

Metal theft

A councillor handbook





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Foreword

Metal theft has increased dramatically over the last couple of years, and is now having a significant impact on communities. Nine out of ten councils have been affected and disruptions to rail services, loss of power to homes, interruptions to telecommunications, theft of lead from the roofs of churches, the theft of bus shelters, lightning conductors, street signs, gully and manhole covers, and war and grave memorials have serious implications for communities.

Many of us have suffered from the disruptions caused by metal theft. Train tracks, garden gates, street signs, manhole covers – nothing is safe. It is only a matter of time before someone is seriously injured by these thoughtless crimes. Indeed, several of the criminals have themselves been electrocuted while in pursuit of valuable materials from sub-stations and railway cables.

Our residents and businesses are being seriously affected and we, as elected members, must do all we can to prevent thefts from happening. The LGA is working with Parliament to introduce a new licensing scheme for scrap metal dealers, but there is much that councils can do locally to make metal theft a less appealing and profitable activity for criminals.

Local areas have already been taking action to reduce metal theft in conjunction with police, the British Metals Recycling Association (BMRA), and their own local scrap dealers. We have, as always, seen councils setting the standard in responding to the issues at hand. My own council, Kirklees, has been working on a code of conduct for local metal dealers, while the Forest of Dean has been instrumental in an innovative, resource-efficient protocol for use by council and police partnerships.

We have produced this handbook in direct response to the resolution on tackling metal theft raised and emphatically passed by members at the 2012 LGA General Assembly. In it, we outline some of the key facts about metal theft and suggest ways in which councillors can make a real difference locally. It complements the practical toolkit that I had the pleasure to launch in March 2012; the toolkit contains pro-forma examples and effective practice case studies that will help officers translate your leadership into practical prevention and enforcement activities.



Councillor Mehboob Khan,
Chair of LGA Safer and Stronger Communities
Board and Leader, Kirklees Council

Introduction

Demand for metals has never been stronger and the metal recycling industry is booming, with a total worth of £5 billion in 2011. This is great news in terms of providing jobs and reducing the UK's environmental footprint, but the poor regulation of the industry and legislation dating back to 1964 means it is ill-adapted to cope with the rise in illegal sales.

In 2011, 15,000 tonnes of metal were stolen, of which 7,500 tonnes came from railways, statues and church roofs. The cost of the thefts to the railways alone amounted to £13 million¹, with many more millions lost as a result of delays to passengers. Overall, the Association of Chief Police Officers (ACPO) estimates that metal theft costs the UK economy £770 million every year, while others put the cost at £1 billion or higher.

The Home Office estimated that there were between 80,000-100,000 police recorded metal theft offences in England and Wales in 2010-11, amounting to around roughly a fifth of the 481,659 'other theft' offences recorded by the police in that year.²

The Energy Networks Association, representing utility companies, experienced an average of 20 attacks a day in 2011 at an estimated cost of £60 million. This was in addition to the £12 million already spent by the companies in security measures. While companies seek to absorb much of this

expense, there is inevitably a cost implication for consumers, in addition to the disruption caused to supply.

There have been some successes in tackling the issue with 314 prosecutions in 2011, resulting in custodial sentences of up to 27 months and fines up to £170 000. In addition, 759 illegal sites and 190 illegal scrapyards were closed down thanks to the intervention of councils, police and the Environment Agency.

There has also been a shift in the materials stolen, expanding the impact from lead on church roofs to encompass such commonplace materials as steel, cast iron and aluminium: metals used in construction of items such as manhole covers, shopping trolleys, phone cables and street signs. In short, all of the traditional materials used in street furniture and public infrastructure are now vulnerable and at risk.

Councils must now take sensible precautions to reduce the opportunity for thieves, whether through the use of alternative materials, more effective enforcement of scrap metal dealers, or developing robust policies to ensure that the council's disposal of its own metal assets is understood.

¹ British Transport Police, 2011

² Metal Theft - prohibit cash payments and higher fines
LASPO Act 2012 impact assessment, 22 February 2012

Identifying the problem

Metal theft has now affected 90 per cent of all councils, so it is likely that there will have been an impact on your community. However, it is important to understand whether this is a significant problem, a one off incident, or a problem that may increase or decrease over time.

