



Northern Ireland  
Assembly

Committee for the Environment

# OFFICIAL REPORT (Hansard)

Scrap Metal Dealers Bill: DOE and NIEA

21 January 2016

# NORTHERN IRELAND ASSEMBLY

## Committee for the Environment

### Scrap Metal Dealers Bill: DOE and NIEA

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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  
Ms Claire Hanna  
Mr Ian Milne  
Mrs Sandra Overend

**Witnesses:**

Mr Brendan Forde	Department of the Environment
Ms Helen Lewis	Northern Ireland Environment Agency

**The Chairperson (Ms Lo):** I welcome Brendan Forde, from the environmental policy division, and Helen Lewis, from the resource efficiency division in the Northern Ireland Environment Agency. You are aware of the issues and the responses from Roy. We had a session with him — Brendan, I think that you were present.

**Mr Brendan Forde (Department of the Environment):** Yes, that is right.

**The Chairperson (Ms Lo):** He is saying, "If there's a will, there's a way," and that you can regulate and dovetail it and that the beauty of a private Member's Bill is that there can be coordination between two Departments, bringing Departments together for joined-up working. Over to you to respond to his response.

**Mr B Forde:** Yes indeed. I will obviously concentrate on his 12 January contribution, because it is in Hansard. I attended, and got some messages from Mr Beggs at, the 14 January session as well. Because I have not seen that in Hansard yet, I am a wee bit reluctant to understand whether they are fully in play or not. We will come to that in a second.

Thank you very much for asking us along again. We did listen to Mr Beggs last week. It has certainly been pretty hectic from your perspective and, I suppose, from ours as well. However, we would like to put on record that we want to make a positive contribution. I believe that we can assist the Committee. I will just make a number of small qualifications to that. If I cannot answer specific questions on very detailed legislation, I will certainly be happy to take them away, and we will come back to the Committee. The other thing, too, is that we have been working away in the background and looking at how we marry this with the waste management licensing side of things. We are looking at amendments that could be made. Those have not yet been finalised, nor have they been agreed with our Minister, so the caveat is that these are the things that we are happy to explore and explain to

you here, but we have not actually formally agreed anything, nor have we a specific form of words to talk about today. The work of our draftsman, whom we engaged early on in this, is not complete yet.

**The Chairperson (Ms Lo):** When you say "amendments", do you mean amendments to the waste management regulations or to the Bill?

**Mr B Forde:** Amendments to the Bill. I will explain this in detail, but we are going to bring about amendments to the clauses in the Bill that will deliver, through the waste management licensing side, some of the requirements of the Bill. I ask you to bear with me for a second or two.

Just to recap, having listened to Mr Beggs last week, we need to reflect a bit. It was a very important piece of legislation, which we were required to respond to very early on. On 2 December, we furnished you with a written response, and we gave oral evidence on 10 December. We were trying to look at what was in the Bill relative to what was already in existence in waste management licensing. We said that we would have preferred it had the Bill taken account of what we already had in play, because it was known, and had been well known, that we already had waste management licensing in place. The Bill, as delivered to you and to the Assembly, is a direct lift from England. As such, it was not tailored at all. That was one of our big concerns at that time. We needed to do an awful lot of work to see how that worked together.

Just to recap on that, there is still a bit of nervousness from ourselves about being involved in the metal theft. We do not want to overblow that — we are where we are — but there was, and is, a nervousness about all of that, particularly since the agency and the Department generally have to address very serious issues of waste crime when we have, as you know, reduced resources. We need to look at things like recovering costs. There is a change agenda out there, which is about us, as we improve waste management licensing, needing to make sure that our staff have proper systems and procedures to deal with it. I will not go on too much about that, but you know the implications of the new Department of Agriculture, Environment and Rural Affairs (DAERA) and our loss of expertise since the voluntary exit scheme.

The last point that we made at that time was that there is an impact on operators, but you are well aware of that, and I have obviously been listening in. That is something that I do not need to dwell on, but certainly we see problems for some operators in that.

