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## **LGA General Assembly Motions**

### **Purpose of report**

For discussion and direction

### **Summary**

Two motions on metal theft and licensing were proposed at the LGA General Assembly in Birmingham on the 28 June 2011 and remitted by the Assembly to the Safer and Stronger Communities Board. This paper provides details of the motions and the issues they raise for councils.

### **Recommendation(s)**

Members are asked to:

1. Note the two motions proposed at the General Assembly;
2. Agree that discussions be held with the Environment and Housing Board to agree what changes should be made to the Environmental Permitting Regulations to update the enforcement regime around scrap metal dealers, with a view to both Board's then taking forward an agreed position in their work with the Home Office and Defra; and
3. Agree to incorporating any work arising from the licensing motion into the Group's work on the Police Reform and Social Responsibility Bill.

### **Action**

LG Group officers to take forward any work identified by members arising from the two motions.

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## **LGA General Assembly Motions**

### **Background**

1. At this year's Local Government Association General Assembly in Birmingham two motions of relevance to the work of the Board were proposed. The first was submitted by Centro, the West Midlands Integrated Transport Authority, about the theft of metal, and the second by the London Borough of Lewisham about alcohol licensing. The text of the two motions are set out in **Appendix A**.
2. LG Group Vice-Chair, Cllr David Sparks, responded on behalf of the Group to Cllr Roger Horton who had proposed the metal theft motion, and the Board's Licensing Champion, Cllr Nilgun Canver, responded to the licensing motion proposed by the Board's Deputy Chair, Cllr Brooks. After the motions were proposed the General Assembly took the decision to remit both of them to the Board for further discussion and consideration.

### **Metal Theft Motion**

3. With the rapid industrialisation taking place in China and India and the resulting increase in global commodity prices there has been a significant increase in metal theft in England and Wales. Scrap metal prices have increased by around 6% over the last year to an average of £185 per ton, with the number of metal thefts increasing by about 52% over the last year. This is having a significant affect on communities, businesses, and individuals.
4. Theft especially of copper wiring has seen train services delayed, power supplies disrupted to businesses and homes, and telecommunication services interrupted. There have also been thefts of lead from church and school roofs as well as lead flashing from homes, thefts of lightening conductors, road signs, access covers from streetlamps, bus shelters and manhole covers. These thefts are estimated to cost UK firms some £770 million a year, with councils for instance also having to pay out tens of thousands of pounds annually just to replace manhole covers.
5. The West Midlands has been particularly affected by metal thefts with there being 840 thefts in a two month period in 2011 compared with 496 thefts in the same period last year. In Sandwell for example there were 285 recorded thefts between 1<sup>st</sup> April and the end of May 2011. Metal theft is a particular concern

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for Centro as thefts have caused 90 days worth of delays on the railways in the West Midlands in the last three years.

6. Action has been taken in the West Midlands to tackle the thieves with West Midlands Police running Operation Steel this year to reduce the amount of metal theft. Making it more difficult to dispose of stolen metals would make it less attractive for thieves to take. British Transport Police, which is leading on tackling metal theft on behalf of the Association of Chief Police Officers (ACPO), is therefore keen to ensure that the regulations around scrap metal dealers are tightened. Currently dealers are regulated by the Scrap Metal Dealers Act 1964, and are required to register their business with their local authority (which is the district council in two-tier areas). They are also required to keep a book at each year they operate detailing all the metal they receive, process and dispatch from the yard, and they have to record the name and address of any person they buy any metal from. The intention behind these requirements is to prevent stolen metal being bought or sold.
7. As these requirements are not always adhered to ACPO agreed a voluntary Code of Conduct with the British Metal Recycling Association in October 2010. The Code sets out a range of measures that can be taken by the scrap metal industry to reduce the sale of stolen metal by:
  - 7.1 Introducing digital CCTV systems at the entrances and/or weighbridges of recycling centres and retaining the images for 28 days.
  - 7.2 Requesting identification (including their name, address and postcode) from people disposing of metals who are not already known to the recycling centre, with a record being made of the identification produced.
  - 7.3 Refusing to pay cash to people unknown to the recycling centre or where identification cannot be produced.
  - 7.4 Maintaining accurate records as required by the Scrap Metal Dealers Act 1964 and ensuring that names, addresses and vehicle registration numbers are complete and accurate.
  - 7.5 Reporting suspicious people and transactions to the police.
8. Centro would like to see the provisions in the Code given a statutory footing to tighten procedures at scrap metal dealers and reduce metal theft. Given their licensing role and local knowledge councils are well placed to make it difficult for stolen metal to be disposed of. However amending the Scrap Metal Dealers Act may not be the best way of making it more difficult for thieves to dispose of stolen metal through scrap metal dealers. LG Regulation included the Act in their work around legislation that should be scrapped as they were of the view that the Environmental Permitting Regulations offer a better and more up to date regime for getting scrap metal dealers to record metal entering and leaving their yards. Defra and the Home Office are already looking at joining the scrap

