

HOUSING, NEIGHBOURHOODS AND REGULATION POLICY DEVELOPMENT

MEETING, 7TH OCTOBER, 2010

Present – Councillors Peel (Chairman), Harkin (Vice-Chairman), R. Barrow, Mrs. Brierley, Iqbal, A. N. Spencer, D. Wilkinson and Woodward.

Also in attendance

Mrs. M. Stoney	Assistant Director Legal Services
Ms. P. Clyne	Principal Licensing Officer
D.I. A. Cunliffe	Greater Manchester Police
Mrs. V. Ridge	Principal Democratic Services Officer

Councillor Peel in the Chair

16. MINUTES

The minutes of the proceedings of the meeting of the Policy Development Group held on 18th August, 2010 were submitted and signed as a correct record.

17. MOTOR SALVAGE OPERATOR REGULATIONS 2002

The Director of Chief Executive's Department submitted a report which sought member's views on proposals for the implementation of the Motor Salvage Operator Regulations 2002.

By way of background, members were advised that the Vehicle (Crimes) Act 2001 and the Motor Salvage Operators Regulations 2002 provided the framework for the registration of motor salvage operators. Section 1 of the Act placed a requirement on all persons carrying on a business as a motor salvage operator, to register with the Local Authority (LA) in whose area their registered place of business was located.

The report provided a definition of who needed to register and the Act required every LA to establish and maintain a register for their area, of persons carrying on a business as a motor salvage operator in that the area and details of what the register should consist of were outlined in the report. Each registration was valid for three years.

In terms of registration, it was explained that the LA should work on the basis that an applicant should be registered unless the prescribed application form was incomplete, the appropriate fee had not been paid or they were not satisfied that the applicant was a 'fit and proper' person to carry on the business of a motor salvage operator. The report detailed the information which should be taken into account when considering whether an applicant was a 'fit and proper' person and if this was determined to be the case the LA could cancel the registration. However, before refusing or cancelling a registration the applicant must be given the opportunity to make representations. In these circumstances the representations and the subsequent decision to grant; refuse; renew or to cancel a registration would be referred to members of the Licensing and Environmental Regulation Committee for consideration.

With regard to the charging of fees, it was stated that the LA was permitted to levy a reasonable fee (cost recovery only) for the operation of the scheme to be collected from those seeking registration. Consequently, taking into account the few occasions where a registration might need to be refused or cancelled and with minimal enforcement initiatives, it was proposed to introduce a fee of £100 for a three year registration to cover the cost of providing this function. Initial enquiries had identified fifteen motor salvage operators within the Bolton area, however, this figure might increase with the detection of smaller operators and garages.

In terms of the involvement of the Greater Manchester Police, members were informed that in order to enable the LA to determine if an applicant was a fit and proper person a completed application form would be submitted to the local police for comment. The police would provide any 'disclosable' intelligence prior to the registration process being completed. It was explained that to facilitate the

process, the Director of Chief Executive's Department was required to approve an information sharing agreement with the Greater Manchester Police which had now been prepared and was ready to be signed.

The report also provided details in relation to the powers which the Police had under the Act and also the level of detail which needed to be recorded and retained.

Members were advised that, as the regulations had been in place for some time, a number of local authorities had already implemented them and details of this were appended to the report.

Detective Inspector Andy Cunliffe, Greater Manchester Police, also gave a presentation to members which provided details which supported the implementation, and justified the enforcement, of the Motor Salvage Operators Regulations 2002.

A discussion ensued with regard to the proposals and some concern was expressed in relation to the proposed level of fee to be charged. It was queried whether the fee of £100 reflected all the costs involved and it was suggested that officers revisit this and take into account the fees imposed by other Greater Manchester Authorities, in particular, Wigan which currently charged £112.

It was agreed that the report be noted and officers reconsider the proposed level of fee to be charged prior to its submission to the Executive Member for Housing, Neighbourhoods and Regulation.

(The meeting started at 10.00 a.m. and finished at 11.20 a.m.)

