

BRIEFING NOTE

TO: ENVIRONMENT SCRUTINY AND PERFORMANCE PANEL
DATE: 9 February 2011

RE: SCRAP METAL WORKING GROUP REPORT

Purpose

To receive the report of the Scrap Metal Working Group established by the Environment Scrutiny and Performance Panel on 20 October, 2011.

Background

The Environment Scrutiny and Performance Panel (ESPP), at its meeting held on 20 October, 2011 considered a report on businesses dealing in scrap metal and other associated activities from their homes. This was a result of a motion passed at Council requesting that the relevant Scrutiny and Performance Panel undertake an investigation into the matter. Arising from the ESPP meeting, a working group was established by the Panel which held its first meeting on 10 November, 2011.

The Panel are asked to consider the final report attached as appendix 1 to this report and approve the recommendations as detailed on pages 21 - 23, and replicated below, for submission to Council.

Recommendations

That:

- 1. That Legal Services be requested to provide clarity on whether or not itinerant scrap metal collectors are required to be registered with the Council as scrap metal dealers;**
- 2. That a more robust approach be taken in respect of enforcement action, by all with powers of enforcement, increasing resources if necessary, to enable swift action to be undertaken against those found to be contravening Legislation;**
- 3. That the Council undertake an exercise to establish the number of illegal scrap metal merchants/itinerant collectors and their locations;**
- 4. That the Council, together with Partners, undertake a publicity campaign to raise awareness of the tools available to take enforcement action/prosecute illegal operatives and provide relevant contact numbers such as a telephone line to anonymously report instances of unauthorised scrap metal dealers.**

5. That the Council investigates the feasibility of introducing a licensing scheme locally;
6. That further (intelligence led) days of Operation Steel be carried with consideration given to carrying out regional days of action.
7. That the Council implements a programme of replacing gulley- covers with non metal composite at such time that existing gulleys are stolen or come to the end of their life subject to successful trials;
8. That the Council investigates the possibility of introducing non metal alternatives for other road installations such as man-hole covers;
9. That an update on the success of the trial and outcome of the investigation into alternative materials for road installations be reported to the Environment Scrutiny Panel no later than July 2012 for the first trial installation and at a suitable time if other trials are implemented in the near future.
10. That the Council seek to establish a regional scrap metal working group whose purpose would be to join forces with our neighbouring authorities to combat metal theft.
11. That Police, Council and registered social landlords engage with communities where anti social behaviour, caused by the collection of scrap metal, is an issue and focus days such as 'Operation Steel' in these locations.
12. That Police and Partners focus on areas of heightened activity related to collection/theft of scrap metal and engage the public to instil confidence that work is being undertaken to resolve the difficulties faced.
13. That the photographs received from the public be forwarded to Legal Services as evidence to support the establishment of a byelaw.
13. That powers of enforcement be streamlined to enable quicker more effective enforcement to take place;
14. That more stringent penalties be imposed for those proven to be carrying out an illegitimate scrap metal business;
15. That the working group support the establishment of byelaws to:-
 - i. address verge parking and
 - ii. introduce a licensing scheme for scrap metal collectors

16. That an update report on the implementation of byelaws (including the cost to the Authority of implementing them) be submitted quarterly to the Environment Scrutiny and Performance Panel.
17. That a review of procedure be instigated to evaluate the current practices the Council makes in securing it's property assets when they are vacated so as to prevent metal theft, a deterioration to the local environment and a loss in value to the asset if it is sought to be sold.
18. That a register of war memorials be kept to ensure that suitable replacements could be made in the event of a theft.
19. That Council write to the Secretary of State requesting that Section 2 of the Control of Pollution (Amendment) Act 1989 be amended and also lobby through the Local Government Association to include the requirement that applicants for a carriers licence must:-
 - Provide proof of the Company;
 - In the absence of the above provide details of self employment codes;
20. That consideration be given by the Environment Scrutiny Panel to re-establish the scrap metal working group in the 2012/13 municipal year.

Author

Neil Picken

Senior Democratic Services Officer

☎ 01922 652018

Pickenn@walsall.gov.uk

Scrap Metal Working Group



To be presented to Environment Scrutiny and Performance Panel on 9 February 2012



Walsall Council

Foreword

This working group was tasked to look at the issue of scrap metal with a particular focus on those dealing in scrap metal from their own homes and theft. Scrap metal is an issue which is becoming increasingly prevalent within the media due to the rising number of metal thefts, indeed the Bar Beacon Memorial had its roof stripped during 2011. This, together with nuisance caused by collectors of the metal trade such as burning cable in residential areas has implications for society as a whole which need to be addressed.

We hope that this report will focus the attention of all community leaders and enable us, as a unified Authority, to support the recommendations which will help tackle this important issue for residents, businesses, the Council and external partners.

Finally, I would like to thank officers, witnesses and Councillor Robertson who have all contributed to this report and provided us with the information that has enabled us to make a number of recommendations as detailed on page 21 of this report.



***Councillor
Illmann Walker
(lead member)***



***Councillor
Carpenter***



Councillor Westley



Councillor A. Young



Councillor Fitzpatrick

Contents

Contents

SECTION	PAGE NUMBER
Introduction	3
Terms of Reference	3
Methodology	4
Witnesses	4
Report Format	4
Context	5
Legislation	6
Scrap Metal Dealers Act 1964	6
Amendment to the Scrap metal Dealers Act 1964	7
The Waste (England and Wales) Regulations 2011	8
Metal Theft Prevention Bill	9
Offences and Penalties	10
Enforcement Powers	10
Current Initiatives	11
Operation Steel	11
Smartwater	12
Non Metal Manhole Covers	12
Door Knocks and Engagement	12
Noise Pollution	13
Outside of the Borough	13
Cashless Scrap Metal Trading	13
Voluntary Code of Conduct	14
Witnesses	15
Public	15
Scrap Metal Dealers	15
Scrap Metal Collector	17
Police	17
Whg	18
Future Proposals	19
Byelaws	19
Void Properties	20
War Memorials	20
Amendment to the Control of Pollution (Amendment) Act 1989	20
Conclusion	21
Recommendations	21
Appendices	
<ol style="list-style-type: none"> 1. Working group initiation document; 2. Walsall Council Scrap metal dealers guidance notes; 3. Summary of enforcement powers; 4. Police statistics in relation to metal theft. 	

Introduction

The Environment Scrutiny and Performance Panel (ESPP), at its meeting held on 20 October, 2011 considered a report on businesses dealing in scrap metal and other associated activities from their homes. This was a result of a motion passed at Council requesting that the relevant Scrutiny and Performance Panel undertake an investigation into the matter. Arising from the ESPP meeting, a working group was established by the Panel which held its first meeting on 10 November, 2011.

Terms of Reference

The draft terms of reference were considered by the working group and subsequently approved by the ESPP on 12 January, 2012.

