

**REPORT OF DIRECTOR OF DEVELOPMENT & ENVIRONMENTAL SERVICES**

**Vehicles (Crime) Act 2001  
Motor Salvage Operators Regulations 2002  
Motor Salvage Operators Registration**

**1.0 SUMMARY**

- 1.1 This report outlines recent legislation which introduces registration responsibilities to be placed on local authorities in respect of Motor Salvage operators.
- 1.2 The report asks the Committee to agree to the proposal for the administration and the determination of registration under the legislation and agree a fee for the registration of operators.
- 1.3 The aim of the legislation is to reduce crime and introduce proper regulation into the motor vehicle salvage industry.

**2.0 RECOMMENDATIONS**

- 2.1 IT IS RECOMMENDED THAT the Committee:
  - a) Note the contents of this report and agree to delegate to the Team Leader (General Licensing) and Service Manager (Food & Licensing) responsibility for the determination of registrations, transfers, variations, renewals, cancellations and revocations under the Regulations and to consider representations from applicants as to their fitness to hold registration.
  - b) Support the partnership working proposals involving the Police and other local authorities that is proposed by this report;
  - c) Approve the procedure in this report for the registration of persons covered by the regulations;
  - d) Approve the fees involved in the registration proposals set out in this report.

**3.0 BACKGROUND**

- 3.1 On 21 October 2002 the Vehicles (Crime) Act 2001 becomes operative. The Act places a responsibility on local authorities to make provision for the registration of Motor Salvage Operators carrying on a business in the authority's area and to keep certain records as outlined in the Regulations. The requirements to register extend to any person carrying

on the business of a motor salvage operator and include a company or partnership. It is an offence not to be so registered.

- 3.2 This requirement applies to any person who carries on a business wholly or partly in:
- i) the recovery of salvageable parts from motor vehicles for re-use or re-sale; or
  - ii) the purchase of written-off vehicles and their subsequent repair and re-sale;
  - iii) the sale or purchase of motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale) of the activities outlined in i) and ii)
- 3.3 That person requires to be registered with the local authority in whose area that business is situated or in the local authority where he resides. The register is to be a public register open for inspection and charges can be made for inspecting it and taking copies of entries from it. Other sectors of the motor salvage industry such as scrap metal dealers are largely covered by existing legislation.
- 3.4 The exact size of the relevant sector of the industry is not known but is estimated nationally to be approximately 2,500 to 3,000 companies employing 20,000 to 30,000 people. The bulk of these are vehicle dismantlers that are often larger, visible businesses. But there are a large number of back street motor businesses that dismantle the odd vehicle as necessary. The effect of the legislation is to apply to the whole of the sector irrespective of size.
- 3.5 Enforcement of the regulations falls to the Police. Grant of Registration will include a Police check that will help the Council to determine whether the applicant(s) is fit and proper to hold Registration as a Motor Salvage Operator.

#### **4.0 PROPOSALS**

- 4.1 The procedure set out at appendix 1 will be followed for the process of registration.

#### **5.0 FINANCIAL IMPLICATIONS**

- 5.1 A fee of £70 (non-returnable) is proposed for the process of registration.
- 5.2 A fee of £2.50 (non-refundable) is proposed to inspect the register. A further fee of £2.50 (non-returnable) for a certified copy of a Register entry is proposed. Additional copies to be charged at 20p per copy.
- 5.3 Both fees to be subject to periodic revision along with other Licensing fees and charges.

## **6.0 LEGAL IMPLICATIONS**

6.1 The Assistant City Secretary (Legal Services) has been consulted over the proposals and his comments have been included in this report.

## **7.0 EQUAL OPPORTUNITIES IMPLICATIONS**

7.1 None

## **8.0 CORPORATE OBJECTIVE**

8.1 This is a further opportunity for the Council to work with the Police in tackling crime in the community.

## **9.0 BEST VALUE**

9.1 This scheme is an example of positive partnership working.

## **10.0 CRIME & DISORDER IMPLICATIONS**

10.1 Regulating this industry is expected to avoid upto 30,000 vehicle thefts per year.

### **List of background papers other than published works or those disclosing confidential or exempt information**

None

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### **DIRECTOR OF DEVELOPMENT & ENVIRONMENTAL SERVICES**

Lawrence House, Talbot Street, Nottingham  
30 August 2002

**Contact Officer: Tim Coulson, Service Manager – Food & Licensing**  
**Telephone Number: 0115 9156781**  
**E-mail: [general.licensing@nottinghamcity.gov.uk](mailto:general.licensing@nottinghamcity.gov.uk)**

