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Report to the Joint Committee  
**Operation Titan**

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## **Background**

Recent high prices of traded metals have led to an increase in incidents of metal thefts. Press coverage of high profile cases such as stolen sculptures, war memorials and electricity supply components has exacerbated the problem. Add to this the increase in complaints received by Local Authorities and the Police regarding noise nuisance from scrap metal collectors and we have ourselves a nationwide issue. Worcestershire Regulatory Services is working closely with its partner agencies to help alleviate the problem of theft and nuisance from within Worcestershire.

The purpose of this report is to outline the current legal framework within which Worcestershire Regulatory Services has to operate, the current intelligence surrounding scrap metal and the work done / ongoing in this area.

## **Current Legal Position**

The Scrap Metal Dealers Act 1964 is the current legal framework relating to scrap metal. It places a duty on businesses acting as scrap metals dealers to register with the local district council. Worcestershire Regulatory Services delivers this function on behalf of the district councils so they must register with WRS and we, in turn, must maintain a register of all scrap metal dealers in Worcestershire. Worcestershire Regulatory Services cannot legally refuse a registration and cannot revoke a registration. Worcestershire Regulatory Services can only take action against a dealer if they are trading without being registered. Worcestershire Regulatory Services have no powers to enter a dealer's premise or inspect records unless they have reason to believe the premise is not registered. All other powers relating to enforcement of the Act fall to the Police.

There is no duty for scrap metal collectors, i.e. those going from door to door, to register with Worcestershire Regulatory Services or for Worcestershire Regulatory Services to maintain a register of these collectors.

The Control of Pollution Act 1974 makes it an offence to use a loudspeaker in the street to advertise any entertainment, trade or business. This offence must be witnessed by an authorised officer if sufficient evidence is to be gained to offer the prospect of a conviction. As this is criminal, the burden of proof is beyond a reasonable doubt.

Environmental Protection Act 1990 creates an offence of breaching a notice relating to a statutory nuisance. It is however unlikely that a scrap metal collector using a bugle in the street would constitute a statutory nuisance due to the transient nature of the sound and the limited time traders spend in a location. Also, the offence is breaching the notice, not actually making the noise.

Legal Aid, Sentencing and Punishment of Offenders Act 2012 It was envisaged that this Act would increase local authorities' ability to deal with scrap metal dealers and itinerant scrap metal collectors. However, the initial private members bill entitled Metal Theft (Prevention) Bill, failed to take into account the lack of powers available to local authorities. Graham Jones MP, who brought forward the Bill, was asked specifically if he had included measures to increase the powers available. His response was, "no".

The new Act, which comes into force in late 2012, includes the following items:

- increases each financial penalty in the Scrap Metal Dealers Act 1964 by two scale points and removes the upper financial limit for level 5 offences;
- creates a new offence of buying scrap metal for cash (payments must be made by cheque or by electronic funds transfer);
- provides new powers for the Police to enter scrap yards (on production of a warrant issued by a Justice of the Peace).

Itinerant or house-to-house collectors will continue to be able to receive cash payments legally, if they register as a scrap metal dealer and are issued with an Order under section 3(1) of the Scrap Metal Dealers Act 1964. It must be remembered that Worcestershire Regulatory Services cannot refuse an application of this nature.

#### Scrap Metal Dealers private members bill

Richard Ottaway MP is currently seeing this Bill through Parliament. It aims to provide the strong legislative framework required to empower local authorities and includes:

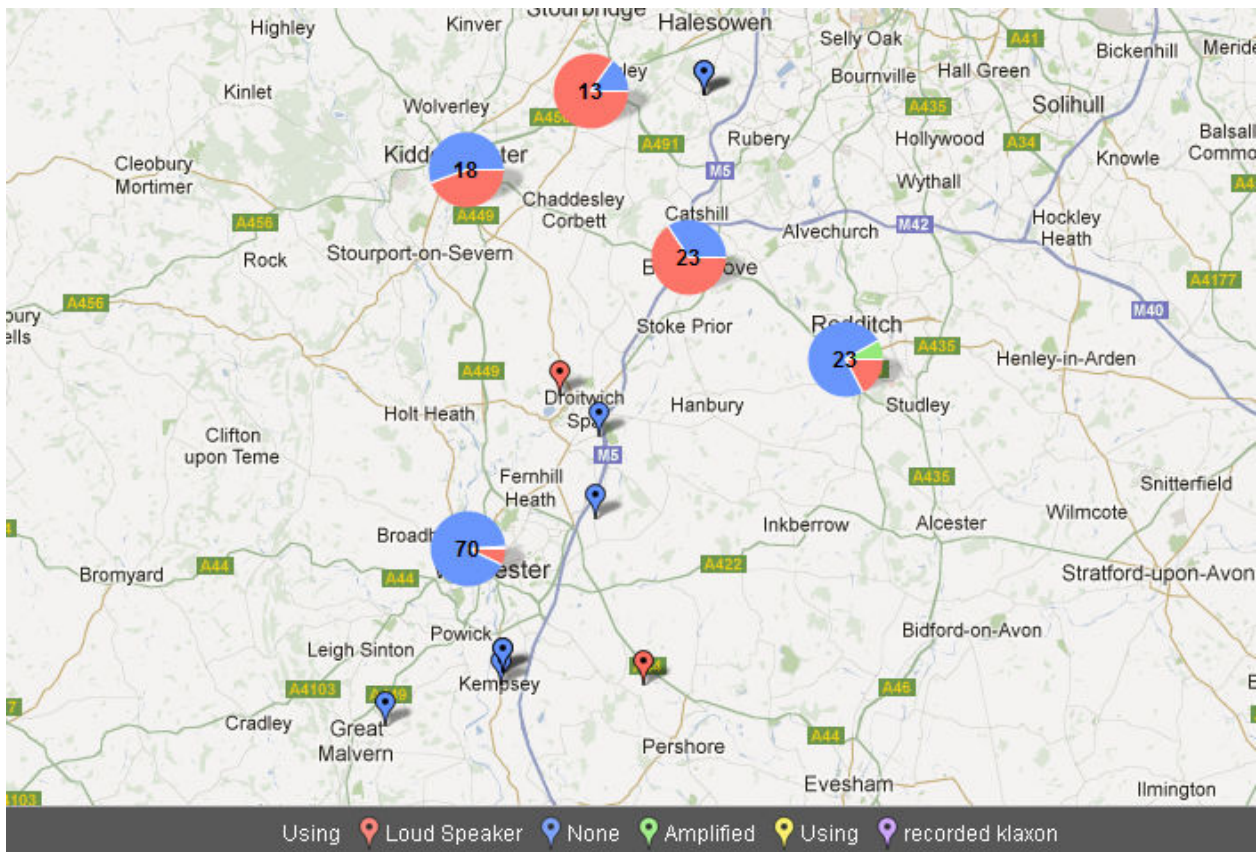
- enhanced application process to obtain a scrap metal dealer licence including the ability for local authorities to refuse unsuitable applicants;
- powers for local authorities to revoke a licence;
- requirements for sellers of metal to provide personal identification at point of sale;
- extending the offence of buying metal with cash to itinerant collectors;
- new powers for police and local authorities to enter and inspect scrap metal yards;
- creating a central public register of scrap metal dealers;
- widening of the scrap metal dealer definition to include motor salvage operators.

