

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

14 November 2005

Report of the Chief Solicitor

Part 1- Public

Delegated

2 VEHICLES (CRIME) ACT 2001: LICENSING OF MOTOR SALVAGE OPERATORS

2.1 Introduction

2.1.1 Under the Vehicles (Crime) Act 2001, the Council has responsibility for the licensing of motor salvage operators. In common with other Kent districts, the Council agreed that the function could be discharged by Kent County Council Trading Standards under an agency agreement for five years, subject to receipt of an annual report.

2.2 Annual reports

2.2.1 Last year we were unable to secure a report from Trading Standards for the year 2002/03. However, I set out at **[Annex 2.1]** statistical information received from Trading Standards about their work throughout the County in the years 2002/03 and 2003/04 itemised by district. Set out at **[Annex 2.2]** is a further memorandum received from Trading Standards showing information relating to the initial three year period under the Act.

2.2.2 I have asked the County Council to confirm what methodology they use to ensure that all businesses which ought to be licensed have, in fact, obtained a licence. At the time when this report was written, I had not received any reply.

2.2.3 A letter dated 4 July 2005 and issued jointly by the Home Office and the ODPM relating to the issue of licences. A copy is set out in **[Annex 2.3]**. I asked the County Council to deal with the issues raised in their annual report but, as at the time when this report was written, I had not received any information.

2.3 Renewal of agency agreement

2.3.1 The Council's existing agency agreement expires on 18 November 2005. Kent County Council have invited this Council to renew the agreement. The reason for delegating this function to the County Council was to achieve uniformity of action, bearing in mind that motor salvage operators are already required to register with the County Council under the provisions of the Kent County Council Act 2001.

2.3.2 Under the terms of the present agency agreement, the County Council is required to submit an annual report to the Borough Council giving information about the County Council's activity under the Act in respect of the Borough. However, these reports have not always been forthcoming and have not contained information that we have requested. I know that, in the past, some members have been critical of this failure to abide by the terms of the agency agreement.

2.3.3 As a result, I do not feel able to recommend to members that the agency agreement be renewed as a long-term arrangement and that it should be renewed for a further three year period subject, again, to the condition that an annual report be submitted. However, if performance were to be satisfactory under a further agreement, then an agency arrangement for the lifetime of the legislation could be considered.

2.4 Recommendation

2.4.1 It is **recommended** that:

- 1) the Council renew its agency agreement with Kent County Council for a further term of three years, subject to the proviso that the County Council provide the Borough Council with an annual report as to action taken under the agency agreement;
- 2) the Kent County Council be advised that, subject to satisfactory performance under the renewed agency agreement, the Council is minded to grant a further agency agreement for the lifetime of the legislation.

Background papers:

Nil

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