The objectives of the working group were:

1. To develop a report for submission to Council;
2. To investigate the possibility of drafting a byelaw to deal with the issue of businesses dealing in scrap and other material from their homes;
3. To investigate means of regulating business transactions such as the national campaign to make a small legal change so that payments for scrap can only be paid into a bank account and payment in cash is not allowed.

The full version of the working group's terms of reference can be found at Appendix (1) to this report.

The working group was supported by two Officers:

Neil Picken	Senior Democratic Services Officer
Donovan Bailey	North Walsall Area Manager

Methodology

The working group held several meetings, hearing evidence and discussing issues with a range of council officers, partners, members of the public and traders of the scrap metal industry including itinerant collectors and scrap yard owners.

Witnesses

The working group met and discussed scrap metal with the following:

Inspector David Payne	West Midlands Police
Paul Hinton	Planning Enforcement
Andrew Mills	Roadwork's
Dominic Patouchas	Legal
Dave Whitford	Environment Agency
Ian Rathbone	Pollution Control
Paul Rooney	Environmental Health
	Members of the Public
	Metal Merchants working within the Borough
	Metal Collectors working within the Borough

Report Format

The report is a summary of the evidence the working group received along with comments and suggestions for future action.

Context

It is important to remember that metal recycling is a valuable industry. It is a sustainable means of reusing an important and increasingly expensive commodity, providing a source of employment for many during what continues to be difficult economic times. With this in mind, it is equally important to recognize that some individuals have turned to illegitimate ways of generating an income. The media bulges on a daily basis with reports of metal theft together with comments of concerned residents reporting anti social behaviour related to scrap metal such as burning cable and noise.

Scrap metal dealers, itinerant scrap metal collectors (colloquially referred to as 'Tatters') and the public are integral to both the problem and solution. It is thought that organised crime is now linked to metal theft which continues to grow, spurred on by the increasingly high International price of metal. Theft aside, many people still use the services offered by collectors, for example, to rid themselves of an old washing machine which fuels demand for collectors.

It would be remiss to think that there is a 'magic solution' or a 'quick fix' to tackle and resolve the issues related to collection and theft of scrap metal. The approach required is multifaceted and involves a range of partners and agencies, working together with scrap metal dealers and collectors. It also requires a change in law to better equip agencies to fulfil their roles and regulate scrap metal more stringently and implement a cashless system.

The working group are mindful that it is of the utmost importance to support all initiatives which seek to reduce the impact of metal theft on residents and business in the Borough and indeed nationally.

Following a thorough review the working group has drawn together a number of recommendations as detailed on page 21.

Legislation

Scrap Metal Dealers Act 1964

The Scrap Metal Dealers Act 1964 sets out the operation and regulation of the Scrap Metal business. This section will provide an overview of key aspects of the Act.

Definitions

- **Scrap Metal Dealer** – A person who buys and sells old metal , etc. which can be used for new purposes;
- **Itinerant Collector** - A person regularly engaged in collecting waste materials, and old, broken, worn out or defaced articles, by mean of visits from houses to houses;
- **Scrap Metal** - includes any old metal, and any broken, worn out, defaced or partly manufactured articles made wholly or partly of metal, and any metallic wastes, and also includes old, broken, worn out or defaced tooltips or dies made of any other materials commonly known as hard metal or of cemented or sintered metallic carbides;
- **Scrap Metal Store** - A place where scrap metal is received or kept in the course of the business of a scrap metal dealer.

Scrap Dealers

A person is deemed to be a scrap dealer if they meet one of the following criteria:-

1. They have a scrap metal store located within Walsall Borough;
2. They do not have a scrap metal store located within the area, but Walsall Borough is his/her usual place of residence;
3. A scrap metal store is not located within the area, but premises within Walsall Borough are occupied wholly or partly for the purpose of dealing in scrap metal.

Statutory Duty placed on the Local Authority

The Scrap Metal Dealers Act 1964 places a statutory duty on Councils to maintain a register of persons carrying out business in their area as scrap metal dealers. A dealer as defined within the Act cannot undertake business as a Scrap Metal Dealer if they have not first registered.

The working group acknowledged that in Walsall, the Register of Scrap Metal Dealers is kept and maintained by Licensing and Safety. Guidance notes issued by the Authority are attached as Appendix (2) to this report.

The working group further noted that there was some disagreement as to whether or not itinerant scrap metal collectors were required to be registered via this system. This matter was also raised by the Police whom were seeking a definitive answer.

Members of the working group identified that many of the residents reported people dealing in scrap without being registered. This matter was of grave concern.

Amendment to the Scrap Metal Dealers Act 1964

On the 25th Jan 2012, Cabinet discussed an amendment to the **Legal Aid, Sentencing and Punishment of Offenders Bill**. The amendment, introduced by Lord Faulkner includes an amendment to the **Scrap Metal Dealers Act 1964** to ban cash transactions for scrap metal. The amendment is set out below:-

After Clause 131

LORD FAULKNER OF WORCESTER

Insert the following new Clause—

“Amendment to the Scrap Metal Dealers Act 1964

In section 5 (other offences relating to scrap metal) after subsection (2) insert—

“(3) If any scrap metal dealer accepts or makes payment in cash, that dealer shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) When deciding the level of fine to be charged under subsections (1) to (3), a court may take into account—

- (a) the value of the scrap metal in question;
- (b) the provenance of the scrap metal in question;
- (c) the compliance of the scrap metal dealer with the provisions of sections (1) to (3) of this Act generally; and
- (d) any other factors which the court deems to be relevant.”

The Working Group welcomed the proposed Amendment and supported the introduction of a cashless system however, in doing so, they set out reservations that the amendment did not address other matters such as licensing and enforcement in the same way as the proposed Metal Theft (Prevention) Bill as detailed on page 9 of this report.

Recommended:-

1. That Legal Services be requested to provide clarity on whether or not itinerant scrap metal collectors are required to be registered with the Council as scrap metal dealers;
2. That a more robust approach be taken in respect of enforcement action by all with powers of enforcement, increasing resources if necessary, to enable swift action to be undertaken against those found to be contravening legislation;
3. That the Council undertake an exercise to establish the number of illegal scrap metal merchants/itinerant collectors and their locations;

4. **That the Council, together with Partners, undertake a publicity campaign to raise awareness of the tools available to take enforcement action/prosecute illegal operatives and provide relevant contact numbers such as a telephone line to anonymously report instances of unauthorised scrap metal dealers.**

The Waste (England and Wales) Regulations 2011

A key aspect of the regulations relates to the requirement for those transporting waste (which includes scrap metal) to hold a Carriers Licence.

The Environment Agency is responsible for undertaking this registration function.

Failure to register as a carrier when required is an offence and legal action can be taken. A prosecution for this offence can result in fines of up to £5,000. This is a relevant offence meaning that if convicted it could prevent a person from remaining or becoming registered as a carrier, dealer and/or broker.