## **Motor Salvage Operators – Guidance on the Relevant Provisions**

### 1.0 Extent of Registration

- 1.1 The Vehicles (Crime) Act 2001 places a responsibility on a local authority to make provision for the registration of motor salvage operators carrying on a business or residing in that authority's area. It is an offence for an operator not to register.
- 1.2 The registration requirement applies to any person whose business wholly or partly involves:
- a) the recovery of salvaged parts from motor vehicles for re-use or re-sale and the sale or disposal for scrap of the remainder of the vehicle;
  - b) the purchase of written-off vehicles and their subsequent repair and re-sale;
  - c) the sale or purchase of motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale) of the activities outlined in a) and b) above.
- 1.3 The Council must establish and maintain a public register of those persons who are carrying on the business of motor salvage operators in their area. The register contains those provisions that are prescribed in law and is in an appropriate database format.

### 2.0 The Registration Process

- 2.1 Registration lasts for three years. Providing that an Operator applies to renew his registration before it expires, he is permitted to continue to operate his business even if the renewal application has not been determined prior to the expiry of his registration.
- 2.2 The Council are entitled to require a fee for the work involved in administering the registration system.
- 2.3 The Council is required to satisfy itself that the applicant or the holder of an existing registration (including a company) is fit and proper to hold a registration.
- 2.4 To be satisfied that the person or company meets the test of being considered 'fit and proper' the Council must have regard to matters including:
- a) whether the applicant, any director of a company or any member of a partnership has been convicted of any offences in relation to registration as a motor salvage operator; and
  - b) whether any of the above have been convicted of any other offence specified by Order of the Secretary of State. These offences are any unspent convictions for:

- i) theft or attempted theft of or from a motor vehicle contrary to Section 1 of the Theft Act 1968;
- ii) taking a motor vehicle without consent contrary to Section 12 of the Theft Act 1968;
- iii) aggravated vehicle taking contrary to Section 12A of the Theft Act 1968;
- iv) handling stolen goods contrary to Section 22 of the Theft Act 1968;
- v) going equipped to steal or take a motor vehicle contrary to Section 25 of the Theft Act 1968;
- vi) Interference with a motor vehicle contrary to Section 9 of the Criminal Attempts Act 1981;
- vii) Tampering with a motor vehicle contrary to Section 25 of the Road Traffic Act 1988

And also any case of undischarged bankruptcy of the applicant or any director or partner of the applicant business.

- 2.5 A Police record check will be required during the application process, to assist in determining whether an applicant is 'fit and proper' under the legislation.
- 2.6 In the event that the Council is minded to refuse, renew or cancel a registration, the Council shall serve upon the applicant/Operator a Notice stating
  - a) that the Council are so minded;
  - b) the reasons why the Council are of that opinion; and
  - c) the period (not less than 14 days starting with the date of service of the notice) within which the person concerned may by notice
    - i) require the Council to give him an opportunity to make representation as to why he should be registered; or
    - ii) inform the Council that he does not wish to make any such representation.
- 2.7 Where the Council has served a notice as at 2.6 above they can not proceed with the proposed refusal or cancellation until:
  - a) the person concerned has made representations about the proposal or informed the Council that he does not wish to make any such representation; or
  - b) the period mentioned in (2.6) (c) above has passed without the Council being required to give the person concerned an opportunity to make representation or without them being informed that he does not wish to make representation; or
  - c) the conditions below are satisfied.
- 2.8 The conditions referred to in 2.7 above are that:
  - a) the person concerned has required the Council to give him an opportunity to make representation to them about the proposal;
  - b) the Council has allowed him a reasonable period to make his representation; and
  - c) he has failed to make them within that period.

- 2.9 Any representation by the applicant may be made orally or in writing. Where this is to be orally the Council shall give that person an opportunity of appearing before them and being heard by a person appointed by the Council (the Licensing Team Leader).
- 2.10 Where a decision to refuse or cancel a registration is made, the Applicant has the right of appeal to the Nottingham Magistrates' Court within 21 days of that decision.
- 2.11 Where the Council have refused an application to grant or renew a registration, or where a registration has been cancelled, the Council can refuse to consider any further applications from the Applicant or former registered Operator for a period of three years from the date of refusal or cancellation.
- 3.0 Enforcement
- 3.1 The Police have sole responsibility for the enforcement of the legislation.
- 4.0 Fees
- 4.1 It is proposed that a fee of £70 per application (initial grant, transfer or renewal), is charged and that a further fee of £2.50 is charged for a copy or a certified copy of an entry from the public register of salvage operators and 20p per additional copy thereafter.
- 5.0 Use of Delegated Power
- 5.1 The grant or refusal of an application for registration will, after consultation with the Police be devolved to the Team Leader (General Licensing) or Service Manager (Food and Licensing).
- 5.2 The cancellation of registration in the first instance after consultation with the Police is to be devolved to the Team Leader (General Licensing) or Service Manager (Food and Licensing).
- 5.3 Where an applicant or existing registered Operator wishes to make representation regarding a notice informing him that the Council is minded to refuse or cancel a registration as at 2.6 above, the representation is considered either orally or in writing by the Team Leader (General Licensing) or Service Manager (Food and Licensing)



