

COMMITTEE FOR AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS

MINUTES OF PROCEEDINGS

THURSDAY 1 OCTOBER 2020
ROOM 30, PARLIAMENT BUILDINGS

Present: Mr Declan McAleer MLA (Chairperson)
Mr Philip McGuigan MLA (Deputy Chairperson)
Mrs Rosemary Barton MLA
Mr John Blair MLA
Mr Maurice Bradley MLA (via StarLeaf)
Mr Harry Harvey MLA
Mr William Irwin MLA
Mr Patsy McGlone MLA (via StarLeaf)

In attendance: Ms Stella McArdle, Committee Clerk
Ms Barbara Love, Committee Clerk
Ms Elaine Farrell, Assistant Clerk
Ms Marion Johnson, Clerical Supervisor
Ms Kate Duffy, Clerical Officer

The meeting commenced in Closed Session at 9.04 a.m.

Mr Irwin joined the meeting at 9.17 a.m.

The Chairperson left the meeting at 9.27 a.m. The Deputy Chairperson assumed the Chair.

The Chairperson rejoined the meeting at 9.29 a.m. and resumed the Chair.

The Committee discussed a number of arising issues which were relevant to the meeting.

Agreed: The Committee agreed to write the Chairpersons of the Statutory Instruments Committees in Westminster to outline a number of concerns. The draft letter will be signed off at the meeting on 8 October 2020 prior to issue.

Agreed: The Committee agreed to write to the Minister to raise concerns regarding the provision of information on Statutory Instruments.

Agreed: The Committee agreed to write to the Department to request written briefings on the SIs on Organic Pollutants and Pesticides.

The Committee moved into Open Session at 9.39 a.m.

1. Apologies

None.

2. Chairperson's Business

The Chairperson advised the Committee that a review has been completed by Assembly Building Services on the room capacity in committee meeting rooms and Room 30 can hold a maximum of 12 people. He further advised that use of the StarLeaf App is still the preferred option for witnesses and its use should be encouraged.

The Chairperson advised the Committee that the informal meeting with the House of Lords EU Sub Committee has been arranged for Tuesday 6 October 2020 at 1.00 p.m. and will take place on Microsoft Teams. An information pack will issue before the meeting date.

Agreed: The Committee agreed to a request by the Chairperson to forward the Hansard from the oral evidence session on the ETS Common Framework to the sister committees in Westminster, Scotland and Wales as well as the Committee for the Economy.

3. Draft minutes

Agreed: The Committee agreed the minutes of the meeting held on 24 September 2020.

4. Matters arising

Noted: The Committee noted the request for legal advice on the process that the Committee is being asked to follow in respect of its consideration of Statutory Instruments.

5. Written Briefing: Office of the Speaker

The Committee noted the correspondence from the Clerk Assistant on committee consideration of EU Exit Statutory Instruments alongside correspondence from the Office of the Speaker which contained TEO Guidance to NICS on role of Assembly committees.

Agreed: The Committee agreed to seek clarification on the role of the NIO in relation to NICS guidance on Statutory Instruments.

6. Departmental Oral Briefing: AGS/04 and AGS/05

The following departmental officials joined the meeting via StarLeaf at 9.45 a.m:

Colette McMaster, Director of Sustainable Agri-Food Development
Elaine McCrory, Head of Agri-Food Brexit 1

The officials briefed the Committee and this was followed by a question and answer session.

The oral briefing was reported by Hansard.

Mr Blair joined the meeting at 10.09 a.m.

The Chairperson thanked the officials for their attendance.

Agreed: The Committee agreed to move into Closed Session

The meeting moved into Closed Session at 10.16 a.m.

The Chairperson left the meeting at 10.18 a.m. The Deputy Chairperson assumed the Chair.

The Chairperson rejoined the meeting at 10.21 a.m. and resumed the Chair.

The meeting moved into Open Session at 10.31 a.m.

Agreed: The Committee agreed to write to the Minister to advise that it notes that he intends to give his consent to the UK Ministers to lay a Statutory Instrument in the UK Parliament on the Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 [AGS/05]. Furthermore, the Committee agreed to advise that it is concerned about the potential

repercussions of inputting to a process given the limited access to essential documents and the limited timeframe to consider the Statutory Instruments.

7. Departmental Oral Briefing: Fisheries Trade Negotiations

The following departmental officials joined the meeting via StarLeaf at 10.32 a.m:

Claire Vincent, Acting Director, Marine and Fisheries
Ciaran Cunningham, Acting Head of Marine & Fisheries Transition Team
Paddy Campbell, Acting Head of Sea Fisheries, Policy & Grants
David Steele, Grade 7, Marine & Fisheries Policy Division

The officials briefed the Committee and this was followed by a question and answer session.

The oral briefing was reported by Hansard.

The Chairperson thanked the officials for their attendance.

8. Departmental Oral Evidence: The Fisheries (EU Exit) (Northern Ireland) Regulations

The Chairperson advised the Committee that the Department has now indicated that the provisions in the Regulations will now be covered in SI CFP/20 and AH/22.

9. Departmental Oral Evidence: SI Defra/CFP/20: Marine and Fisheries Northern Ireland Protocol Implementation Regulations 2020 (Cat3)

The Chairperson advised the Committee that the Department has now indicated the draft SI has been received from Defra and the details are still being considered by its legal advisor. The proposed laying date for the SI is 20 October 2020 and the Committee will take evidence prior to this.