Those with a Carriers Licence have a duty of care. This means that carriers must take all the measures they reasonably can to:

- Prevent another person committing certain offences with the waste;
- Prevent the escape of waste from you or the other person's control;
- Transfer waste to an authorised person (such as a waste collection authority, a permitted or registered exempt waste facility or a registered waste carrier) or to a person for authorised transport purposes;
- Complete and keep a transfer note.

The working group noted that the regulations put a reduced duty of care on householders by which they do not need to complete transfer notes but they do need to check that their waste goes to an authorised person or to a person for authorised transport purposes. It would be remiss of the working group not to accept that the general public leave bulky and other items outside their properties for collection and do not check as to whether or not the collector is registered. This demand and rising price of metal has led to an increase in collector's activity.

If a byelaw was passed to introduce a licensing scheme for itinerant collectors it would make the process easier for members of the public to readily identify whether or not a person was a registered carrier.

As with failing to register as a carrier, those who don't comply with this duty of care will commit an offence and may face legal action. This is a relevant offence.

Metal Theft (Prevention) Bill

The Metal Theft Prevention Bill was introduced to Parliament on 15 November 2011 under the Ten Minute Rule (This allows an MP to make his or her case for a new bill in a speech lasting up to ten minutes). The Bill had its second reading debate on 20 January 2012.

The Bill aimed to introduce six measures:-

1. A licensing scheme for scrap metal dealers;
2. To enable magistrates' courts to add restrictions to licences to deal in scrap metal (preventing closed yards from re-opening);
3. To require that financial transactions in trade in scrap metals be restricted to cashless payments;
4. To give police officers powers to search properties owned by scrap metal dealerships;
5. To provide that scrap metal proven to have been obtained through theft may be classified as criminal assets;
6. To introduce criminal charges for theft of scrap metal which take into account aspects of the crime other than the value of the scrap metal stolen;

The working group welcomed and supported the introduction and content of the Bill. They are of the view that metal theft could be curtailed by regulation and the introduction of a cashless payments system. The working group acknowledged that there was intention to amend the Scrap Metal Dealers Act to ban cash transactions however the Metal Theft (Prevention) Bill went further to enforce and licence the scrap metal trade. As such they expressed their disappointment that the Government sought to block this Bill which has received cross-party support at both national and local level.

Recommended:-

5. **That the Council investigates the feasibility of introducing a licensing scheme locally;**

Offences and Penalties

Any person found guilty of failing to register a scrap metal business or to notify the local authority of alterations in the appropriate particulars shall be liable on conviction to a fine not exceeding £1,000.

Any person found guilty of failing to notify a local authority that a business has ceased shall be liable on conviction to a fine not exceeding £200.

Any person found guilty of failing to keep the proper prescribed records shall be liable on conviction to a fine not exceeding £1,000.

Any person found guilty of acquiring scrap metal from a person under the age of 16 shall on conviction be liable to a fine not exceeding £200.

Any person who obstructs the entry of an authorised inspector or fails to produce any book or document which the officer has a right to inspect shall on conviction be liable to a fine not exceeding £200.

Where a person is convicted of failing to register or failing to keep records of dealings the Court may make an order imposing restrictions on the dealer for a period not exceeding two years.

Enforcement Powers

The working group established that a number of powers existed to take action on a number of matters relating to the issue of scrap metal. These included (amongst others):-

Issue	Legislation
Noise from Vehicles	Control of Pollution Act 1974
Noise from premises	Environmental Protection Act 1990, Section 80
Change of Use of residential property	Town and Country Planning Act 1990
Smoke	Environmental Protection Act 1990, Section 80
Anti Social Behaviour	Anti Social Behaviour Act 2003/Crime and Disorder Act 1998
Eyesores	Town and Country Planning Act 1990 s215
Incorrect use of property/Breach of Tenancy	Tenancy Agreement (Civil Action)
Cable burning	Clean Air Act 1993

The full list of powers together with explanatory notes which can be used to address these and other areas is attached as appendix (3) to this report.

Planning Enforcement

Planning Enforcement is complaint driven, with Officers reacting when complaints are received. Officers collect information and evidence through various means to establish if there is a breach of planning control. A breach of planning control could ultimately result in prosecution, however many breaches are resolved without the need to pursue formal action. In regard to scrap metal dealers, there are two areas where planning enforcement can get involved.

First is a material change of use. This is where the use of a dwellinghouse changes to such an extent that that it becomes a mixed use of residential and business related activities. For example operating a scrap metal dealing business from a dwellinghouse including the storage, sorting and transfer of waste within the boundaries of the property. The administration of a scrap metal dealing business from within the property alone would be unlikely to require planning permission. To

establish whether a change of use has taken place evidence will need to be collected to prove the property is not being primarily used for residential purposes. Where evidence exists an Enforcement Notice can be issued legally requiring the use to cease, non-compliance with the notice is a criminal offence, to which on summary conviction could lead to a fine not exceeding £20,000.

The second area is in regard to 'untidy sites'. These could be vacant properties or land which has been used to dump waste material that has no scrap value, rather than being disposed at an authorised site. Planning Enforcement can use its powers to issue a notice requiring the owner to remove the waste. Again, non-compliance with the notice is a criminal offence, to which on summary conviction could lead to a fine not exceeding £1,000.

The working group heard from a number of Officers and agencies and noted that a common concern was that of having insufficient resources to adequately enforce the matters for which they had power. Quite often the legal/enforcement process was protracted and time consuming and proving that a contravention had occurred was difficult.

As previously mentioned, the working group recommended that a more robust process be taken to take enforce action against those found to be contravening legislation and additional support to enforcement be given where identified.

Current Initiatives

Operation Steel

Operation Steel was launched in November 2010 and is a multi agency approach to tackling metal related issues.

Walsall Council has joined forces with Walsall Police, Whg, Department of Work and Pensions, Vehicle and Operator Services Agency, representatives from Smartwater and the vehicle agency to undertake several days of action.

Other agencies involved include Eon, British Telecom, Environment Agency, HMRC and Virgin Media.

Days of action involved vehicles laden with metal being stopped and checked to ensure they are operating legally. Visitors to scrap yards and mobile scrap dealers are also checked to ensure they are working within the law and have no stolen items.

Operation days have been a success with various arrests being made for a number of offences.

The working group welcomed the initiative and urged all partners to carry out further days of action to be focussed on areas where scrap metal activated was concentrated.

Recommended

- 6. That further (intelligence driven) days of Operation Steel be carried out with consideration given to carrying out regional days of action.**

Smartwater

Police and Whg in partnership with Walsall Area Partnerships have been marking metal and lead at houses and business across the borough with a high tech DNA solution - Smartwater. Once the metal is marked with the invisible solution, if stolen, it can be traced back to the premises. This acts as a deterrent to any would be thieves.

Members of the working group agreed that this was a further tool with which to combat metal theft. They did recognise the difficulty in enforcing this as many cables were stripped prior to being taken to dealers making the process of identification difficult.