It is unclear as to whether or not it will reach the statute books.

## Local Intelligence

Between 27/02/2011 – 29/08/2012 172 complaints were made to WRS regarding the noise created from scrap metal collectors (9-10 a month). 33% of these complaints related to noise being created by a loudspeaker/hailer, amplification equipment, recorded claxon or tannoy system contrary to The Control of Pollution Act 1974.

The map below shows these complaints (where post codes were provided). It should be noted that the 70 complaints in the Worcester area are predominantly from one complainant.



## Action already taken

Worcestershire Regulatory Services has organised and taken part in a number of initiatives to combat the issues surrounding scrap metal collectors – including noise and theft.

Operation Titan Worcestershire Regulatory Services' in house initiative to develop intelligence collation relating to complaints received about scrap metal. This will allow continued observation of the trends of the scrap metal collectors and will aid in the targeting of partner agency work surrounding the issue of noise nuisance specifically.

Operation Snaffle Led by West Mercia Police, this initiative aims to reduce fuel and metal thefts across Worcestershire. The Operation involves several partner agencies including Worcestershire Regulatory Services, Wychavon District Council Enviro-Crime Team, Smart Water, Her Majesty's Revenue and Customs and the Environment Agency. Worcestershire Regulatory Services have assisted in the Operation in April and September of this year.

Operation Finance Led by West Mercia Police, this initiative targets the increasing problem of metal, lead and cable theft. The Operation involves several partner agencies including Worcestershire Regulatory Services, District Council Enviro-Crime Teams and the Environment Agency. Worcestershire Regulatory Services assisted in the Operation on 28 October 2011.

Operation Rogue Trader Forming part of Operation Liberal (the Police led initiative on distraction burglary) this is led by Worcestershire Regulatory Services and targets rogue traders operating in Worcestershire. Intelligence suggests that scrap metal collectors are predominantly itinerant traders. Recording their details will help to show if some of them have links to scrap metal thieves, rogue traders and other criminal fraternities. The Operation was supported by West Mercia Police, Wychavon Enviro-Crime Team, her Majesty's Revenue and Customs, the Environment Agency and Bromsgrove Benefit Fraud Team. The Operation ran days in August and October 2011.

Intelligence gathering Worcestershire Regulatory Services will continue to log and map complaints received relating to the noise created by scrap metal collectors. However, given the current legislative regime it is unlikely that formal action can be taken. The Service acts on an intelligence led basis for all areas of work. Those areas where high demand is received or where the offences alleged are serious in nature will be given priority.

### **Potential Further Work**

There are other actions that can be done, however, where we have limited resources and the problem is of limited impact on both individuals and the community. We have to give serious consideration as to the value of continuing to act in this area because the outcomes we can deliver are limited. Clearly if the legislation improves significantly this will make enforcement easier but until this is the case, action will be limited. Below is a list of potential activities that could be considered, however, members will see that West Mercia Police would be the key body to lead and deliver on these actions.

1. West Mercia Police to inspect all scrap metal dealers within the County to highlight the crackdown on scrap metal theft and to ensure that adequate records are kept by the scrap metal dealers to identify scrap metal collectors. To date, one unregistered dealer has been located and two have been found with stolen goods on their premises;
2. West Mercia Police to liaise with Worcestershire Regulatory Services and other partner agencies to take action against unregistered dealers. To date there has been one prosecution against a Worcester based scrap metal dealer who was not registered;

3. Relationships with Partners to be formed and maintained where there is a common interest relating to scrap metal dealers / collectors;
4. Intelligence to be gathered, analysed and shared to target resources to areas most severely affected by noise nuisance from scrap metal collectors;
5. Repeat offenders to be contacted and advised of the legal issues surrounding use of loud speakers;
6. Worcestershire residents to be educated on scrap metal thefts and the legal issues surrounding noise nuisance from scrap metal collectors;
7. Worcestershire residents to be encouraged to dispose of unwanted metal using local authority run household waste sites or the scrap metal dealer independently;
8. Representations to be made to the responsible body to request an increase in powers for Regulatory staff nationwide to the same level as the Police under the Scrap Metal Dealers Act 1964;