10. Departmental Oral Evidence: SI Defra/CFP/12: The CFP (Amendment etc.) (EU Exit) Regulations 2020 (Cat 3)

The following departmental officials joined the meeting via StarLeaf at 11.05 a.m.

David Steele, Grade 7, Marine & Fisheries Policy Division
Patrick Smith, Deputy Principal, Marine & Fisheries Policy Division

The officials briefed the Committee and this was followed by a question and answer session.

The oral briefing was reported by Hansard.

The Chairperson left the meeting at 11.19 a.m. The Deputy Chairperson assumed the Chair.

The Chairperson rejoined the meeting at 11.22 and resumed the Chair.

Mr Blair left the meeting at 11.23 a.m.

Mr Blair rejoined the meeting at 11.31 a.m.

Mr Harvey left the meeting at 11.33 a.m.

Mr Harvery rejoined the meeting at 11.36 a.m.

The Chairperson thanked the officials for their attendance.

Agreed: The Committee agreed to write to the Department to request that it considers the requirements of the Rural Needs Act within each of the Statutory Instruments.

Agreed: The Committee agreed to write to the Department to request that the rationale for the downgrading of the category of a Statutory Instrument is added to each briefing where appropriate.

11. Departmental Oral Evidence: SI Defra/CFP/021: The Marine and Fisheries Free Trade Agreement Regulations 2020 (Cat TBC)

Noted: The Committee noted that the SI will be laid on 30 November 2020 with the category yet to be confirmed and is subject to a free trade deal.

12. Departmental Oral Evidence: SI Defra/FD/06: The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (Cat 3)

Noted: The Committee noted that consideration of the SI has been deferred until the meeting on 8 October 2020.

13. Departmental Oral Evidence: SI Defra/CMO/18: The Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) (No.20) Regulations 2020 (Cat 3)

Noted: The Committee noted that consideration of the SI has been deferred until the meeting on 8 October 2020.

14. Departmental Oral Evidence: SI Defra/CFP/018: The Sea Fish Licensing (England) (EU Exit) (Revocation) Order 2020

Noted: The Committee noted that the Department has advised that the SI refers to England and will not be coming to the Committee for consideration.

Agreed: The Committee agreed to move to agenda item 16 next.

15. The Ornamental Horticulture Industry (Coronavirus, Financial Assistance) Scheme Regulations (Northern Ireland) 2020

The Committee noted the correspondence from the Department which advises that the purpose of the regulations is to provide for a scheme of financial assistance to primary producers in the ornamental horticultural sectors whose incomes have been significantly affected due to Covid-19.

Noted: The Committee noted the emailed correspondence from a nursery business which expresses concerns around the eligibility criteria used by the Department to allocate the funding.

Agreed: The Committee agreed to write to the Department to request clarification on the requirement for a business to be registered for VAT in order to apply to the scheme.

Agreed: The Committee agreed to further consider the written briefing at the next meeting alongside the reply from the Department regarding the VAT issue.

16. Departmental Oral Briefing: October Monitoring Round and Main Estimates

The following departmental officials joined the meeting via StarLeaf at 11.36 a.m.

David Reid, Finance Director
Lynda Lowe, Head of Financial Planning Branch

The officials briefed the Committee and this was followed by a question and answer session.

Noted: The Committee noted that the Provision sought on the Main Estimate for 2020/21 is 107.5% higher than the final net provision for 2019/20.

17. Departmental Written Briefing: NIEA Fees and Charges Scheme

Noted: The Committee noted the departmental written briefing on the annual uplift to the NIEA Fees and Charges Scheme.

18. Departmental Written Update on Covid-19 October 2020

Agreed: The Committee agreed to write to the Department to request information on the Coronavirus Community Fund and why 25 organisations, of which 12 were rural, were deemed ineligible for support.

19. Correspondence

The Committee noted the Department's Investing Activity Report for September 2020.

The Committee considered correspondence from the Committee on Procedures advising that the postponed review of Legislative Consent Motions (LCM) has now recommenced and it is seeking the views of committees on the current procedures.

Agreed: The Committee agreed to write to the Committee on Procedures to outline the difficulties it experienced during its recent consideration of LCMs.

The Committee considered correspondence from a member of the public regarding the allocation of Covid-19 funding.

Agreed: The Committee agreed to write to the individual to advise that they should contact the Department who has responsibility for the allocation of the funding.

The Committee considered correspondence from Grassroots Mountain Bikes requesting a meeting with the Committee to discuss concerns around off road trail development and the results of their recent survey.

Agreed: The Committee agreed to arrange an informal meeting with the organisation to discuss their concerns on 20 October 2020.

The Committee noted the correspondence from the CAMS Office regarding a workshop on Effective Questioning.

Agreed: The Committee agreed to participate in the workshop on Friday 6 November 2020 at 9.00 a.m.

20. Forward Work Programme

The Committee discussed the Forward Work Programme.

Agreed: The Committee agreed the revised Forward Work Programme.

21. AOB

Agreed: The Committee agreed to write to the Department to request a written briefing on the role and remit of Shared Environmental Services within the NIEA and an update on its return to normal service post-Covid-19.

Agreed: The Committee agreed to write to the Department to request a copy of the management structure within the Department to include contact details.

22. Date, time and place of the next meeting

The next meeting of the Committee for Agriculture, Environment and Rural Affairs will take place on Thursday 8 October 2020 at 9.00 a.m. in Room 30, Parliament Buildings.

The meeting adjourned at 11.56 a.m.

Declan McAleer, Chairperson, Committee for Agriculture and Rural Development

Date