Non-metal gulley covers

Walsall Council is investigating the possibility of using non metal gulley covers. A gulley-cover and frame made from a composite material is on trial in a location that is heavily trafficked and on a bus route. It will be monitored for a period of time.

Recommended:-

- 7. That the Council implements a programme of replacing gulley-covers with non metal composite at such time that existing gulleys are stolen or come to the end of their life subject to a successful trial;**
- 8. That the Council investigates the possibility of introducing non metal alternatives for other road installations such as man-hole covers;**
- 9. That an update on the success of the trial and outcome of the investigation into alternative materials for road installations be reported to the Environment Scrutiny Panel no later than July 2012.**

Door-Knocks and Engagement

Targeted days of action have been conducted via North Walsall Area Partnership, coordinated with Operation Steel. A multi agency action team have knocked on the doors in residential neighbourhoods identified as areas with a high concentration of scrap metal dealers. The purpose is to:

1. increase support for residents who may feel intimidated;
2. communicate clear rules of conduct to both scrap metal dealers and residents who don't trade;
3. warn scrap metal dealers of the consequences of not complying;

4. engage with compliant scrap metal dealers and those interested in cooperating with initiatives aimed at removing criminal activity, anti social behaviour, and general nuisance imposed by rogue scrap metal dealers on the community.

Noise

Obtaining robust evidence of scrap metal dealers using loudspeakers contrary to Section 62 of the Control of Pollution Act 1974 is essential in being able to take forward prosecutions that will satisfy close scrutiny of court proceedings.

In conjunction with neighbouring authorities, Pollution Control has taken the stance to write to first time perpetrators. In general terms this has worked in that the vast majority have not generated further complaints.

Members welcomed the fact that those whom were written to have taken heed of the warning. This should form part of the communication to residents advising them of the various tools at the Councils disposal. The working group noted that four complaints had been received since August, 2011. The working group identified that fear of recrimination may be the reason as to why many would not complain.

Outside of the borough

Scrap metal dealers registered in Walsall are travelling further afield to obtain scrap metal. Public Safety has worked with East Staffordshire Council to provide them with facilities to interview Walsall scrap dealers who have been working in their area. Their team has interviewed persons allegedly guilty of waste offences.

Public Safety has also supported the development of Staffordshire Environmental Crime Group and was hoping to further develop relationships with them to combat alleged illegal waste and scrap trade across the Boroughs boundaries.

The working group recognised that this issue affected residents all over the Country and so initiatives to work together was key to preventing the problem being moved from one area to another. Officers should seek to establish further links with other neighbouring authorities.

Cashless Scrap Metal Trading

Historically the scrap metal trade has always been a 'cash in hand' industry. This makes prosecutions difficult for enforcement agencies.

The working group noted that a number of MPs had asked for an amendment to the Scrap Metal Merchants Act 1964 to prohibit cash transactions, making payment by cheque or directly into a bank account mandatory. Walsall Partnership had posted an e-petition in support of this on the HM Government's e-petition website.

The working group noted that the Metal Theft Prevention Bill sought to ban cash payments. As previously stated, the Bill has been blocked in Parliament.

The working group strongly believe that introducing cashless payments would resolve many of the difficulties faced and support the amendment to the Scrap Metal Dealers Act 1964.

Voluntary Code of Conduct

The Association of Chief Police Officers (ACPO) group, which includes representatives from the British Metal Recycling Association (BMRA) has helped to draft a code of conduct for scrap metal dealers, setting out a number of conditions all dealers should adhere to, including:-

- All reasonable steps should be taken to ensure stolen metals are not bought;
- Metals should only be accepted from those who present sufficient proof of identity and ownership (paper trails make it far easier for authorities to trace those who bring in stolen metals);
- All staff should be trained in administrative processes and all paperwork should be relevant and kept up-to-date;
- Suspicious people and transactions should be reported to the police;
- Dealers should co-operate with police and local authorities by allowing access and inspection when requested In addition, ACPO would like to see an end to cash transactions at scrap dealers. This would stop thieves being able to make a 'quick buck' and would introduce a secondary level of identification as all payments would have to be made to a named account.

The working group noted that the code of conduct was close to being ratified by the industry and could hold the key to further success in tackling metal theft. However, reservations were held as it would be a voluntary code of conduct and would only cover those who agreed to sign up. This could cause disadvantage, as non-members could flout the code and potentially earn more business as a result. This view was supported by representatives of the industry as detailed later in this report.

The working group stated that it was a worthy initiative but required 'more teeth' and should be enforceable and compulsory – setting clear guidelines for all scrap metal dealers. It was anticipated that should the Metal Theft prevention Bill receive Royal Assent which now looks unlikely, it would go some way to address the issues as contained in the voluntary code. It was supported that the Authority should not wait to see whether the Bill was passed and encouraged Officers to proceed with the voluntary code.

Officer led Scrap Metal Working Group

Members acknowledged the good work undertaken by the officer led working group. This involved a great deal of 'on the ground work' which supported initiatives such as Operation Steel. It was the working groups view that the good work being carried out should be extended by establish a regional officer level scrap metal working group

with neighbouring authorities to continue to tackle metal theft. This would ensure that future initiatives could be implemented jointly preventing the problem being pushed from one area to another.

Recommended

- 10. That Walsall Council seek to establish a regional scrap metal working group whose purpose would be to join forces with our neighbouring authorities to combat metal theft.**

Witnesses

Public

Several Members of the Public attended a meeting with the Working Group. A number of photographs showing aspects of anti social behaviour connected to scrap metal were received.

These showed:-

- Acrid smoke resulting from burning cable;
- Parking across kerbs and footpaths and causing an obstruction;
- Driving and parking wagons with overloaded makeshift cages;
- Oil drums, gas cylinders and other scrap stored on properties;
- Offloading and dismantling scrap metal on the footpath;
- Double parking leading to congestion, especially on Green Rock Lane.

Members of the public also reported instances of:-

- Use of residential properties to operate a scrap metal business;
- Intimidation of residents by collectors which leaves residents scared to complain in case of a reprisal;
- Damage and theft to derelict properties;
- Fencing and other metal street furniture being stolen;
- Speeding transits as collectors had been known to race each other in their vehicles.

Members of the Panel acknowledged the concerns of residents. It was accepted that this was a very real issue for many residents and every effort was needed to resolve the problems faced.

Recommended:-

- 11. That Police, Council and registered social landlords engage with communities where anti social behaviour, caused by the collection of scrap metal, is an issue and focus days such as 'Operation Steel' in these locations.**
- 12. That Police and Partners focus on areas of heightened activity related to collection/theft of scrap metal and engage the public to**

instil confidence that work is being undertaken to resolve the difficulties faced.

- 13. That the photographs received from the public be forwarded to Legal Services as evidence to support the establishment of a byelaw.**

Scrap Metal Merchants

Scrap Merchants stated that many businesses carried out the function of metal recycling legitimately and were registered as the law stipulated. They also had carriers licences and co operated with the relevant Authorities when inspections were undertaken. It was stated that 'walkers', a term used to describe people walking into the premises with rucksacks of metal, were turned away as the metal was questionable.