It makes more sense to spend time and resources on identifying and tackling a long-term problem than on one that may have only lasted for a couple of weeks. Similarly, if there are steps that can be taken now to prevent a problem in the future then it is sensible to consider them. Current trends in market value for metals show no sign of reducing and it can be expected that theft of metal will continue to be financially attractive for both opportunists and persistent offenders.

There are a number of ways in which you can find out about the nature of the problem in your area and, as a result, identify any priority actions that you may need to take.

For instance:

- examination of police data may show a percentage rise in calls reporting metal theft
- rail operating companies may show a rise in delays due to metal theft
- consultation with communities and businesses may highlight anecdotal (non-reported) increases in incidents of low-level metal theft (lead from roofs, etc).

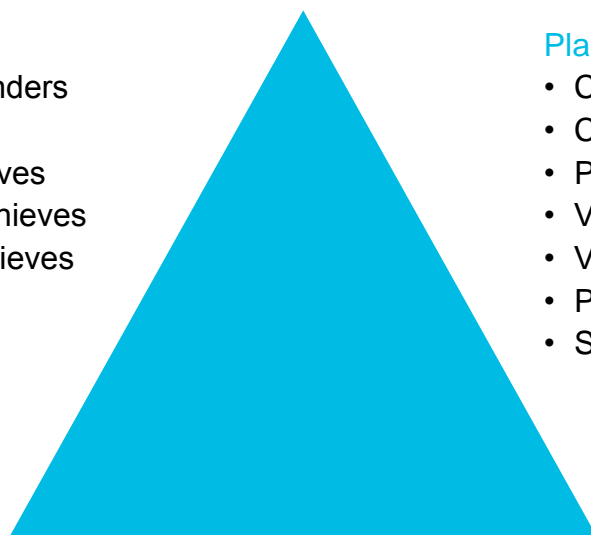


Following on from this analysis of the current picture, you may wish to develop a plan for assessing the risk of further problems. This could include developing a risk register of public property or protected buildings and monuments in the area, or undertaking a public awareness campaign to reduce the window of opportunity for theft. You will also want to liaise with neighbouring authorities and key partners to identify what work they may be doing to tackle the problem.

Where metal theft is a serious and recurring issue, one way of thinking about how to address it is through the problem analysis triangle often used in community safety to deal with crime and disorder problems. This relies on the idea that crime results when offenders and suitable targets come together in the same place. An example of this for metal theft is given in the diagram below, and using this approach can help identify the most appropriate means of addressing particular offences.

Offender

- Motivated offenders
- Scrap dealers
- Organised thieves
- Opportunistic thieves
- Drug related thieves



Place

- Construction sites
- Churches/public buildings
- Pubs and restaurants
- Vacant/void housing
- Vacant/void commercial premises
- Playgrounds
- Scrap metal/metal stores

Target

- Manhole covers
- Plumbing fixtures (pipes and boilers)
- Copper wiring and power transmission cables
- Rail tracks
- Vehicles and pedal cycles
- Beer kegs
- Gas canisters
- Fencing and railings
- Metal roofing sheets
- Bronze plaques and statues

Case study: London Borough of Lambeth

Lambeth is a historic borough and has over 2,500 listed buildings, 10 major war memorials and many other significant monuments. It is particularly vulnerable due to its extensive rail network and numerous listed buildings and monuments, with recent thefts including: a war memorial, lead and copper stolen from West Norwood Library which led to its closure, park benches stolen from Streatham common, signs, gutters, grave memorial, and even front gates belonging to residents.

A report by Lambeth Police to the council stated “The cost benefit analysis of this crime in the eyes of the criminal is now so attractive that metal theft may become more widespread in Lambeth than most other forms of acquisitive crime unless we do something to counteract this”.

As a result, Lambeth has established a scrutiny investigation:

- to investigate the current scale of metal theft in Lambeth and the existing response to the issue across the relevant agencies
- to identify the impact of metal theft on the borough’s residents, community groups, council and businesses
- to feed into, influence the development of, and support the development of Lambeth’s response to Richard Ottaway MP’s Private Members Bill
- to identify national and international best-practice in relation to the reduction of metal theft
- to make evidence-based recommendations to the relevant decision-makers that will result in reductions in metal theft and other improvement to this policy area.