DRAFT APPLICATION FORM

**VEHICLES (CRIME) ACT 2001**

**APPLICATION TO REGISTER AS A MOTOR SALVAGE OPERATOR**

**Please indicate: - Type of registration (please tick as appropriate): -**

New                       Renewal

a) Non-limited liability partnership or individual

b) Body Corporate/Company

**a) Application by partnership or individual**

Details must be given for all partners): -

	Full First Name(s)	Full Surname(s)	Date of Birth
1			
2			
3			
4			
5			

Address of usual place of residence: -

1	
2	
3	
4	
5	

Addresses of **all** premises in the City which will be occupied for the purposes of the business: -

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**b) Application by body corporate (a Company)**

Details of applicants (all directors and company secretary must be given): -

	Full First Name(s)	Full Surname(s)	Date of Birth	Status i.e. Director, Company Secretary
1				
2				
3				
4				
5				

Address of registered or principal office: -

**TO BE COMPLETED BY ALL APPLICANTS:**

Are any applicants registered as a salvage operator with another Council? Yes  No

If YES, please state the applicant, Council and date of registration: \_\_\_\_\_

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Have any applicants had a registration refused or cancelled with this or any other Council?

Yes  No

If YES, please state the applicant, Council, date, details and reason for refusal or cancellation

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Are any applicants an undischarged bankrupt? Yes  No

If YES, please state the applicant and date of court ruling: \_\_\_\_\_

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IN RELATION TO THE ACT AND THE SPECIFIED OFFENCES ORDER, HAVE ANY OF THE APPLICANTS EVER BEEN CAUTIONED BY THE POLICE, OR CONVICTED OF AN OFFENCE THAT IS NOT SPENT UNDER THE REHABILITATION OF OFFENDERS ACT 1974? (Please see enclosed guidelines)

Yes  No

**If YES, please give the name of the applicant, details of the offence, date heard and Court or Police Force involved.**

Name	Offence Details	Hearing Date	Court/Police Force



**DECLARATION BY THE APPLICANTS (please read this carefully)**

**I/we the undersigned apply for registration as a motor salvage operator within the City of Nottingham.**

**I/we declare that to the best of my/our knowledge and belief the above information is true and correct.**

**I/we understand that the Grant of Registration is subject to a Police records check and give consent to a Police records check being made.**

**I/we understand that spent convictions are not taken into account.**

**I/we understand the Grant of Registration is subject to comments from the Police.**

**I/we confirm that I/we have read and understand the Guidance for Applicants for registration as a Motor Salvage Operator and will conform with the requirements for registration.**

**I/we enclose the application fee which I/we understand is not refundable.**

Signature of applicant(s) or in the case of a Company the person authorised to sign for that Company and their position in the Company (e.g. Company Secretary) :

- 1 \_\_\_\_\_ Date \_\_\_\_\_
- 2 \_\_\_\_\_ Date \_\_\_\_\_
- 3 \_\_\_\_\_ Date \_\_\_\_\_
- 4 \_\_\_\_\_ Date \_\_\_\_\_
- 5 \_\_\_\_\_ Date \_\_\_\_\_

**Note**

**This application form should be returned to** General Licensing, Development and Environmental Services Department, Lawrence House, Talbot Street, Nottingham, NG1 5NT **together with the following:**

**Registration fee of £70 – (cheques payable to Nottingham City Council)**

**It is an offence to make false statements on this application form.**

The information given on this form may be shared with other local authorities for the prevention and detection of fraud and held on a computer which is subject to the Data Protection Act 1988.

**Office use**

**Date application received:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**Form B sent:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**Returned:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**Grant decision** \_\_\_\_\_

**Date of notif – Grant:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**Notice of refusal** \_\_\_\_/\_\_\_\_/\_\_\_\_

**Request to make representations received** \_\_\_\_/\_\_\_\_/\_\_\_\_

**oral / verbal representations to be made**

**Appeal reason:**

**Appeal: Grant / Refuse**

**Appeal decision:** \_\_\_\_/\_\_\_\_/\_\_\_\_

## DRAFT LETTER TO PROSPECTIVE APPLICANTS

Dear Applicant,

### **Application for Registration as a Motor Salvage Operator**

Further to your recent enquiry I enclose the following documents:

- a registration application form
- guidance to the regulations
- guidance to the registration procedure to assist you in making your application.