It was their view that introducing more stringent regulations and licensing along with a cashless payment system would do little other than encourage further illegal scrap dealers to establish in the borough and nationally. The notion was that even if a cashless system was introduced there would still be unscrupulous people who would find ways around the system.

Metal theft was an issue for all. However, the view of those working in the trade was that open flat bed type trucks were not the main culprits. It was understood that transit vans would be utilised to conceal the contents stolen or otherwise. This would leave detecting culprits and stopping and searching vehicles more difficult for the police. Theft of metal was also an issue for the Merchants who had to protect and secure their sites to prevent metal being stolen and taken to alternate dealers.

The merchants supported the fact that, in respect of illegal scrap yards, enforcement powers needed to be more stringent and easier to implement. Penalties for those found to be operating unlawfully also needed to be harsher.

With regard to Smartwater it was considered that this initiative was flawed as it only marked the plastic casing and not the cable. The casing was often burnt away prior to a merchant receiving it which meant that it was very difficult to monitor.

It was suggested that adopting a registered/licensed approach would only work if it was implemented countrywide as it would have a detrimental impact on Walsall's economy as people would take their business outside of the Borough.

Merchants did not believe that adopting a voluntary code of conduct would impact on the problems associated with metal theft. This was due to the fact that Scrap Yards were available in Wolverhampton, Birmingham, Cannock and other surrounding areas and so collectors would merely use these sites and avoid those within the Borough.

It was suggested that the answer to tackling the problem lay not with legislation but with intensified, focussed and intelligence led policing, together with support from relevant authorities and agencies. This would require an increase in resources but would impact most on illegal activities in relation to metal theft.

Recommended

14. **That powers of enforcement be streamlined to enable quicker more effective enforcement to take place;**
15. **That more stringent penalties be imposed for those proven to be carrying out an illegitimate scrap metal business;**

Scrap Metal Collectors

An itinerant collector attended a meeting and advised Members that an influx of illegal collectors and carriers had flooded the market. Some collectors were reputable and courteous and seek permission of householders before moving anything from skips for example. The collectors view was that they provided a valuable service to the public collecting many bulky items without cost. Indeed, if it were not for the demand for such collections there would not be a business which was so prevalent.

In relation to the possibility of introducing a licensing style registration system of vans with a display to show that they were licensed – much in the same way as taxis, it was acknowledged that this may be a good way of showing legitimate collectors. In relation a curfew on registered vehicles, to control collection times, it was stated that this would not be viable as often the vans were the families only vehicles and so would be required at all times during the day and night.

Police

Statistically, figures showed that metal theft offences within Walsall had fallen to its lowest rate since July, 2010. This was a clear indicator that the Police were taking action and developing an element of control. The statistics and map of activity are attached as appendix (4) to this report.

Regular meetings are held on a monthly basis with Police representatives from across the West Midlands to develop strategies and share good practice. It also ensured that initiatives were planned and carried out across the region to prevent the issue from being pushed from one area to another.

At a national level, metal theft was discussed frequently at ACPO's - Conductive Metal Theft working group.

The Police also regularly participated and played a key role in Operation Steel – a multi - agency initiative to take action against metal theft.

It was reported that it was difficult to prove that dealers were handling stolen property as they often wouldn't sift through loads and so claim that they had no knowledge that the scrap metal had been stolen. The matter was made more difficult as identifying stolen material was often difficult without relevant industry experts present.

In relation to collectors, the working group noted that the Police were due to change their tactics in a bid to becoming more intelligence led approach. This would call upon the use of covert surveillance.

Police supported the view that more needed to be done to identify those merchants whom were acting illegal. The Police welcomed any intelligence on this matter from the working group.

Similarly to the view of the Merchants, it was stated that a lot of illegal operatives now used transit vans which made it impossible to identify what loads were being carried without stopping the vehicles to do a search.

It was acknowledged that a number of legitimate dealers would not accept walk ins or receive metal from those whom they deemed had metal from illegal sources on board. The issue again lay with identifying those premises which did and enforcing the powers available to both the Police and partner agencies.

The Police supported the idea of introducing a licensing scheme for scrap metal collectors which would require them to display a registration plate on the side of the vehicle, much in the same guise as Taxi's. It was also felt that the process to become a scrap metal collector should be more stringent with increased checks.

As previously stated in the report, the Police were mindful that whilst there was a clear need to clamp down on metal theft and improve regulations it was also important to recognise that there were a number of legitimate operatives and the approach needed to be balanced.

Whg

Whg reported similar problems with scrap metal theft of items such as fencing as well as theft of boilers and piping from vacant properties. Tenants also complained of theft of items from their gardens and properties.

They engaged with tenants and regularly took part in Operation Steel days. Covert surveillance was also used however it was difficult, as with any enforcement matter, to prove, beyond all reasonable doubt that the offence occurred and that there had been a breach of tenancy. Without this evidence it was not viable to commence proceedings in court to evict.

Whg supported the proposal of the working group to introduce a byelaw to license collectors. Doing so would make identifying vehicles and tracing owners to establish if they were Whg tenants much easier, providing the evidence as required. This would assist Whg in being able to enforce the tenancy agreement much more effectively.

A support network was in place for those tenants who had been victims of anti social behaviour.

The working group acknowledged the difficulties faced with enforcement but urge Whg to ensure that robust enforcement arrangements were in place and action taken wherever possible.

Future Proposals

Establishing a Byelaw(s)

The working group believe that the creation of a byelaw to introduce a licensing scheme for scrap metal collectors would be of great benefit.

The working group received legal advice that it was possible to establish a byelaw however, before the process could be established, the Council would be required to establish whether it was necessary. In order to do so evidence would need to be collected to support the introduction of the byelaw(s). This evidence must show that a problem exists within the Borough and that a byelaw was needed to address it. It must also be shown that the provisions the Council intends to introduce would be effective in addressing the problem that was proved to exist.

The working group noted that Hertfordshire County Council had introduced a byelaw to ban verge parking. This was enforced by Enforcement Officers and carried a maximum penalty in court of £500. Verge parking was an area of concern for many residents as evidenced by the public attending a meeting of the working group. It was considered that this would be a useful tool in Walsall and assist in the reduction of disruption for residents around the Borough.

As a result of the investigations of the working Group evidence to support the establishment of the byelaw(s) had been forwarded to Legal Services to initiate the process.

It was the working groups view that a byelaw should be established to establish a licensing arrangement, similar to that used for Taxi and Private Hire Vehicles. This would require all carriers to display a badge which proved that they were authorised to collect scrap. This system would enable the Police and Enforcement Officers to readily identify those whom were collecting illegally. It would also ensure that, when applying to the Authority, vehicles would be checked to ensure that they were road worthy.