Some of the waste management licensing and other waste provisions were mentioned in the written paper. There have been very important, useful and good changes made to regulations on the waste management licensing side. I will not go through all of those in detail, but there are issues about waste transfer notes and people needing to carry those when they are transporting waste. There is also the ability that we have to seize property and the need for people to be technically competent. That was included in our written paper, and we talked about it, I think, in our oral evidence.

A lot has been going on over the last 18 months to two years to try to put in good shape our regulatory regime on waste management licensing. I will concentrate on two pieces of legislation. They are not additional, but I flag them up because they have moved on. The Committee approved them, and they are now operational. The Waste Management Licensing (Amendment No.2) Regulations (Northern Ireland) 2015, to give them their correct title, are about prescribed offences. They have been operational since the end of December 2015. As I think you touched on, Chair, in your introduction, there is an SL1 from the Department in relation to the Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2016. They are directly relevant to the scrap metal dealing side of things. Basically, people who were previously exempt from licensing will have to register and be licensed. The implications of that are substantial, particularly for smaller businesses. Obviously we do not want to lose sight of the purpose of it. We are trying to deal with the Mobuoy situations, the illegal waste and all of the exploitation of that. I will give a couple of examples. If you approve that SL1, almost all, if not all, scrap metal dealers will have to pay for a licence. That licence for an authorised treatment facility will cost a minimum of £260, but it could be as high as £3,050 for the biggest operators. Annual subsistence costs can vary from £260-odd at the lower level to £7,800 or so. So there is a real impact, but the benefit for us is that those people will be licensed and that they will need to be regulated, and will be regulated. Hence, there will be a tighter regime in relation to those people.

In terms of progressing the Bill and moving directly to some of the issues that Mr Beggs raised, as I said at the outset, we have not been sitting on our hands on this issue. We have been engaging with draftsmen about looking at the whole issue of dovetailing — that was the word that was used last week — the scrap metal dealer licence with the waste management licence. We believe that we can achieve that. The work is ongoing with our draftsmen. It takes an awful lot of time to explain our

legislation and how it works and to look at the proposals coming through in the clauses. The existing clauses as presented to the Assembly take no account at all of the waste management licensing side. We are hoping that, by early next week, our draftsman will come back with proposed amendments that will deal with the first seven clauses of the Bill, which are about licensing. When I say that he will come back to us, we have a meeting planned — it is all very quick — with Mr Beggs on 27 January, which is next Wednesday. I am saying that a wee bit with my finger in the air, because I have not seen the wording yet from our draftsman. I have not been able to explore with him directly how this all works and whether he has managed to achieve what we thought it should achieve, and then we are immediately into conversations with Mr Beggs on that. I am hoping that that will all go to plan.

**The Chairperson (Ms Lo):** Brendan, we are going to start our informal clause-by-clause deliberation next Thursday, which is 28 January. Will we have sight of these amendments?

**Mr B Forde:** No. From our perspective, we have given a series of instructions to our draftsman. That is him going away and coming back with whatever formulation he thinks will work. We have not even had a look at those ourselves yet, because they have not been produced. I think that next Thursday is too early, to be honest. Look at the compressed timescale. We have not got them on our desk yet. We are getting them at the start of next week. We have immediately made a commitment that we will meet Mr Beggs on 27 January. Part of the reason for having the meeting at that point was because we wanted something concrete and to go to that meeting with some practical suggestions, amendments and discussion points. That is all compressed. We are meeting with him from lunchtime or around 11.30 am through to about 2.00 pm. To come here the next day without us having any proper consideration is just too rushed, to be honest, but we certainly —

**The Chairperson (Ms Lo):** OK. The following week will be our formal clause-by-clause consideration.

**Mr B Forde:** The following week would be far more realistic. We need to have conversations. The main person who works on this type of legislation, from my perspective, is not even in this week. They are on planned leave. We need to talk to other people within the agency and to our own environmental crime people as well. There is a raft of people that we need to have discussions with to explain to them how that would all work before we could come back. It might be that we will go back to the draftsman and say, "That will not work. You need to think of something else." The week following would be far more realistic from our perspective.

