



Northern Ireland
Assembly

Committee for the Environment

OFFICIAL REPORT (Hansard)

Scrap Metal Dealers Bill:
Northern Ireland Utilities Working Group on
Metal Theft

10 December 2015

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
Mrs Pam Cameron (Deputy Chairperson)
Mr Cathal Boylan
Mr Paul Girvan
Mr Alban Maginness
Mrs Sandra Overend
Mr George Robinson

Witnesses:

Mr Paul Irving	Northern Ireland Utilities Working Group on Metal Theft
Mr Eddie Lynn	Northern Ireland Utilities Working Group on Metal Theft
Mr Eugene O'Brien	Northern Ireland Utilities Working Group on Metal Theft
Mr George Ong	Northern Ireland Utilities Working Group on Metal Theft

The Chairperson (Ms Lo): Good morning gentlemen. You are very welcome. We welcome Mr George Ong, chief risk officer from Northern Ireland Water and the utilities working group; Mr Paul Irving, land and property security officer with NIE Networks, who is also in the utilities working group; Mr Clive Bradberry, infrastructure executive with Translink NI, and again, a member of the group; and Mr Eddie Lynn, assisting lighting engineer with Transport NI from the same group. I do not know if you heard me, but this is being recorded by Hansard for reporting.

We have your papers. Members, I remind you that the paper from the working group is at page 325. Thank you very much for this very detailed paper. Can you talk us through it? I know you also have some slides to show us. We are running really late, but you have ten minutes.

Mr George Ong (Northern Ireland Utilities Working Group on Metal Theft): Good afternoon, Chairperson and members of the Committee. Thank you very much for inviting us to give our presentation today.

As you are aware, the paper that we presented gives a very brief outline of the risks associated with metal theft to local communities and businesses. It refers to the contamination of our rivers from stolen metal and the risks to the general public, our colleagues and the perpetrators of metal theft.

We in the utilities working group have been working for the past five years. We are doing our level best to share information and experience to tackle metal theft as and when it happens. We work with the Police Service of Northern Ireland (PSNI) and the Northern Ireland Environment Agency (NIEA) on specific cases, and we work with Crimestoppers, putting up posters in such a way that the message of the seriousness of metal theft is put out to the local community. We are doing our level best to prevent

metal theft. Sad to say, it is rather the aftermath of metal theft that we have to face. We have done our level best, as well, to work with Roy Beggs to produce legislation, because we firmly believe that it is only through legislation making it very clear that metal theft is criminal activity that we can put a stop to it or, at least, reduce its frequency and impact in our local community.

In England and Wales, it took 10 deaths and 50 life-changing incidents for them to put the Scrap Metal Act in place. We have seen that metal theft cases were reduced by one third as a result of having the legislation in place. Correspondingly, we saw an increase in metal theft in Scotland, and it too now has an act in place. Working with our colleagues down South, we have seen gruesome pictures of the impact of metal theft, including fatalities. It is not a good sight. Our purpose today is to bring to the Committee's attention the importance of having legislation in place in such a way that, working together with you, we can prevent death or serious injury ever happening in our community. That is the reason we are here today.

Very quickly, I will go through some of the risks that NI Water is exposed to. I will then pass over to my colleagues who will let you know how incidents have clearly affected our community in the past, and the potential risks in the future.

In the presentation, you have a picture of one of our waste water sites, from which equipment was stolen at the risk of contaminating our water supply. More than that, you can see deep water in the picture. Gates have been stolen from our sites, allowing the risk of children getting into those sites and coming into those high-risk areas. We have done our level best to put a lot of preventative measures in place but there is hardly anything we can do to stop that from happening.

The second slide shows manhole covers being stolen. From the picture, it is very clear that they are gone, but, in the dark of night, these are just death traps. In the Newry area, there is a road where we have replaced manhole covers four times in a short period of time. With increased surveillance by our staff, together with the PSNI, it eventually stopped.

