



Metal Detecting Policy

Introduction

This document sets out the policy of Witney Town Council regarding requests for permission from individuals and organisations to conduct metal detecting on land it owns, leases, or manages.

Local authorities have the power to ban metal detecting and other activities through the use of byelaws. In the absence of any such byelaws or other specific restrictions on metal detecting on land owned, leased, or managed by the Council the use of metal detectors on such land is regulated by this Policy.

Any previous agreements concerning metal detecting that may have been made between the Council, individuals and organisations will cease to have effect from the date of the adoption of this Policy.

Unauthorised detecting constitutes vandalism under the Criminal Damages Act 1971

Policy

Metal detecting is unauthorised on all areas of land owned, leased, or managed by the Council as this can:

- a) damage roots, plants, wildlife.
- b) create trip hazards.
- c) lead to the removal of artifacts from their original position thereby losing vital archaeological information.

in areas consisting of closely mown and carefully cultivated turf and flower beds; play areas; dedicated sports areas; sites of archaeological, botanical, or scientific interest; allotments; or areas much used by blind or disabled persons.

In exceptional circumstances only, the Council may consider metal-detecting permissible. This includes:

- d) to allow individuals to search for a particular lost object, in which case absolutely no excavation will be allowed.
- e) for particular archaeological or scientific purposes in relation to works being executed by the Council. NB: It is illegal for anyone to use a metal detector on a protected area (e.g. Scheduled Archaeological Sites, SSSI, or Ministry of Defence property) without permission from the appropriate government authority, in addition to the landowner.

In order for metal-detecting to be conducted under points (d) and (e), a written request must be submitted to the Town Clerk of Witney Town Council detailing:

- f) the scope and purpose of the proposed metal detecting activity.
- g) the exact location of the proposed activity.
- h) The date and duration of the activity.
- i) A guarantee of full re-instatement (to the satisfaction of the Operations Manager) of any area that has been subjected to any form of excavation by the activity, along with a guarantee to cover any expenses incurred by the Council if the re-instatement fails to meet the standards required.
- j) A risk assessment (if part of a public body, authority, or organisation)

If agreed under point e), permission will be granted in writing:

- k) authorising the scope and purpose of the proposed metal detecting activity, the exact location of the proposed activity, the date and duration of the activity, and any other relevant restrictions, all of which may, at the discretion of the Town Clerk, be a more restricted location/scope and/or time frame.
- l) outlining what constitutes full re-instatement (to the satisfaction of the Operations Manager) along with a reminder that costs will be charged by the Council if the re-instatement fails to meet the standards required.

Persons carrying out metal detecting activity must be members of a recognised metal detecting club or archaeological research organisation and abide by whatever code of practice that the club or organisation commits to (preferably the Code of Conduct of the National Council for Metal Detecting), including relevant licensing, and £10m public liability insurance.

Where organisations have been granted permission to carry out metal detecting, the organisation will ensure that all members understand and abide by any terms of the permission granted.

All finds must be reported to Witney Town Council. If live ammunition or other hazardous objects are found, the person carrying out the metal detecting activity must mark the spot clearly and report the find to the Police and Council immediately.

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 shall remain the property of the Council. The rules and procedures as set out in the Treasure Act 1996 and any subsequent revisions or amendments which may come into force will need to be followed and complied with.

Tenants of land owned by Witney Town Council will be provided with a copy of this Policy and will be made aware that it is their duty to ensure that its details are complied with.

Adopted: PG&F Committee 27/03/23 (minute no: F160)

Review Date: March 2027