Understanding the chain

Any item stolen in large quantities must have a retail outlet; that is, somewhere where the good can be converted into cash or some other asset. In the UK, the most accessible and immediate option for converting metal into cash is through a scrap metal dealer, either legally or illegally operating. This is not to say that other means of disposing of large quantities of stolen metal are not used, such as shipping it abroad in containers, and we touch on the implications of this later.

There are approximately 3,500 registered scrap metal dealers in the UK. The British Transport Police estimates that in addition to this there are also illegal sites and itinerant dealers that bring the total number of businesses operating in this sector to over 4,000. BMRA told us that the illegal sites that are known to authorities represent only “the tip of the iceberg” and suggested that “the size of the illegal trade, in terms of numbers of sites, is possibly as large as the legal trade”.

There are a number of pieces of legislation that cover scrap metal dealers. Many of these are long established and, to some extent, out of date. Itinerant collectors, in particular, are more loosely regulated and hard to monitor due to their lack of a fixed premise site; however, they should still be registered with each local authority under s1 of the Scrap Metal Dealers Act 1964 and register with the Environment Agency as a waste carrier. The latter should provide some degree of traceability.

However, there are also some more recent regulations that provide a welcome opportunity to reduce the ease with which thieves of metal can convert their items into financial gain.

Councillors will want to make sure that their officers are fully up date with changes to the legislation and actively checking them with the dealers in their area. You will also want to make sure that your officers have established a good working relationship with the Environment Agency (EA), to share intelligence and inform each other if the dealer is missing either an EA permit or council licence.

Legislation available

The Scrap Metal Dealers Act 1964 requires councils to register scrap metal dealers for a three year period, maintaining a register of all individuals and businesses who register to trade in their area as scrap metal dealers. It is a criminal offence under s1 of the Scrap Metal Dealers Act 1964 to carry on business as a scrap metal dealer and fail to register with the appropriate local authority as such. However, councils are not able to refuse a registration or to impose any operating conditions on the dealer and local authorities cannot charge to register

The 1964 Scrap Metal Dealers Act requires councils to issue licences to scrap metal dealers and maintain a register of persons trading in their area as scrap metal dealers. However, councils are not able to refuse a licence or to impose any operating conditions on the dealer.

In turn, dealers are required to:

- inform the local council of their operation
- maintain a book with details of metal received, processed or despatched
- record the description and weight of the metal
- record the name and address of the person providing the metal
- record the registration of the delivery vehicle
- from December 2012, to additionally record details of the transaction as part of each record to evidence compliance with the cash prohibition – this will include keeping a copy of the named cheque issued or the receipt of the electronic transfer.

The Scrap Metal Dealers Act 1964 has 10 criminal offences, all liable on summary conviction to a financial penalty. Through the Legal Aid, Sentencing and Punishment of Offenders Act 2012, each financial penalty in the 1964 Act will increase by two scales from December 2012 with the most serious of offences being punishable to a level 5 fine (£5,000). A further measure of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, from March 2013, was to remove the upper financial limit for level 5 offences, so when this measure is enacted, financial penalties for this level will be unlimited.

Scrap metal dealers are also required to have planning permission to operate a site and are required to have permits or exemptions from the Environment Agency to operate a scrap metal site under the Environmental Protection Act 1990. Failure to have the correct permits can lead to a fixed penalty notice or fines of up to £50,000 or 5 years imprisonment.

Those transporting metal to a scrap metal site for profit are required to be registered as a 'waste carrier'. Waste carriers must comply with the waste duty of care. Breach of the duty of care is a criminal offence that can lead to large fines under the Environmental Protection Act 1990. Specific requirements of the duty of care include that waste carriers must:

- ensure the waste goes to a properly licensed or exempt waste site
- complete a waste transfer note (WTN) - this must include a description of the waste and be signed by the carrier and the person that they give/sell the waste to
- keep the WTN for a minimum of two years.



In addition to increasing fines, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 will also introduce the following changes to the regulation of scrap metal dealers:

- create a new offence of buying scrap metal for cash (the "cashless offence"), so that a "scrap metal dealer must not pay for scrap metal except... by a cheque... or... by an electronic transfer of funds"
- provide new powers for the police (on production of a warrant issued by a justice of the peace) to enter regulated scrap yards where there were reasonable grounds for believing that scrap metal paid for in cash was being (or had been) received or kept there.