Members did recognise that a byelaw had not been passed in Walsall for 10 years it was anticipated that work should be undertaken to enable relevant documents to be sent off by April, 2012. The working group expressed the view that this work should be prioritised.

Recommended:-

- 16. That the working group support the establishment of byelaws to:-**
 - i. address verge parking and**
 - ii. introduce a licensing scheme for scrap metal collectors.**

- 17. That an update report on the implementation of byelaws (including the cost to the Authority of implementing them) be submitted quarterly to the Environment Scrutiny and Performance Panel.**

Void Properties

The working group were concerned that many Council properties were not adequately secured when they became vacant. Willenhall Leisure Centre was cited as an example of a site whereby people had entered illegally and stripped anything of value and caused damage.

Recommended:-

18. That a review of procedure be instigated to evaluate the current practices the Council makes in securing it's property assets when they are vacated so as to prevent metal theft, a deterioration to the local environment and a loss in value to the asset if it is sought to be sold.

War Memorials

The working group considered that as war memorials had been stolen, every effort should be made to ensure that a register of war memorials be kept to ensure that suitable replacements could be made in the event of a theft.

Recommended:-

19. That a register of war memorials be kept to ensure that suitable replacements could be made in the event of a theft.

Control of Pollution (Amendment) Act, 1989

The working group deemed it necessary to tighten up the process for individuals wishing to apply for a waste carriers licence from the Environment Agency.

Recommended

20. That Council write to the Secretary of State requesting that Section 2 of the Control of Pollution (Amendment) Act 1989 be amended and also lobby through the Local Government Association to include the requirement that applicants for a carriers licence must:-
 - Provide proof of the Company;
 - In the absence of the above provide details of self employment codes;

Conclusion

As the working group's investigations have shown, the issue of scrap metal theft is far reaching and involves many separate agencies, businesses and the public. A plethora of Acts and Enforcement powers are available however, the issue persists. The working group encourage all concerned to continue to use existing powers and eagerly await the outcome of the proposed amendment to the Scrap Metal dealers Act 1964. They also urge the Council and its Partners to support the development of byelaws to introduce licensing of scrap metal collectors and outlawing verge parking. Whilst none of these are the magic solution they are all deterrents and will minimize the impact of metal theft and anti social behaviour related to scrap metal dealing on residents and businesses of Walsall.

Recommendations

- 1. That Legal Services be requested to provide clarity on whether or not itinerant scrap metal collectors are required to be registered with the Council as scrap metal dealers;**
- 2. That a more robust approach be taken in respect of enforcement action, by all with powers of enforcement, increasing resources if necessary, to enable swift action to be undertaken against those found to be contravening Legislation;**
- 3. That the Council undertake an exercise to establish the number of illegal scrap metal merchants/itinerant collectors and their locations;**
- 4. That the Council, together with Partners, undertake a publicity campaign to raise awareness of the tools available to take enforcement action/prosecute illegal operatives and provide relevant contact numbers such as a telephone line to anonymously report instances of unauthorised scrap metal dealers.**
- 5. That the Council investigates the feasibility of introducing a licensing scheme locally;**
- 6. That further (intelligence led) days of Operation Steel be carried with consideration given to carrying out regional days of action.**
- 7. That the Council implements a programme of replacing gully-covers with non metal composite at such time that existing gulleys are stolen or come to the end of their life subject to successful trials;**

8. That the Council investigates the possibility of introducing non metal alternatives for other road installations such as man-hole covers;
9. That an update on the success of the trial and outcome of the investigation into alternative materials for road installations be reported to the Environment Scrutiny Panel no later than July 2012 for the first trial installation and at a suitable time if other trials are implemented in the near future.
10. That the Council seek to establish a regional scrap metal working group whose purpose would be to join forces with our neighbouring authorities to combat metal theft.
11. That Police, Council and registered social landlords engage with communities where anti social behaviour, caused by the collection of scrap metal, is an issue and focus days such as 'Operation Steel' in these locations.
12. That Police and Partners focus on areas of heightened activity related to collection/theft of scrap metal and engage the public to instil confidence that work is being undertaken to resolve the difficulties faced.
13. That the photographs received from the public be forwarded to Legal Services as evidence to support the establishment of a byelaw.
13. That powers of enforcement be streamlined to enable quicker more effective enforcement to take place;
14. That more stringent penalties be imposed for those proven to be carrying out an illegitimate scrap metal business;
15. That the working group support the establishment of byelaws to:-
 - i. address verge parking and
 - ii. introduce a licensing scheme for scrap metal collectors
16. That an update report on the implementation of byelaws (including the cost to the Authority of implementing them) be submitted quarterly to the Environment Scrutiny and Performance Panel.
17. That a review of procedure be instigated to evaluate the current practices the Council makes in securing it's property assets when they are vacated so as to prevent metal theft, a deterioration to the local environment and a loss in value to the asset if it is sought to be sold.
18. That a register of war memorials be kept to ensure that suitable replacements could be made in the event of a theft.

19. That Council write to the Secretary of State requesting that Section 2 of the Control of Pollution (Amendment) Act 1989 be amended and also lobby through the Local Government Association to include the requirement that applicants for a carriers licence must:-
- Provide proof of the Company;
 - In the absence of the above provide details of self employment codes;
20. That consideration be given by the Environment Scrutiny Panel to re-establish the scrap metal working group in the 2012/13 municipal year.

Walsall Council Scrutiny and Performance Panel Work Group
Initiation Document

Work Group Name:	Business Dealing in scrap and other associated activities from their homes
Panel:	Environment Scrutiny and Performance Panel
Municipal Year:	2011/12
Lead Member:	TBA
Lead Officer:	Donovan Bailey
Support Officer:	Neil Picken
Membership:	Councillors Carpenter, Illmann Walker, Westley, Fitzpatrick and A. Young (Community SP).

1.	Context
	<p>The Environment Scrutiny and Performance Panel (ESPP), at its meeting held on 20 October, 2011 considered a report on businesses dealing in scrap metal and other associated activities from their homes. This was a result of a motion from Council requesting that the relevant Scrutiny Panel undertake an investigation into the matter. Arising from the ESPP meeting a working group was established.</p>
2.	Objectives
	<ol style="list-style-type: none"> 1. To develop a report for submission to Cabinet/Council; 2. To investigate the possibility of drafting a by law to deal with the issue of businesses dealing in scrap and other material from their homes; 3. To investigate means of regulating business transactions such as the national campaign to make a small legal change so that payments for scrap can only be paid into a bank account and payment in cash is not allowed.
3.	Scope
	<ol style="list-style-type: none"> 1. Walsall and its neighbouring authorities; 2. Scrap Merchants.
4.	Equalities Implications
	<p>Careful consideration will be given to ensure that the working groups report and recommendations does not unfairly disadvantage any resident under the six strands of equality.</p>