**The Chairperson (Ms Lo):** OK. We are on a very tight timescale. We need to finish our report very soon.

**Mr B Forde:** All I can say is that we are doing our best.

That was on the dovetailing of the clauses. There was an issue that was heavily emphasised at that 12 January meeting, and, although I have not seen Hansard, I think that it was also mentioned on 14 January, and that was the issue of mobile collectors and the "one man in a van" type of example that Mr Beggs gave you. We are willing to discuss that further with Mr Beggs, and will be doing so next week. The factual situation about that is that such operators would not have a waste management licence, but they are captured in waste regulation in that they must be registered as a waste carrier. They have to be registered. We must know about them. They are required to let us know that they exist. They are covered: they have responsibilities under duty of care regulations, which include having to have — you may have picked this up in other evidence sessions — what is called a waste transfer note. The one man in the van needs to be known by us; he does not need to have a licence, but he does need to comply with legislative provisions in relation to duty of care. He has to carry that waste transfer note at all times — when he is travelling with scrap metal, to use the example here.

Clause 2 deals with the form of a licence. There is talk about a site licence, which we are more comfortable with, obviously. However, this collector's licence is problematic for us, because there is no equivalent waste management licence. However, these people are caught by our waste regulations, as I said. Ultimately, this is what we want to have a discussion about with you and Mr Beggs, because, in effect, we do not believe that there is a need for a collector's licence. If one of these people is covered by a waste transfer note and is known to us in that sense, and if some of the other clauses in the Bill came in, particularly the ID requirement — anybody who turns up in the one-man-and-a-van-type operation should have a waste transfer note — and he lands up with scrap metal, he has to have ID. So, in a sense, having a collector's licence that is separate from a site licence complicates the relationship with our waste side of things.

The approach that we have asked our legislative draftsman to come forward with is to have as the core of licensing the waste management licence, because all these people will be under the same regime, although they have to have an "endorsement" to be a scrap metal dealer. That keeps it as simple as possible from our perspective. Introducing a separate collector's licence does not make things particularly easy for us. As I say, we do not believe that one is needed. However, we are happy to have proper conversations with Mr Beggs and, ultimately, with you as well on that point.

**The Chairperson (Ms Lo):** Brendan, some plants or sites would have what you call a carrier plant named. Is that tied to the site?

**Mr B Forde:** Mobile plant?

**Ms Helen Lewis (Northern Ireland Environment Agency):** There are certain types of licence specified in the waste licensing regulations. A scrap metal licence is not one of them. A mobile plant licence allows someone to process waste, but not in a fixed site. You might have contaminated land that needs processed through a piece of kit, and that would have a mobile plant licence. It would be on a piece of land, but would not necessarily stay there. It would just be there while the job is being done. Then, obviously, if there is another job at another piece of contaminated land, the piece of kit moves to the next one, and that company would have to give us a deployment form for each deployment. However, there would be just one mobile plant licence for the piece of kit.

**Mr B Forde:** It is a totally different scenario from a "one man in a van" operator coming up to a place with metal or anything else.

**The Chairperson (Ms Lo):** Why can you not licence the mobile collector, then, if you can licence a site?

**Mr B Forde:** It is about proportionality, I suppose. You would have to charge people fees. Obviously, it is a decision for people to make, but, from our perspective, if we are trying to make it sit as best we can with what we have got, a licence under the proposals will be site-based. It is easier to fix a lot of the other clauses against a site-based licence than it is to have another type of scrap metal dealing licence called a "collector's licence". Like anything in life, it would not be impossible, but it does complicate things from our perspective. That is why we propose to have a discussion with Mr Beggs about the guy in the white van — the single operator — carrying whatever it is in terms of scrap metal. He already has to have a waste transfer note in his possession. If he does not have that, that is already dealing with him. Secondly, when he lands up, he will take it somewhere, and if that is a legal site, it means that the site operator will have recorded that Joe Bloggs landed up on a certain day and delivered whatever it is.

**The Chairperson (Ms Lo):** Through the transfer note.

**Mr B Forde:** Through the waste transfer note and through landing at a site. Under the proposals of the Scrap Metal Dealers Bill, the person delivering the metal would require some sort of ID. On that basis, we do not see why we need to complicate it unduly. It would be a simplification in that sense.

