

**CCReport of: Environmental Health Business Unit Manager**

**To: General Purposes Licensing Committee**

**Date: 20<sup>th</sup> January 2006**

**Item No:**

**Title of Report : The Motor Salvage Operators Regulations 2002**



### **Summary and Recommendations**



**Purpose of report:** In order for this Council to carry out its statutory duty under the Vehicles (Crime) Act 2001 and The Metal Salvage Operators Regulations 2002.



**Key decision: N/A**

**Portfolio Holder:N/A**

**Scrutiny Responsibility: N/A**

**Ward(s) affected: ALL**

**Report** Legal and Democratic Services Business Manager: (Jeremy  
hclin).



**Policy Framework:N/A**



### **Recommendations**

The Committee is recommended to note the requirements for motor salvage operators to be registered and agree a registration fee to be charged by Oxford City Council.



## **Background**

1. One of the largest single categories of recorded crime is vehicle crime. To make it more difficult for criminals to dispose of stolen vehicles and to increase the chance of detection if they do so, the Vehicle (Crimes) Act 2001 and the Motor Salvage Operators Regulations 2002 have been introduced. Motor salvage operators are now required to
  - Register with the Local Authority in whose area they are operating
  - Maintain appropriate records of all vehicle purchases and disposals
  - Carry out full identification checks of vendors and purchasers; and
  - Allow the police (and other investigators) the right of entry to the premises and the right of search. A warrant is not required where the police require entry to a registered premise.
2. Motor Salvage Operators will not be permitted to carry out their business unless they have registered with their Local Authority. Failure of an operator to comply with the requirements may lead to a fine not exceeding £5,000 and/or 2 years imprisonment.

## **Definition of a Motor Salvage Operator**

3. Under the Act a person is deemed to be carrying on business as a motor salvage operator where the business wholly or partly involves:
  - The recovery for re-use or sale of salvageable parts from motor vehicles and the subsequent sale or other disposal for scrap of the remainder of the vehicles concerned
  - The purchase of a written off vehicle and their subsequent repair and resale
  - The sale or purchase of motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale) of any of the activities mentioned above.

## **Period of Registration**

4. Once registered the Local Authority is responsible for maintaining a public register of motor salvage operators in its area. Registration of the motor salvage operation is valid for 3 years commencing from the date that the entry was made in the Council's "Register of Motor Salvage Operators".
5. If the motor salvage operator wishes to continue in the uninterrupted functioning of its motor salvage activities, it must submit a valid application for the renewal of its registration to the Local Authority prior to cessation of the existing registration period. An operator is deemed to have ceased to be registered if they have not made an application prior to the expiry of their existing registration.

## **Determination Of Registration**

6. In deciding whether to approve registration, the Local Authority must be satisfied that the applicant is a 'fit and proper' person, taking into account:
  - Various unspent convictions, including the offences of
    - a) Theft or attempted theft of or from a motor vehicles, contrary to Section 1 of the Theft Act 1968;
    - b) Taking a motor vehicle without consent, contrary to Section 12 of the Theft Act 1968;
    - c) Aggravated vehicle taking, contrary to Section 12A of the Theft Act 1968;
    - d) Handling stolen goods, contrary to Section 22 of the Theft Act 1968;
    - e) Going equipped to steal or take a motor vehicle, contrary to Section 25 of the Theft Act 1968;
    - f) Interference with a motor vehicle, contrary to Section 9 of the Criminal Attempts Act 1981;
    - g) Tampering with a motor vehicle, contrary to Section 25 of the Road Traffic Act 1988;
    - h) Convictions for offences under Part 1 of the Vehicle Crimes Act 2001;
  - Details of any undischarged bankruptcy of the applicant or any directors or partners of the applicant business; and
  - Information provided by the police (which must be disclosed to the applicant).
7. Where it is the Council's decision to refuse or cancel registration, it must serve a notice on the applicant informing them of their intention to do so, the reasons why, and the period in which the applicant can make representation to the Council (not less than 14 days). Representations may be made orally or in writing
8. If after representations have been made the Council decides to proceed with the refusal or cancellation of the registration it must serve a Notice on the applicant informing them of their decision, and also providing them with details relating to their rights of appeal against the decision.

## **Registration Fee.**

9. A fee is payable by the applicant on the submission of an application seeking registration. There is no prescribed fee but the fee charged should be set to recover the costs incurred by the Local Authority for processing the application and maintaining the public register. The Local Government Association has suggested that a fee of £40 to £70 should be charged to cover the cost of administering the registration scheme. A fee of £70-£80 is a common charge set by many Local Authorities. It is estimated that the cost for administering the registration scheme in Oxford would be about £75.

## **Current Situation**

10. In the Oxford City Council area there is just one motor salvage operator, which is Metal Salvage Ltd in Jackdaw lane.

## **Recommendations**

11. The Committee is recommended to note the requirements for motor salvage operators to be registered and agree a registration fee to be charged by Oxford City Council.

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