

Tackling Metal Theft

Briefing from the LGA for prospective police and crime commissioners
September 2012

1. Background

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 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 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.

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**. However, it remains a significant concern in all areas of the country.

2. Police role

Enforcement, prevention and prosecution responsibilities are split across the police, councils, and the Environment Agency.

Typically the police take **responsibility for investigating thefts and identifying stolen material**, including inspecting scrap metal dealers to ensure they are not handling stolen material. The police may enter any premise listed on the register of scrap metal dealers and ask to inspect any scrap metal on the premises or books relating to it.

The **British Transport Police** have taken the lead in responding to metal theft, and 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

¹ British Transport Police, 2011

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

Operation Tornado has been shown to have a significant impact on the ability of local criminals to convert stolen metal into cash thereby reducing crime. In the pilot areas Durham reported a 55% reduction in offences, Cleveland 55%, Northumbria around 40%, and the British Transport Police a 60% reduction. Following a successful pilot in the North East of England earlier this year, Operation Tornado is being rolled out across the UK.

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/>.

3. Current policy context

There are approximately 3,500 registered scrap metal dealers in the UK. The British Metals Recycling Association believes that the illegal sites known to authorities represent only “the tip of the iceberg” and suggests 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, 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.

The Scrap Metal Dealers Act 1964 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. **It is widely accepted that the 1964 Act is in need of reform.** The LGA has been lobbying for a flexible solution that meets the needs of councils and was instrumental in securing legislative time for the issue through a private members bill.

Richard Ottaway MP has tabled the Scrap Metal Dealers Bill, that seeks to replace the 1964 Act and: “**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”.² The Bill is proceeding through Parliament and it is anticipated that it may become law by Easter 2013.

² <http://services.parliament.uk/bills/2012-13/scrapmetaldealers.html>

Key features of the Bill include:

- requiring completion of an enhanced application process to obtain a scrap metal dealer licence.
- allowing councils to reject an application or 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**
- creating a central public register, hosted by the Environment Agency, of all those licensed as scrap metal dealers
- widening the definition of a scrap metal dealer to include motor salvage operators.

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 will introduce changes to the regulation of scrap metal dealers including toughening the fines that can be imposed for offences, and **making it illegal to make a payment for scrap metal using cash**.

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 while those transporting metal to a scrap metal site for profit are required to be registered as a 'waste carrier'. Failure to have the correct permits can lead to a fixed penalty notice or fines of up to £50,000 or 5 years imprisonment.

A number of other pieces of legislation are also used, directly or indirectly, to discourage and tackle metal theft. They include:

- **Theft Act 1968**; covering offences relating to the handling of stolen goods
- **Environmental Protection Act 1990**; covering the duty of care to maintain a written audit trail of all waste transfers
- **Control of Pollution (Amendment) Act 1989**; requiring all waste carriers, including scrap metal carriers, to register with the Environment Agency
- **Clean Air Act 1993**; preventing people from burning insulation from cables, often an indicator of an illegal scrap yard
- **Town and Country Planning Act 1990**; requiring all scrap metal yards to have planning permission

Penalties for breaking these laws range from fines up to £20 000 and 14 years imprisonment, so they can act as a very effective deterrent.

4. Suggested documents to read

Metal Theft: A Councillor Handbook: The LGA guide to help councillors understand who is working on metal theft and how to effectively coordinate the resources of their council and partners.

Metal theft toolkit: This LGA publication contains information on current powers, proposals for regulation, examples of work across the country, and templates for use in regulating scrap metal dealers.

Operation Tornado: This website contains information on the police's groundbreaking initiative to tackle metal theft.

Scrap Metal Dealers Bill: This Bill, tabled by Richard Ottaway MP, aims to update and strengthen police and councils powers to tackle metal theft.

5. Questions to ask the chief constable

Be clear about what you and the Chief Constable need to know and the level of detail you require to assure yourself that your force is effectively tackling metal dealers, including itinerant collectors with no fixed place of work.

- Does the force have an inspection plan in place to check scrap metal dealers in the area?
- Are neighbourhood teams communicating messages on how to spot metal theft taking place? And how communities can protect their own metal items from theft?
- Is your force following the best practice established by Operation Tornado?
- Does the force have appropriate connections with other enforcement agencies such as the Environment Agency and local councils?
- Does the force have contacts with the main utility and infrastructure providers to ensure a rapid response in the case of theft?

6. How you can engage with councils on this issue

Councils are responsible for maintaining the register of dealers in their locality; ensuring dealers comply with their responsibilities under the Act; reviewing dealer records of dealings; and ensuring compliance with the new cashless trading provisions.

Each licensing authority will have a **dedicated licensing committee**. As Police and Crime Commissioner, you will wish to ensure your force has effective and regular contact with these committees.

The main partnership groups established in areas are **Community Safety Partnerships**. These bring together a range of local partners to tackle crime. Effective police contribution to these bodies is vital and you will wish to ensure your force is effectively engaging with both.

The LGA has established a **dedicated Tackling Metal Theft Knowledge Hub** which provides a closed environment for elected members and officers (both council and police) to receive the latest updates on metal theft campaigns, and to discuss specific enforcement issues.

7. Contact

If you require any further information or have any questions concerning this briefing please contact:

Ian Leete (Adviser – Regulation)
ian.leete@local.gov.uk / 020 7664 3143