5.	Who else will you want to take part?											
	<ol style="list-style-type: none"> 1. Town Centre and District Managers 2. Area Partnerships 3. Police 4. Neighbouring Authorities 5. Officers – Pollution Control, Legal, Enforcement 6. Residents 7. Walsall Housing Group 8. Department of Work and Pensions 9. VOSA, 10. Representatives from Smartwater 11. Scrap metal dealers 12. Eon, 13. BritishTelecom, 14. Environment Agency, 15. HMRC 16. Virgin Media, 17. Pupil Engagement teams; 18. Network Rail. 19. Fire Service 20. Highways 21. DWP 22. LGA 											
	Timescales & Reporting Schedule											
	Draft Timetable attached											
	Risk factors											
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Risk</th> <th style="width: 33%;">Likelihood</th> <th style="width: 33%;">Measure to Resolve</th> </tr> </thead> <tbody> <tr> <td>Timescales for reporting to Council</td> <td>Low</td> <td>Meticulous planning. Focussed sessions.</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			Risk	Likelihood	Measure to Resolve	Timescales for reporting to Council	Low	Meticulous planning. Focussed sessions.			
Risk	Likelihood	Measure to Resolve										
Timescales for reporting to Council	Low	Meticulous planning. Focussed sessions.										

Date Agreed:		Date Updated:	
--------------	--	---------------	--

Draft Timetable:

Date	Activity(s)	Attendees/Action
9/11/11	<ol style="list-style-type: none"> 1. Agree Lead Member 2. Agree Lead Officer 3. Set Terms of Reference 4. Approve Programme of meetings 5. Overview of issues faced 	Scrutiny Officer, Members, North Walsall Area Manager (NWAM), Lead Officer.
25/11/11 – 16.30	Witnesses – Public	Members of public, members, scrutiny officer, Lead Officer, rep from WHG, NWAM.
01/12/11 – 18.00	Update report to Scrutiny Panel	Scrutiny Officer, Lead Member, NWAM.
09/12/11 – 16.30	Witnesses – Scrap Dealers & Collectors	Scrutiny Officer, Members, NWAM, Legal, rep from WHG, witnesses.
16/12/11 – 16.30	<ol style="list-style-type: none"> 1. Witnesses – Police 2. Cashless transactions for scrap metal 	Scrutiny Officer, Members, NWAM, Police, rep from WHG, Rep from Auto Green.
06/01/12 – 16.30	<ol style="list-style-type: none"> 1. Discussion with Legal re: Bye Law; 2. Highways – damage to dropped kerbs; 3. Enforcement, Trading Standards, Environmental Health, Pollution Control, WHG – current powers and future strategies. 	Scrutiny Officer, Members, NWAM, Highways Officers, rep from WHG, Enforcement Officers, Trading Standards, Environmental Health, Pollution Control.
12/01/12 – 18.00	Update report to Scrutiny Panel	Scrutiny Officer, Lead Member, Lead Member.
20/01/12	Despatch draft report to Working Group for comment	Scrutiny Officer, Members of the Working Group
30/01/12	Deadline for responses by Working Group	Scrutiny Officer, Members of the Working Group
09/02/12 – 18.00	Final report to Scrutiny Panel (Panel date previously 20 th February, 2011)	Scrutiny Officer, sign off by members.
23/02/12 – 18.00	Report to Council	Scrutiny Officer, Lead Member



Walsall Council

Scrap Metal Dealers Scrap Metal Dealers Act 1964 Guidance Notes

1. Do I need to register with the Council?

A person may only carry on the business of a Scrap Metal Dealer in the Borough of Walsall if she/he is registered under the above Act. The business of a Scrap Metal Dealer includes any of the following:

- having a scrap metal store located within Walsall Borough;
- a Scrap Metal Store is not located within the area, but Walsall Borough is his/her usual place of residence.
- a Scrap Metal Store is not located within the area, but premises within Walsall Borough are occupied wholly or partly for the purpose of dealing in scrap metal.

2. What is 'business as a scrap metal dealer', 'scrap metal' and a 'scrap metal store'?

- a person carries on business as a scrap metal dealer if he/she carries on a business which consists wholly or partly of buying and selling scrap metal, whether scrap metal sold is in the form in which it was bought or otherwise, other than a business in the course of which scrap metal is not bought except as materials for the manufacture of other articles and is not sold except as a by-product of such manufacture or as surplus materials bought but not required for such manufacture
- 'scrap metal' includes any old metal, and any broken, worn out, defaced or partly manufactured articles made wholly or partly of metal and any metallic wastes, and also includes old, broken, worn out or defaced tool tips or dies made of any of the materials commonly known as hard metals or of cemented or sintered metallic carbides
- 'scrap metal store' means a place where scrap metal is received or kept in the course of the business of a scrap metal dealer

3. What is kept in the register?

The register contains the 'appropriate particulars'; i.e. this essentially means the name of dealer and various business and home addresses

4. What if I should register but fail to do so, or if I fail to inform the Council about any changes in the 'appropriate particulars'?

- it is illegal to carry on the business as a scrap metal dealer within the Borough of Walsall unless the 'appropriate particulars' are entered on the register
- it is illegal to fail to notify the Council of any change in the 'appropriate particulars' within 28 days of any change
- it is illegal to fail to give notice to the Council within 28 days of the dealer ceasing to carry on business within the Borough of Walsall

5. What records are required to be kept?

- Every person who is registered under the above Act is required to keep a written record at each scrap metal store of all scrap metal received. This record must include:
 - the description and weight of the scrap metal:
 - the date and time of the receipt of the scrap metal
 - if the scrap metal is received from another person, the full name and address of that person
 - the price, if any, payable in respect of the receipt of the scrap metal if that price has been ascertained at the time when the written record is to be made
 - if the above is not applicable, the value of the scrap metal as estimated by the dealer
 - the registration number of any vehicles delivering scrap metal
- The written record should be bound and must be kept for two years from the date of the last entry.
- Every person who is registered under the above Act is also required to keep a written record at each scrap metal store of all scrap metal processed or dispatched. This record must include:
 - The description and weight of the scrap metal
 - The date and type of processing or the date of dispatch
 - The full name and address of the person the scrap metal has been dispatched to and the value of the transaction
 - if the scrap metal has been dispatched without sale or exchange, the value of scrap metal as estimated by the dealer
- The written record should be bound and must be kept for two years from the date of the last entry.

6. How long does the registration last for?

3 years and then lapses; the dealer must then renew the registration.

Rights of Entry

Any constable has a right at any reasonable time to inspect registered premises, records kept on those premises and scrap metal kept on the premises. The Council has powers of entry to ascertain if premises are being used as a scrap metal store.