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metal regulations with the environmental permitting regulations as part of Defra's waste policy review, which is looking at amongst other things, waste crimes.

9. There are issues in tackling metal thefts through the Environmental Permitting Regulations, including the fact smaller scrap metal yards fall outside the permit regime, and the Environment Agency has very limited capacity to ensure that those claiming to be exempt from the regulations are actually exempt and that they are fulfilling the requirements even exempt sites have to comply with. The Environment and Housing Board are already engaged with Defra about changes to the enforcement of the Environmental Permitting Regulations and the possibility that councils have a role in inspecting sites exempt from having to have a permit.
10. Other measures could also be taken to reduce metal theft. Moving scrap metal dealers to a cashless system for example, and finding alternatives to the stolen metal will reduce the incentives and actual amount of metal that can be stolen. Given the existing discussions between the Home Office and Defra, and the Environment and Housing Board's involvement in Defra's waste review, it is proposed that discussions are held between the Board and the Environment and Housing Board about what changes the LG Group would like to see made to the Environmental Permitting Regulations, and then for both Boards to take forward an agreed position in their work with the Home Office and Defra.

**Licensing motion**

11. The licensing motion identified four areas where changes in government policy could help councils in their work to reduce alcohol related disorder: charging those establishments that open late the cost of any additional policing resulting from their activities; giving greater councils greater powers to limit the opening hours of licensed premises in their area; letting councils recover the full costs of administering the licensing regime; and, giving the police greater powers to close premises. The Group has been lobbying on all these issues in its work on the Police Reform and Social Responsibility Bill, and the raising of the profile of the importance of licensing issues at the General Assembly was welcome.
12. The Late Night Levy provisions in the Bill will allow councils to require those premises who supply alcohol between midnight and 6am to pay a levy in addition to their existing licensing fee. The levy would be payable to licensing authorities, who would then deduct their administrative costs, and could then use up to 30% of the levy income in providing extra measures to reduce or prevent crime and disorder. The services that it can be spent on will be prescribed in regulations, and will be limited to activity that reduces crime and disorder (such as street pastors and taxi marshals) and cannot be used for

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additional street cleaning for example. The remaining 70% of levy income must be paid to the police, who would be able to use it outside the area it had been raised from.

13. While the Levy is going to be highly bureaucratic to administer, and is only likely to be adopted by around a third of authorities it will provide a means for councils to recover some of the general costs of extra policing from the establishments involved rather than council tax payers as a whole. The Group's preference would be to allow councils to recover these costs through the licensing fees regime, and indeed we would argue that the provisions in the Police Reform and Social Responsibility Bill allowing the recovery of general costs related to the Licensing Act could allow councils to recover their costs associated with extra policing.
14. Councils have the power to set the opening times for individual establishments when a licence is granted. The Police Reform and Social Responsibility Bill extends the flexibility of the Early Morning Restriction Orders introduced in the Licensing Act 2003 but never implemented. The changes in the Bill mean that councils will be able to restrict the sale of alcohol in all or part of their area for any period between midnight and 6am giving them the ability to set the final time for the sale of alcohol across their authority area.
15. The police already have powers to close a licensed premises with immediate effect. Under Section 161 of the Licensing Act a senior police officer can close a premises for 24 hours where there is likely to be disorder in the vicinity or related to the premises and the closure is necessary in the interests of public safety. As soon as possible after closing the premises the police officer must apply to the magistrates' court for it to consider and if necessary extend the order.
16. With the range of existing powers and the changes being made by the Police Reform and Social Responsibility Bill it is proposed that the issues raised in the motion are incorporated into the Group's work around the licensing section of the Police Reform and Social Responsibility Bill.

**Financial Implications**

17. Any work related to the two motions will be met from existing budgets and resources.