

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

2 April 2007

Report of the Chief Solicitor

Part 1- Public

Matters for Recommendation to Council

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

- 1.1.1 Members will recall from previous reports that this Council is responsible under the Vehicles (Crime) Act 2001 for licensing motor salvage operators. As in the rest of the County, this function is discharged by Kent County Council under an agency agreement made under section 101 of the Local Government Act 1972.
- 1.1.2 On entering into the original agency agreement, members were anxious that they should have an annual report on performance. I attach at **[Annex 1]** the Kent County Council's report for the period from 1 October 2005 to 31 March 2006.
- 1.1.3 Members were previously concerned that there were only a few number of registrations for this borough and that this might reflect a lack of activity on the part of Kent County Council in implementing the arrangements. I have had some detailed discussions with the new management team at Trading Standards and I am satisfied that they are dealing with this matter with due diligence. I am therefore recommending that the agency agreement be renewed for the life of this legislation, rather than on an annual basis.

1.2 Legal Implications

- 1.2.1 The Council has a duty to make proper arrangements for the delivery of this service. Under section 101 of the Local Government Act 1972 the Council can arrange for the discharge of its functions by another local authority.

1.3 Financial and Value for Money Considerations

- 1.3.1 Under the agency arrangement, whilst the County Council retains any licence fees, it fully funds delivery of the service.

1.4 Risk Assessment

- 1.4.1 The Council has a duty to make proper arrangements for the delivery of this service and this duty is satisfied by the proposed agency arrangement.

1.5 Recommendations

- 1.5.1 It is **recommended** that the Council's agency agreement with Kent County Council under section 101 of the Local Government Act 1972 in respect of the licensing of motor salvage operators under the Vehicles (Crime) Act 2001 be continued for the lifetime of the legislation.

Background papers:

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Nil

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Chief Solicitor