Look at the third slide: these are telemetry masts, where we get signals of any discharged water or whatever. Thieves have stolen the lead and copper wires and the lightning arresters. We have to put in cement to seal it: that will stop them stealing our metal.

The key risk to Northern Ireland Water is severe, for the people, the communities and our staff. I pass you to Paul from NIE.

Mr Paul Irving (Northern Ireland Utilities Working Group on Metal Theft): Good afternoon. I apologise for my voice; I am recovering from a cold. Hopefully, I will not infect the Committee: that would probably not go down too well.

The Chairperson (Ms Lo): We were the same.

Mr Irving: We will counterbalance each other.

The Chairperson (Ms Lo): It is going around.

Mr Irving: I will give the Northern Ireland Networks' perspective. I heard what some of the previous speakers said. It is certainly important to know that what is happening continues to impact on rural communities. This is not an issue that is dictated by copper prices. Those involved in these thefts do not get the market value that is on offer in the London Metal Exchange. These are individuals who go out determined to steal and make a very quick profit from the proceeds of their theft. The linkage to copper prices, from my perspective, is irrelevant. Over the time that I have been in place, we have continued to suffer from metal thefts.

I draw the attention of the Committee to the map we put together of Northern Ireland incidents since 2011. That is across the whole Province. From the very quick research I did on the members of the Committee, I know that this has happened in your areas and is affecting your constituents and has done so as recently as 27 November. We had four poles cut down in Drum Manor Forest Park in the outskirts of Cookstown. Two hundred and fifty metres of overhead copper conductor were stolen, and three residents were taken off power. A couple of weekends ago, the weather conditions were that we had a very dark, wet, stormy, cold night. Those individuals were without power for a considerable time until our engineers could get out there and put them back on. Effectively, it is reckless endangerment by the individuals who commit the crimes. They do not care whom they inconvenience; they are not

interested. Previously, this has impacted on every aspect of the community, including the elderly, the vulnerable, businesses and the rural community. It has impacted on farmers as well. We have had farmers waking up in the morning to go out and milk their cattle only to find that their power has gone off because somebody, during the evening, has cut down poles and stolen copper conductor.

There is also the other issue where we have had substations stripped of copper earth, effectively leaving them in a very dangerous situation. Some that have been targeted are in urban areas and are next to pathways and walkways close to where children congregate and play. So, again, it is an unacceptable level. I hear what you say about where this sits. From my perspective, I do not care: there is a need for robust legislation to deter and stop these individuals from carrying out the thefts.

Again from my perspective, I am big fan of the cashless system, because a lot of the instances are opportunistic. Individuals are going up there and are seeing cables in substation sites. They may see copper conductor on overhead poles, and they are looking for a very quick sale. That is what happens. They are going in there and getting rid of it very quickly to get money. You have to remember that, as I said, they do not get the market rate: the thefts continue regardless of what copper metal prices are at the moment, and they will continue to happen.

Mr Eugene O'Brien (Northern Ireland Utilities Working Group): Thank you for the opportunity to present to you. I am deputising for Clive Bradberry, who is unable to attend. I am head of track at Northern Ireland Railways, and I will present some information to the Committee regarding our experiences of theft.

Our concern is primarily health and safety. We have been the victim of a number of successful and unsuccessful attempts on our network. As you know, we operate a train service that runs on steel rails throughout the Province. We patrol the track, and our track patroller came upon a section of track between Lisburn and Antrim that had been cut out, ready for theft, and the keys had been removed. Thankfully, we patrol, and we caught this before a train could, quite literally, come off the track. It is not a line that is used regularly, but we keep it as a divert route so that we can send trains down it at any time. Fortunately, in this instance, the patroller got there before the train. We also use it for training our train drivers and our on-track machine drivers. I suppose that there was a very high potential for a very serious incident and even a fatality had we not been there just before the train. The rail in question was cut, and clips were removed so that it was ready for removal, probably the next night.