It is particularly important that council officers are aware of the new criminal offence of buying scrap metal for cash under section 147 of the Legal Aid, Sentencing and Punishment of Offenders Act. The Home Office will be providing advice on the new offence of buying scrap metal for cash which will complement this handbook. The advice will include details around acceptable forms of payment and the revised record keeping requirements within the Legal Aid, Sentencing and Punishment of Offenders Act.

The changes are expected to come into force in late 2012. Itinerant, or house to house, collectors will continue to be able to receive cash payments provided that they have registered as a scrap metal dealer under s1 of the 1964 Act and that they have also been granted an order by their licensing authority under section 3(1) of the Scrap Metal Dealers Act 1964.

The LGA's recent survey on metal theft showed strong support for dealers to be

licensed by councils and three quarters (75 per cent) of those in favour felt that councils should be able to charge and set licence fees based on a full cost recovery basis. The LGA is therefore working with the Home Office to develop a new licensing regime, to potentially be introduced through the private members bill, the Scrap Metal Dealers Bill, being introduced by Richard Ottaway MP which has full Government support. An outline of the draft private members bill is included below.

The LGA is working hard to ensure that any new licensing regime allows councils to introduce their own conditions and recover the costs of administering and enforcing the scheme.

Who in the council can take action?

In practice, a number of departments within the council will be able to directly or indirectly contribute to tackling metal theft. Councils are responsible for licensing scrap metal dealers and, along with the police and Environment Agency, ensuring that they meet the requirements for trading.

Councils are also commissioners of all street furniture, as well as maintenance of the public realm, although actual responsibilities vary between districts, unitaries and counties. In that role, there are opportunities to test new materials, introduce new protective measures and raise awareness of how council-owned metal is legitimately disposed.

A number of councils are taking steps to tackle the problem by using non-metallic alternatives and by using anti-theft measures such as CCTV and the use of smart water

marking, and many of these formerly untested products have now proven their effectiveness.

This work will span a number of teams within the council and your role as a councillor is to ensure that they are all working together as effectively as possible. Please note that there will be different responsibilities between district, unitary and county councils.

Scrutiny

It is important that work on metal theft, as a cross-cutting issue, is subjected to proper scrutiny to ensure the local response is strong. This could include holding themed reviews on specific issues, such as use of alternative materials and work to raise awareness within the community.

Licensing

Your licensing team will be responsible for reviewing applications and issuing a licence. At the moment there is no opportunity to refuse an application to register or to recover the cost of administering it. However, if the Scrap Metal Dealers Bill is successful, the licensing regime will become a major tool in regulating the licensed trader, including imposing conditions on how they operate.

This team will also be responsible for granting and assessing the impact of any section 3(1) orders, enabling itinerant collectors to receive cash payments. It is possible that the new exemption to cashless payments will lead to an increased number of applications for section 3(1) orders and the team will be instrumental in ensuring the exemption is not abused.

Guidance on how this abuse could be minimised has been produced in conjunction with the Home Office and is set out in Appendix A.

Environmental health and environmental crime

Your environmental health and crime officers will be responsible for much of the day-to-day enforcement of inspecting existing scrap metal dealers, and spotting illegal operators. They will act as your eyes and ears on the ground and will need to work closely with partners such as the police, Environment Agency and utility companies like BT to ensure they share information and joint enforcement activities where appropriate.

They can also have an important role in establishing protocols with local dealers to drive up standards and improve local practice. Our toolkit contains exemplar protocols from Forest of Dean Council, which have engaged scrap metal dealers and promoted the adoption of stringent measures to vet the legitimacy of scrap metal.

Highways and planning teams

Your highways and planning teams will be responsible for commissioning much of the street furniture and signage that is vulnerable to theft. Simple steps like exploring alternative materials can not only reduce thefts but many are actually more durable than regular metals. Some composite manhole covers come with a 15 year guarantee, provide better grip for cars and motorcycles, and can not be melted down and reused.

Stoke-on-Trent Council has begun replacing all manhole covers with rubber ones, following the theft of 500 metal covers worth £73 000 over the past two years alone.