Please be aware that your application needs to be made with full details provided on the application form and submitted to the Council together with the required fee to enable your application to be dealt with as quickly as possible. Please be aware that an incomplete application will result in delay and may even be refused.

There will be a delay whilst the Police check is being made but it is hoped to be able to deal with your application as quickly as possible after the Police check is returned to the Council.

Your attention is drawn to the guidance notes provided to you with the application documentation. Please read them carefully. If you have any queries about the application process please contact the General Licensing Service at the above address. If you are not sure whether the registration requirement applies to you or you have any queries regarding the grant, refusal or cancellation of a registration you are advised to contact your legal advisor.

Yours faithfully,

Licensing Officer

## **DRAFT REGISTRATION GUIDANCE**

### **Guidance Notes to Registration as a Motor Salvage Operator**

A person is required to be registered as a Motor Salvage Operator where he carries on a business that wholly or partly involves:

- a) the recovery of salvaged parts from motor vehicles for re-use or re-sale and the sale or disposal for scrap of the remainder of the vehicle;
- b) the purchase of written-off vehicles and their subsequent repair and re-sale;
- c) the sale or purchase of motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale) of the activities outlined in a) and b) above.

If a company operates the business each director and the company secretary must be named on the application form. Likewise for a partnership all partners must be named on the application form.

Applicants should note that a Police check will be carried out against each named individual. The application form allows for upto 5 names to be stated upon it. If there are more than 5 directors or partners, an additional form should be used.

If you think that registration should not apply to you contact your legal advisor straightaway for advice and legal guidance.

You will be provided upon request with an application pack to allow you to apply for registration. The pack will include the following:

- An application form
- Guidance on the relevant provisions
- An introductory application letter
- Guidelines to the Rehabilitation of Offenders Act 1974

If any of these are missing please contact the General Licensing Service. We can be reached as detailed at the end of these notes.

The regulations covering registration as a Motor Salvage Operator require that certain matters must be looked into as part of an application. In particular the Council must be satisfied before we register someone as a Motor Salvage Operator, that he is a fit and proper person.

To determine this a Police check is made on the details provided on the application form. Matters that are taken into account include:

- a) whether the applicant, any director of a company or any member of a partnership has been convicted of any offences in relation to registration as a motor salvage operator;

- b) whether any of the above have been convicted of any other offence specified by Order of the Secretary of State. These matters are detailed in the Guidance to the Regulations as a Motor Salvage Operator; and
- c) failure to disclose information as above.

You may be required to attend an interview as part of the application process. If you are it is important that you keep the appointment made in order to ensure that your application is dealt with as quickly as possible.

The comments of the Police will be taken into account when determining the application.

You may be notified that the Council is considering refusing to register or to renew your existing registration, or considering cancelling your registration. You are entitled to make representations to the Council before a decision is made. If your application is refused, a right of appeal exists as outlined in the Guidance to the Relevant Provisions.

If any person registered as a Motor Salvage Operator (including a company or a partnership, or a director or partner of the same) is convicted of an offence under the regulations, they must disclose the fact to the Council immediately. At that time a review will be made of the standing of that person (company or partnership) to maintain their registration. Failure to disclose convictions is likely to lead to the Council cancelling the registration.

The Council must keep a public register of all persons registered as a Motor Salvage Operator. This register is open for inspection by anyone during office opening hours upon payment of a fee, and can be seen at the General Licensing Service office, at the times and the address given at the end of these notes. A certified copy of an entry may be taken on payment of a further fee.

Please use the details below to check that you have everything you need to make a full application for Grant of Registration.

Have I got a Motor Salvage Operator's application form?

Have I read the Guidance Notes to Registration?

Have all parts of the application form been completed?

Have all applicants signed and dated the form?

Have I enclosed the correct fee? (Cheques payable to Nottingham City Council)

Send or bring the completed application form and fee to The General Licensing Service, Development & Environmental Services Department, Lawrence House, Talbot Street, Nottingham NG1 5NT

For general advice regarding the application process please either call at the above office between 8.30 a.m. and 4.50 p.m. or telephone 0115 9156776. Alternately email the service at [general.licensing@nottinghamcity.gov.uk](mailto:general.licensing@nottinghamcity.gov.uk)