There was an actual theft of rail from Galgorm crossing. The rail was intended for installation on the track and was removed overnight in a well-planned six-hour operation. We had CCTV at the crossing, and we saw the digger, the machines, the van and the trailer etc take the rail away. In fact, what drew our attention to this was that the length of rail had dislodged the camera at the crossing, and we had to go out and reposition it. The police were informed etc, but I do not think that there were any successful prosecutions. There was also a newly installed power cable at Ballymoney and, again, had we not discovered the theft of that cable, there would have been a potential health and safety incident. New cable that we had stored at Lislea Drive was stolen, and it disappeared. It was very cleverly taken out from underneath our fence, spooled off the drums.

These are our experiences of actual theft, which are motivated by the dividend that the thieves derive from it. Health and safety is our primary concern. We are a public transport operator. I do not need to explain to you that, if the rail is not there, the train does not run too well. How we react to this is that we have to spend money on more surveillance, more CCTV and more expensive racking. We had to rent stores in which to store our cables more securely at Lislea Drive, because our own area was not sufficient in that regard. We are a victim, and we are very exposed, from a liability point of view, to theft.

Mr Eddie Lynn (Northern Ireland Utilities Working Group on Metal Theft): Good afternoon everyone, and thank you for the opportunity to give this presentation.

My slide is the last slide, and you can see from the street lighting column that it is a representation of what happens when people break into our systems. They expose the cables, which are a danger to touch and a danger to the public and our street lighting staff. There is a danger of electrocution. With street lighting, not only is there that danger, but there is also a social impact. Whole communities are left without lighting. Judging by the phone calls I receive in my office, particularly those from elderly residents, people are more concerned about the security aspect than about the functionality of the light. Their fear, particularly in rural areas, is that they may be subjected to burglaries if there is no street lighting.

Another impact is illustrated by my example of the Dunloy crossroads, which is on the road between Ballymena and Coleraine. It is just outside Logan's shop. About 1,200 metres of cable was removed from that system. Part of the risk assessment for upgrading that crossroads involved a number of road traffic collisions, one of which was a fatality. We lit the crossroads in order to reduce the risk. The removal of the cable put the place in darkness, which gave rise to the risk of more collisions and possibly more fatalities. Not only is it a danger to our staff and the public, but it has a social impact.

Mr Ong: In the interests of time, I will highlight just two points for your consideration. We have heard about the voluntary code of conduct. There is no need for me to explain that any further, other than to stress the word "voluntary": it does not capture the people whom it is supposed to capture. The second point is that there is legislation already in place in Northern Ireland to help manage and reduce metal theft, so why do we need more to be put in place? The moral of the story is simple: if you look at the Scrap Metal Dealers Bill, it does exactly what it says on the tin. This is what it is supposed to do. We want to put it very clearly to the people in our community that we are serious about metal theft and that we are working together to protect all residents and make sure that in Northern Ireland we have proper, effective legislation in place to protect our people.

The Chairperson (Ms Lo): Thank you, that was a question I was going to ask you. I am sure that, when you were sitting at the back, you heard the departmental officials' reservations and concerns about another Bill coming in. They say that it is not a good idea to have dual regulation and that they are already putting in measures to strengthen permitting and inspection. Are you saying that that is not enough?

Mr Ong: You can have legislation that you intend to put in place that, potentially, could do this or that for you. The reason why England and Wales decided to introduce this was to make it very clear to scrap metal dealers and the people they represent that they are serious about metal theft. This one paper holds everything together so that there is no ambiguity or confusion. In other words, this is what we will do in terms of putting legislation in place.

We totally support Roy Beggs in putting his private Member's Bill through the Assembly. We have engaged with him and looked at various aspects of the Bill. The good thing about what we have here is that the Department has at least six months to look at it and bring to the Committee and the Assembly any further changes they want to make. Putting various stumbling blocks in place to stop it coming into force is a risk we have to consider seriously.