This team should also be considering making effective use of water-marking, anti-climb paint and other detection methods when replacing or ordering new street furniture and signage.

Waste

Councils are collectively the third largest provider of scrap metal after the main utility companies. It therefore behoves them to make sure that they dispose of it in a consistent, transparent and cost-efficient way.

BT, the largest provider of scrap metal experienced a significant reduction in metal theft when it decided to make clear that it disposed of its scrap metal only through a restricted list of scrap metal dealers. Once this was published, the responsible scrap metal dealers not on the list were fully aware that any BT branded material they handled was stolen. The market for BT scrap metal immediately became more restricted and less attractive as a result.

Councils operate individually and many councils themselves use a number of different contractors to dispose of their scrap metal. Establishing and publishing a list of dealers that you use, perhaps in partnership with neighbouring authorities, will not only make it harder for thieves to sell on your metal items, but could also get you preferential rates.

The Environment Agency has been working with partners to encourage business models that allow for the safe and secure transfer of waste. A recent example is the South East Waste Exchange, <http://www.wpesoutheast.co.uk/>, which allows councils and businesses to trade waste through a secure online platform.

Community safety teams

It is not just councils who lose their property, but residents, businesses and charities as well. Many of these groups are unaware of the basic measures they can take to protect their metal and deter opportunistic thieves. Your community safety teams, and the

Case study: Kent councils and Kent police

Kent Police in conjunction with local councils have been attempting to educate the scrap metal industry on crime prevention and legislation. Recently Kent have rolled out Operation Tornado, a set of national identification measures which has been drawn up by the Association of Chief Police Officers (ACPO), The Home Office, British Metals Recycling Association (BMRA) and British Transport Police (BTP), to tackle metal theft by making it easier to trace sellers of stolen metal, and thus assist in deterrence and detection of crime.

As a result of all the multi agency activity in Kent, they have seen a 33 per cent reduction in metal theft compared to the previous year. This is particularly positive, given that metal theft commodity prices continue to rise.

Partnership working is key, because this allows agencies to share intelligence, increases the powers available and improves the opportunities for detecting offences. For example, offenders selling metal to a scrap metal dealer may be claiming benefits when they are actually earning, or may have no tax or insurance for their vehicle so the relevant agency can deal with them there and then. In particular, metal theft days of action have proven to be good opportunities to detect, deter and publicise what the force is doing to tackle these crimes.

wider community safety partnerships, will be fundamental in informing and alerting people to what they can do.

These teams can also play an important role in alerting residents to things they should look out for, including vans that are accessing cables through manholes. Residents should be encouraged to take part in the fight against crime.

Who else is working on this?

Metal theft has had a significant impact on a wide range of the community, with the result that a great many organisations are working to stop it.

The police, coordinated by British Transport Police, have launched a number of initiatives to tackle the issue, working with local councils to crack down on illegal handling of metal. Many forces now have their own packages of advice which they are happy to share with councils and residents and there are usually dedicated enforcement officers who will be working closely with council enforcement teams. More information on some of the innovative work that the police are leading can be found at:

http://www.btp.police.uk/about_us/latest_news/operation_tornado.aspx

From November 2012, this work will be overseen by Police and Crime Commissioners and councils will wish to engage them early on this matter.

In Scotland, the Scottish Commercial Crime group has taken the lead and has produced some good films to highlight the real impact it has on individuals. You can view these films at: <http://www.metaltheftscotland.org.uk/>



Case study: Wandsworth Council

In a bid to stop metal thieves causing unnecessary heartache for families, memorial plaques being mounted in Wandsworth cemeteries will now be made using alternative materials.

In June 2012, police officers uncovered about 300 plaques that had been cut up into pieces during a raid on a scrap metal dealer in Croydon. It was subsequently confirmed that some of the broken memorial plaques had been stolen from Putney Vale Cemetery.

Wandsworth Council's cemeteries team have ordered replacement plaques in a material called Traffolyte – a non metallic material suitable for engraving.

The new materials are used to retain quality while ensuring the plaques do not become targets for callous metal thieves, whose actions result in suffering for the families and friends who commissioned the memorials. Any new plaques being mounted in the borough's cemeteries will also be made using Traffolyte.

