

This report will be made public on 1 September 2014.

**Folkestone**

Hythe & Romney Marsh  
Shepway District Council



Report Number **C/14/28**

**To:** Cabinet  
**Date:** 9 September 2014  
**Status:** Non-Key Decision  
**Head of Service:** Bob Porter, Head of Housing, Land and Property  
**Cabinet Member:** Councillor J Collier, Cabinet Member for Properties Management

**SUBJECT: COUNCIL POLICY ON METAL DETECTING**

**SUMMARY:** From time to time the Council receives requests from members of the public to operate metal detectors on Council owned or tenanted land. The normal response is to refuse the request for permission but this decision is taken without the backing of an agreed policy. The Policy (draft appended) confirms that permission will not normally be granted unless the activity is part of an approved programme of research. The Policy also outlines the position of the Crown Estate with regard to detecting on the foreshore.

**REASONS FOR RECOMMENDATIONS:**

Cabinet is asked to agree the recommendations set out below because:

- a) They meet with the Council's Vision for the District '*Listening to local people*'.
- b) The Council does not currently have an agreed policy on metal detecting.

**RECOMMENDATIONS:**

- 1. To receive and note report C/14/28.
- 2. To approve the attached Council Policy on Metal Detecting.

## 1. INTRODUCTION AND BACKGROUND

- 1.1. The Council received a complaint from a member of the public on the manner in which it dealt with a request to carry out metal detecting on its land. The Stage 2 response concluded that the Council was not at fault but that as part of its drive to improve its service to the public, it would:

*Consider the need for a Policy on metal detecting*

The Cabinet Member agreed that a policy should be drafted and this was approved by Corporate Management Team on 8 July.

- 1.2. The Council's Property Team occasionally receives requests from metal detectorists to detect on Council owned or tenanted land. These requests are refused but without the support of an approved policy.
- 1.3. The need for a policy was highlighted earlier this year when a member of the public detected two objects on land adjacent to Haven Drive that led to the involvement of the Police and Army Bomb Disposal unit. A policy may not have prevented this but it highlighted the need to have an official Council position when discussing the matter with officials from these organisations and the member of the public concerned.

## 2. THE POLICY

- 2.1. The Policy (Appendix A) states that:

*In general, metal detecting on Shepway DC owned and tenanted land (including land to which the public has a right of access) is not permitted.*

The only exception to this is where there has been a request as part of an approved programme of research. In this instance, a formal licence would be issued by the Council's Asset Management Team.

- 2.2. The Policy also clarifies the Crown Estate position in relation to detecting on the foreshore.

## 3. RISK MANAGEMENT

- 3.1. A summary of the perceived risk is as follows:

Perceived Risk	Seriousness	Likelihood	Preventative Action
The Council continues to advise on metal detecting requests without an approved	Medium	Low	Policy to be approved and placed on the Council website

policy.			
---------	--	--	--

#### **4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS**

##### **4.1 Legal Officer's Comments (Amandeep Khroud)**

There are no legal implications arising from this report.

##### **4.2 Finance Officer's Comments (Lee Walker)**

There are no financial implications arising directly from this report.

##### **4.3 Diversity and Equalities Implication (Colin Paine)**

There are no diversity and equalities implications arising from this report.

#### **5. CONTACT OFFICER AND BACKGROUND DOCUMENTS**

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

*Bob Porter, Head of Housing, Land and Property*

*Telephone: 01303 853333*

*Email: bob.porter@folkestone-hythe.gov.uk*

The following background documents have been relied upon in the preparation of this report:

None

#### **Appendices**

[Appendix A](#) - Policy on Metal Detecting

## APPENDIX A



### SHEPWAY DISTRICT COUNCIL – POLICY STATEMENT ON METAL DETECTING

#### 1.0 INTRODUCTION

- 1.1 From time to time, the Council receives requests from metal detectorists asking for permission to access Council owned or tenanted land in order to pursue their hobby. This document sets out Shepway District Council's policy on metal detecting on Council land and is effective from the date that it is adopted.
- 1.2 Local authorities have the power to ban metal detecting and other activities through the use of byelaws. In the absence of any such byelaws, the use of metal detectors on Council owned land is regulated by this Policy.

#### 2.0 POLICY

- 2.1 In general, metal detecting on Shepway DC owned and tenanted land (including land to which the public has a right of access) is not permitted. Any previous agreements concerning metal detecting that may have been made between the Council and its tenants will also cease to have effect from the date of the adoption of this Policy.
- 2.2 Any proposal to undertake metal detecting on Shepway DC land will only be considered where detecting is part of an appropriate programme of research. This is because removal of an archaeological object from its context, unless carried out by a professional archaeologist, can cause the loss of valuable information, as well as damage to the artefact itself. Persons wishing to carry out such research will need to apply for and obtain a permit from the Council's Asset Management Team order to use a metal detector as well as to undertake associated survey work on Council owned or tenanted land. Permits are issued on the understanding that the primary aim of allowing detecting or survey work is the gathering of information on the archaeology on the Council's land. Any metal detecting carried out under permit shall be undertaken in accordance with the National Council for Metal Detecting Code of Conduct [accessed online via web link <http://www.ncmd.co.uk/code%20of%20conduct.htm>].

- 2.3 All treasure as defined by the Treasure Act 1996, together with any artefacts including, amongst others, metal objects (including coins, weapons and jewellery etc), worked flints, pottery, building materials, slags and worked bone found on Council owned or tenanted land shall remain the property of the Council or the Council's landlord (depending on the wording of the tenancy agreement) respectively. The rules and procedures as set out in the Treasure Act 1996 will need to be followed and complied with.
- 2.4 The person in control of the day to day management of Council owned land has been made aware of this Policy and their duty to ensure that its details are complied with.

### **3.0 METAL DETECTING ON THE FORESHORE**

- 3.1 The Crown Estate is required by the Crown Estate Act 1961 to manage its foreshore and regulate such activities as metal detecting. This covers the locating and removal of finds, including those that might be identified as 'treasure'. The Treasure Act 1996 deals with the definition of treasure, along with the payment of rewards in relation to permitted metal detecting. Items which are not defined as treasure and found in the course of metal detecting are in principle also owned by the landowner. The Crown Estate will issue a permit for metal detecting on the foreshore at no cost.
- 3.2 The Crown Estate generally seeks to encourage access over, and responsible use of, the foreshore and will issue a permit for metal detecting on request, making no charge. Foreshore in England, Wales and Northern Ireland is defined as the land between mean high water and mean low water. On occasions third parties may restrict metal detecting on Crown Estate land. If the foreshore is for example within a Site of Special Scientific Interest (SSSI) then the relevant authority, including the Council may object to certain activities, and so access may be restricted.

**Colin Paine, Property & Engineering Manager**

Tel: 01303 853379

Email [colin.paine@folkestone-hythe.gov.uk](mailto:colin.paine@folkestone-hythe.gov.uk)

July 2014