The Chairperson (Ms Lo): The problem is that we do not have a lot of time to go over it. It has come a bit late in the day, which causes us a problem as we cannot scrutinise it thoroughly.

Mr Ong: I fully understand that.

Mr Boylan: Thank you very much for your presentations, some of which were very strong. It is our job to scrutinise properly. I know that you do not mind where this sits, but we, as a Committee, have to consider where it sits. The Bill concerns theft and crime, which are issues that sit with a different Department.

Mr Beggs was previously on the Committee with me. I will get the statistics on the link between the price of copper and the increase in thefts from the DOJ. We have a continuing theft problem, as you have highlighted to us. The issue for us is organised crime. You are looking at cutting down the number of outlets, which affects the scrap metal industry. Ultimately, that is what you are looking at doing. We also have a responsibility to protect businesses and not overburden them. I am glad you are here, because this is what scrutiny is all about. You are putting your views across, and we will take them on board.

I represent a large rural constituency, and I live in the border area. Unless the same legislation is brought forward in the South, we will only be moving the problem across to there: that is all we will be doing. The thefts will still happen in your industry, because the thieves will just go to outlets two miles down the road.

Paul, you talked about the thefts being opportunistic. I think the majority of it is organised crime, because the thieves have an outlet. Is that not a fair assessment? I am sure you have discussed this with Roy as part of the process —

Mr Irving: I have discussed a lot of these issues. All those little stars on the map are sites that I have been out to in order to examine the issues. Some of those thefts have certainly been opportunistic. You have individuals who see something that is very attractive, is of high value and is perhaps somewhere it should not be, and they will take it. For example, we had a transformer stolen near Keady, which had been taken down from a pole. It was dragged down a lane, never to be seen again. There is that aspect of the metal theft. Did the thieves want the transformer or the copper windings inside it?

Some of the cases in which we are having poles cut down are probably more organised in a local context. When you say "organised crime", are you talking about the issues that the ESB had with individuals flying in from eastern Europe to attack their infrastructure or the major crime gangs in GB based in the Birmingham area that attacked the infrastructure in that part of the world? We are not at that level of organised crime.

In the discussions I have had with the police in the various areas in relation to our incidents, that was also their opinion. We are not talking about organised crime in a wider context. If you scratch the surface with these criminals, you will find that the same individuals are carrying out the thefts of tractors etc in rural areas. Scratch the surface, and you will find that they are looking for a quick sale and something that will benefit them very quickly. In that context, the thieves are organised, and I am quite sure that they are disposing of metal in exactly the same way to exactly the same people. When we have some robust legislation in place, you will remove the opportunity for that quick sale.

Mr Boylan: My point is this: are you saying that you, as a company, will move down South and request the same legislation? If there are thefts up here and we bring in the legislation, that will just move it across the border. Do you understand?

The Chairperson (Ms Lo): That may make down South introduce legislation.

Mr Boylan: That is grand, Chairman. I am asking the businesses. Is that the level of engagement that you are thinking of? You are presenting from a Northern point of view. I am saying that I see this moving somewhere else unless there is equivalent legislation.

Mr Irving: The statutory instruction on waste management down South has been to bring in an ID check. They have taken it a step further and have asked for proof of address, which is what they have in GB with the Scrap Metal Dealers Act 2013 in England and Wales.

Mr Boylan: That is grand. I certainly do not have an issue with ID checks, but I think that you could tag them on to the waste management and licensing system that we have at the minute. That is one way.

When was that metal theft at the crossroads?

Mr Lynn: September 2011.

Mr Boylan: I know that there were a number of thefts, which ignited the call for legislation. We are not arguing with the legislation. We are trying to decide whether it sits with the DOE and whether there is current legislation that we could amend and enhance to deal with it. The DOJ will be coming to us next to give evidence, and we will find out the level of organised crime, the stats for all of that, and whether bringing forward primary legislation to deal with it is justified. It is our role to scrutinise it. I appreciate you coming forward. I suppose that it is a coincidence that that transformer was stolen in my home town of Keady. We will leave it at that.