The council's cabinet member for environment, culture and community safety, Councillor Jonathan Cook, said: "Knowing that a plaque honouring a friend or family member has been stolen is bad enough – but to hear that it's been ruthlessly cut into pieces by criminals whose sole purpose is to line their own pockets must be truly heartbreaking. I hope that these new-style memorial plaques will bring some peace of mind to the loved ones of those they commemorate."

BT have established a team to work directly with scrap metal dealers and are happy to either carry out joint-information work with councils or to share information about which dealers have been visited. This will allow councils to build up a risk register of places that they should concentrate on, enabling the most to be made of the limited resources councils have. Many councils will already have established contacts with BT, but the LGA can provide contact information on request by calling 020 7664 3000.

The Institute of Materials, Minerals and Mining is exploring new ways in which to introduce disruption to the crime supply chain. This includes looking at chemical markers, tracking devices, alternative materials and unique marking methods. Their website contains all the latest information on preventative research www.materialsktn.net

All of the main utility companies have been badly affected and their representative organisation, the Energy Networks Association, has been undertaking work to examine more effective prevention techniques. They are very keen to build links with local government as the frontline enforcers, and are willing to share ideas and help enforcement officers to identify metal that has come from illegal sources. More information and advice can be found at www.energynetworks.org

The Environment Agency is the principal enforcement agency and is responsible for permitting sites, ensuring environmental compliance, registering waste carriers, monitoring international waste shipments, and tackling illegal sites. All of this is clearly complementary but distinct from council and police licensing and enforcement work. It is quite possible for a site to have a scrap metal dealers licence without the necessary environmental permits and vice versa. Close working links with the Agency are therefore vital and should be incorporated into any inspection plans. Councils get in touch directly with the Agency through the dedicated email address national.intelligence@environment-agency.gov.uk

Your neighbouring authorities will almost certainly be experiencing similar problems and, with rogue dealers and thieves operating across council borders, you will want to build on your existing links to tackle this issue. Many councils have come up with innovative ways of improving their enforcement protocols. The Forest of Dean, Birmingham and Kirklees councils have kindly shared their template policies and documents in the LGA's 'Metal theft toolkit'³ and these provide a good start for working with the industry itself using existing powers.

Central Bedfordshire Council is going further by proposing the 'Central Bedfordshire Act' which would introduce a new power for councils to regulate the scrap metal industry.

It is important to not lose sight of the vital economic contribution that legitimate dealers make. Indeed, dealers themselves suffer large numbers of thefts from their premises. The British Metal Recycling Association

works with the larger members of the industry to secure their premises and to ensure that they don't inadvertently handle stolen material. All members also sign up to a code of practice, produced jointly with the Association of Chief Police Officers, to reduce metal-related crime. The code, along with further details of the industry is tackling metal theft, can be found at www.recyclemetals.org

Looking to the future

Richard Ottaway MP, sponsor of the Scrap Metal Dealers private members bill currently going through Parliament, aims to "provide the strong legislative framework so desperately needed to empower our local councils and police forces in their fight against offenders who wilfully plunder this country of metal, whilst also strengthening and supporting legitimate scrap metal dealers".⁴

Key features of the Bill include:

- requiring all individuals and businesses to complete an enhanced application process to obtain a scrap metal dealer licence. Local authorities will have the power to turn down unsuitable applicants
- giving local authorities the power to revoke a licence
- requiring all sellers of metal to provide personal identification at the point of sale, which is then recorded by the scrap metal dealer.
- extending the offence of buying metal with cash to itinerant metal collectors
- new powers for the police and local authorities to enter and inspect sites

³ http://www.local.gov.uk/web/guest/publications/-/journal_content/56/10171/3376193/PUBLICATION-TEMPLATE

⁴ <http://services.parliament.uk/bills/2012-13/scrapmetaldealers.html>

- creating a central public register, hosted by the Environment Agency, of all individuals and businesses licensed as scrap metal dealers
- widening the definition of a scrap metal dealer to include motor salvage operators.

Unfortunately, it is unlikely that even the provisions of the Bill will completely prevent metal theft. An increasing percentage of metal is shipped abroad in containers, and councils with ports in their areas may wish to work closely with customs and excise to tackle these unorthodox points of exit.