Offences and Penalties

- Any person found guilty of failing to register a scrap metal business or to notify the local authority of alterations in the appropriate particulars shall be liable on conviction to a fine not exceeding £1,000.
- Any person found guilty of failing to notify a local authority that a business has ceased shall be liable on conviction to a fine not exceeding £200.
- Any person found guilty of failing to keep the proper prescribed records shall be liable on conviction to a fine not exceeding £1,000.
- Any person found guilty of acquiring scrap metal from a person under the age of 16 shall on conviction be liable to a fine not exceeding £200.
- Any person who obstructs the entry of an authorised inspector or fails to produce any book or document which the officer has a right to inspect shall on conviction be liable to a fine not exceeding £200.
- Where a person is convicted of failing to register or failing to keep records of dealings the Court may make an order imposing restrictions on the dealer for a period not exceeding two years.

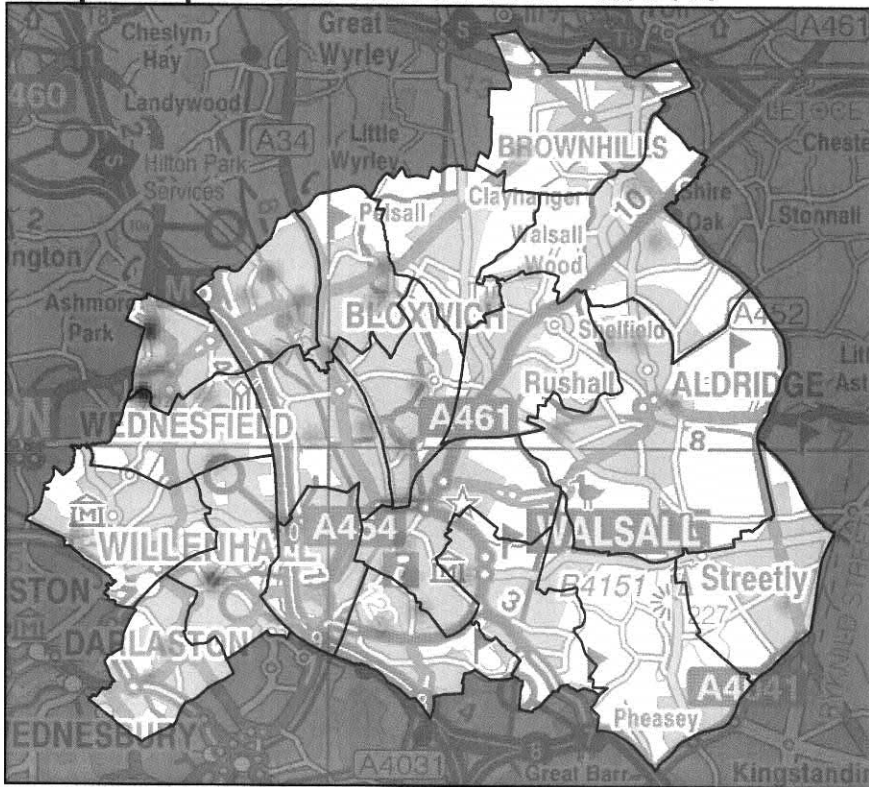
Summary Table of Enforcement across partnership

ISSUE	Agency/Team	Legislation	Purpose	Comment
Noise from premises	Environmental Health	Environmental Protection Act 1990 section 80	To deal with noise nuisance affecting domestic premises.	Generally one premises affecting another noise from loudspeakers in the street dealt with separately
Noise from Vehicles	Pollution Control	Control Of Pollution Act 1974	The use of a loudspeaker to advertise trade and/or business in a street.	Likely to take place away from where vehicle is stored
Smoke	Environmental Health (primarily)	Environmental Protection Act 1990 section 80	Smoke from a premises that can harm health or create a nuisance can be dealt with	Some associated powers under Highways Act and Clean air Act
Waste disposal	Environmental Health/ Environment Agency	Environmental Protection Act 1990 section 33 1a	It is an offence to deposit waste on land that hasn't got a waste management licence.	Doesn't include a persons own waste has to be waste brought from elsewhere.
Waste disposal and storage	Environmental Health/ Environment Agency	Environmental Protection Act 1990 section 33 1b	It is an offence to keep , treat or dispose of waste or permit the keeping treating or disposing of waste except in accordance with a waste management licence	Expands on the disposal to make treating and storing an offence also
Permission to deal in waste	Environment Agency	Environmental Protection Act 1990 sections 36-44	Issuing and enforcing waste management Licences	Has some cross over with Planning in that licensing of sites must take into account planning permissions.
Permission to transport waste	Environment Agency	The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991 (as amended)	Sets out the various procedures for waste carriers licensing	Not a Council function
Control of waste carriers	Environmental Health/ Environment	Control of Pollution (Amendment) Act 1989	An offence for any person who is not a registered carrier of controlled waste, in the course of	This can be dealt with through issuing of a notice requiring the person provides proof of being licensed-

Agency	Clean Neighborhoods and Environmental Act 2005	any business of his or otherwise with a view to profit, to transport any controlled waste to or from any place in Great Britain	failure can be a Fixed Penalty Notice of £300 in the first instance
Storing waste – pest control	Environmental Health	Prevention of Damage by Pests Act 1949	Basically a land owners responsibility generally requires evidence of rat/mice nesting or food likely to attract them – not for inert waste generally
Eyesores	Planning	Town and Country Planning Act 1980 s215	
Incorrect use of property	Planning	Town and Country Planning Act 1980?	Notice can be served on the owner or occupier of land that appears to the Planning Authority to adversely affect the amenity of their area Action to be considered if premises are being used for purposes outside of the permission that has been granted for that property or land Power to evict for failure to comply with Tenancy Agreement
Incorrect use of property Breach of Tenancy	WHG/ Landlords	Tenancy Agreement	Civil action
Licensing of scrap dealers	Trading Standards/ Licensing	Scrap Metal Dealers Act of 1964	Every local authority shall maintain a register of persons carrying on business in their area as scrap metal dealers A person who carries out works for the repair, maintenance, servicing, improvement or dismantling of a motor vehicle or of any part of or accessory to a motor vehicle on a road is guilty
Repairing vehicles on the highway	Trading Standards/ Licensing	Clean Neighborhoods and Environment Act 2005	Defence is this is not being done for reward or as a business or is being done as part of a breakdown or accident

Stopping moving vehicles	West Midlands Police	S 163 Road Traffic Act 1988 (as amended by the Road Traffic Act 1991) and section 49 of the Police Reform Act 2002	Power to stop a moving vehicle on the road	Although Env Health, Pollution and the Env Agency have varied powers to deal with these issues the Police are the only Authority to be able to stop the vehicle on the road to assist in investigations.
Anti Social Behaviour	Local Authority/Police	Anti-social Behaviour Act 2003 Crime and Disorder Act 1998	The individual subject of the CRASBO will have a set of prohibitions unique to the case to prevent anti-social behaviour re-occurring and protect the Community from such acts	Following conviction for an offence a 'CRASBO' can be requested to prevent further occurrences. May be changed as part of new Govt review of ASB.

Hotspot map of Metal Theft 07/11/11 – 05/12/11



Control Chart of Metal thefts 05/07/10 – 04/12/11