The Chairperson (Ms Lo): We need to talk about proportionality and whether, in bringing in legislation, we are using a hammer to crack a nut. How often do those crimes happen in your area? Is it several times a week?

Mr Ong: The statistics from 2011 onwards show that we have 4,700 cases. In 2011-12, it was 1,726; in 2012-13, it was 1,469; in 2013-14, it was 1,055, and in 2014-15, up to 31 March 2015, it was 552, going on PSNI statistics. Concentrating on reducing the number of cases is missing the point. One case is one too many. It may be somebody whom you know. It may be a child with a certain disability, but they are relevant. We are working together to do our utmost to try and prevent this from

happening on our sites and in our community, and we are seeking to work with you to put legislation in place.

There is a question about whether this should fall under the remit of the Department of the Environment or the Department of Justice. The point to note is that Northern Ireland is a very close-knit community. The PSNI and the NIEA have been working hard on this and, even until last week or so, they were having training sessions together. We have been working with them and continue to work with them to provide materials and things like that. The legislation that Roy Beggs is putting in front of you is a real attempt to demonstrate that he has listened to the public. In the consultation process, and through the various processes, it has been recognised that the best place to put registration in this paper is the DOE and that the PSNI are the best people to enforce it. Schedule 2 talks about the closure of sites, and both are clearly working together to enforce and put that in place. We understand that they have difficulty in putting enforcement in place because there is no specific legislation. Putting this in place will support them to do what they will be able to do best.

The Chairperson (Ms Lo): The Department of Justice says that there is already the Theft Act and that, if it is proven that there is theft of metal or whatever, it can prosecute.

Mr Ong: Yes, we have the Theft Act, and it is useful. We in Northern Ireland Water have experienced the benefit of the Theft Act. One of our sites in Lisburn was continually being dismantled, step by step. Machinery and metals were being stolen. We worked with the PSNI, and we put in surveillance. Eventually, we managed to catch five guys; the PSNI was able to recommend five guys for prosecution. They were taken to court and punished. It took a lot of resources to put that in place. By having legislation, we are talking about putting preventative measures in place to stop that happening in the first place. That is why we fully support Roy and the Committee in addressing the matter.

Mrs Overend: Thank you very much for coming to the Committee. A lot of my questions have been asked. The departmental officials who were here earlier said that they are about to introduce two further sets of regulations that will impact on scrap metal dealers. Are you aware of those? Have you been consulted about them?

Mr Ong: We are not experts in legislation. We are aware of what is being presented in Roy Beggs's paper on the existing legislation. We are aware of certain legislation to be put in that could have an impact, but, all in all, we need to ask ourselves this question: is it clear to us, the Northern Ireland community and the scrap metal dealers that there is one clear Bill that deals with this matter? Having this legislation in place pulls everything together to the one point so that everyone is clear about what we need to prevent and criminalise this activity.

The Chairperson (Ms Lo): Cashless transactions were mentioned in the previous session. Following consultation, Roy Beggs decided to have a limit of £100 in his Bill. Do you think that a full cashless system is the way to go?

Mr Ong: The option — and it is an option — of putting in the £100 is an attempt to demonstrate that he has listened to the various pieces of information he has received in order to try and manage various small-scale transactions. Our preference is to have a totally cashless system. It would make our Bill consistent with others and, hopefully, when the Republic of Ireland brings forward a Bill, it will put the same cashless regime in it. To put in a provision where you can have only one transaction below £100 a month creates another layer of administrative burden. If you do it twice, it is a criminal activity. Our preference is for totally cashless transactions. Normally, the people who drive up to a scrap yard will have a bank account — I say "normally". We support a cashless system, but we understand why that was put in place.

The Chairperson (Ms Lo): There are no more questions. Thank you very much. That has been really helpful. I am sure that we will be talking to you again. Sorry for keeping you for so long.