Resources and materials

The LGA will be continuing to update its toolkit with the latest information and examples, as well as promoting discussion and shared working through the online knowledge hub discussion group on tackling metal theft – https://knowledgehub.local.gov.uk/c/my_places/view?groupId=5951090

We will also continue to work with and lobby central government on this issue, and to establish better links with other organisations affected, to better allocate limited resources and develop an intelligence-led management system. Members wishing to keep up to date with any developments can sign up to receive the Community safety e-bulletin on www.local.gov.uk or follow @LGAlicensing on Twitter.

Appendix A

Metal Theft – Local Authority Use Of Section 3(1) Scrap Metal Dealers Act 1964 Orders

The Government has created a new criminal offence of buying scrap metal for cash under section 147 of the Legal Aid, Sentencing and Punishment of Offenders Act. This offence would prohibit scrap metal dealers paying for scrap metal other than by cheque or by electronic transfer.

In order to ensure there is sufficient evidence to prosecute the offence, the existing record keeping provisions under section 2 of the Scrap Metal Dealers Act 1964, breach of which is a criminal offence, have been amended. These amendments include a requirement for the dealer to record the method of payment and keep a copy of any cheque or any receipt identifying the transfer.

The offence would apply to all payments for scrap metal by scrap metal dealers, regardless of whether they are registered with their local authority under section 1 of the Scrap Metal Dealers Act 1964. However there is an exception; payments in cash can be made by 'itinerant collectors' who are both registered as scrap metal dealer under section 1 and who are also subject to an order under section 3(1) of the Scrap Metal Dealers Act 1964 made by their local authority in consultation with the local chief officer of the police.

Section 3(1) orders reduce the record-keeping requirement on itinerant collectors, recognising the mobile nature of their trade; therefore it would be difficult to enforce the offence against these collectors, who under the Scrap Metal Dealers Act 1964, are only permitted to collect waste by means of visits from house to house. Any collector who falls outside the description of a house to house collector would not be entitled to an order under section 3(1) and therefore would not be exempt from the cash prohibition.

It would appear that the use of section 3(1) orders by local authorities is low; there are no central records kept to indicate how many of these orders have been issued, or how many are active.

Under the Scrap Metal Dealers Act 1964 there are no criteria for when these Orders should be used. We want to ensure that the integrity of these Orders remain and that they are only issued to genuine collectors with lawful purposes. Therefore it is suggested that local authorities ensure the following criteria can be met when issuing these Orders:

- the full name of the applicant – photograph identification should be sought
- the full address of the applicant – proved by a utility bill
- their trading/business name (if applicable)

- the address of any place that they use to store scrap metal (metal cannot be purchased at such sites, only stored)
- reference/issue numbers relating to the environmental permits held by the individual – an itinerant collector should hold a Waste Transfer Notice as issued by the Environment Agency
- confirmation that they are registered with the local authority as a scrap metal dealer under section 1 of the Scrap Metal Dealers Act 1964 – section 3(1) orders should not be issued unless the itinerant collector has a section 1 registration.



Under section 3(2) of the Scrap Metal Dealers Act 1964, a local authority shall not make an order except after consultation with the chief officer of police for the police area (or, if more than one, for every police area) in which the area of the local authority, or any part of their area, is comprised. During such consultation, it is suggested that:

- a view is sought from the police force on whether the applicant is a suitable person to hold such an Order, based upon:
 - any intelligence held on that applicant by the force
 - reviewing the applicant's past convictions (if applicable) to see if they have any relevant unspent convictions that should be considered – such convictions should include any offence under the Scrap Metal Dealers Act 1964, theft and handling offences under the Theft Act 1968 and any known past breaches of Environmental regulations.

It is suggested that the British Transport Police, as the ACPO metal theft lead force and as the operators of the Metal Theft Fusion intelligence hub, should be consulted by the local force if necessary, to obtain further advice and information.

Under the Scrap Metal Dealers Act 1964, an itinerant collector should register under section 1 and obtain a section 3(1) Order from each local authority where they operate.





Local Government Association

Local Government House
Smith Square
London SW1P 3HZ

Telephone 020 7664 3000

Fax 020 7664 3030

Email info@local.gov.uk

www.local.gov.uk

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For a copy in Braille, larger print or audio,
please contact us on 020 7664 3000.
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