Head of Community Services
 - Environmental Health Manager
 - Environmental Health Manager (Commercial and Licensing)
 - Environmental Protection Manager

4.0 Financial Implications

- 4.1 There are no financial implications

5.0 Corporate Implications

- 5.1 None

6.0 Community Implications

6.1 Stolen cars is an issue that affects a majority of the Community and it is hoped that this legislation will reduce the incidents of stolen vehicles and 'ringers' appearing on the streets.

7.0 Background Papers

8.1 None