**Ms Lewis:** There is also the cost, because a waste carrier has to register with the Department, and there is a cost associated with that. That is to carry any waste. If we then licensed waste carriers for scrap metal, they will be paying more than somebody who is carrying municipal waste, which does not seem fair. There needs to be proportionality and fairness as well.

**Mr Boylan:** To be honest, Brendan, I am getting more and more concerned. The principle of the Bill and what the Member is trying to do is grand, but as we dig down into it, we find that it is a lot more complicated than people think. You talked about a white van man or woman. I know loads of people who bring a wee bit of scrap copper such as copper wiring or copper piping. There is no way that those people will get into all that complication and use transfer notes and any of that. They will just skip a few miles down the road across the border and go to a different scrap dealer. If that is the intention of the Bill, we have to seriously look at how we can facilitate that. It is different for anybody who is operating. It is their business. They have licences anyway. Under waste management, most of those people have licences. I have concerns about the cash transactions, because I know a lot of people. I do not know what consultation there has been, but as we dig into it more, we need to talk to a wider part of the industry to see exactly what impact this will have. Do you know what I mean?

**Mr B Forde:** As I hopefully qualified at the beginning, our views on the need for the Bill and stuff remain, particularly because we have a strengthening waste management licence system. I am explaining to you today that we are making efforts to make sure that, if the Bill is proceeding, we can make it fit and proper for its purpose without unduly causing problems for how we regulate waste operators anyway. Is that OK?

**The Chairperson (Ms Lo):** Yes. Go on, please. We will talk about the cash transactions later — or cashless transactions.

**Mr B Forde:** I will move on to the fine of £5,000 for not having a scrap metal dealer licence. We view that as acceptable. When we come through with our dovetailed regulations in terms of the amendment, we do see advantage in that. If we can get the law fixed to do it right, as we are attempting to do, you will get an immediate fine of £5,000 for not having the licence. We are OK with the arguments put forward by Mr Beggs about that being at least something instant that may make the person who is breaking the rules sit up a bit.

There was a whole conversation the last time about the quarantining of suspicious metal, and about —

**The Chairperson (Ms Lo):** Sorry, just go back to the fines. You are proposing £5,000 as a quick fine. You said before that going to the Magistrate's Court would be £50,000 or six months imprisonment.

**Mr B Forde:** Under waste management licensing, breaches of various things get you into that territory. We like the argument that Mr Beggs made that, if you could "slap on" the fine of £5,000 for illegal operation, whilst it might not be big in the scheme of what an illegal operation is able to earn, it would at least signal intent. From that perspective, we would be comfortable with it.

**The Chairperson (Ms Lo):** But if it is a serious breach, you can still prosecute them.

**Mr B Forde:** Yes. Under waste management regulations, the penalty would be far more severe.

**The Chairperson (Ms Lo):** It is a good compromise.

**Mr B Forde:** Yes. Is that OK?

On the next one about quarantining suspicious metal and stuff like that, Mr Beggs — if I can reflect fairly on what he was trying to do — was trying to get a handle on the size of the problem of burnt cable. He asked something along the lines of getting DOE to provide the figures on that. Frankly, we have no figures on that; it is not the sort of information that we collect. Helen, you are in a better spot than me.

**Ms Lewis:** Certainly, when our inspectors go out to inspect waste management facilities, they look to make sure that all that is on the site is the material that the facility is licensed to have. If there is burnt cable there, but it is copper cable and they are allowed to take in copper cable, we do not necessarily quantify that. I believe that the PSNI possibly has figures on that, because it goes out to investigate the theft when that has been detected. If this comes through a waste licensing system, measures could be brought in to our inspections regime to have a look for that, but then to contact the police to take action on the theft.

**Mr B Forde:** On your favourite clause — clause 10 — about cash and the cashless side of things, we certainly welcome Mr Beggs's concession that, rather than having that in the Bill, the Department could decide to do it through regulations. I suppose, from our perspective, we are still wary of whether we could adequately deal with the issue, given that it is do with financial transactions. However, it certainly is a welcome concession, and it takes away the immediacy of having to deal with the issue. I suppose, from the Committee's perspective, that is helpful as well, given that there are different views on it. Is that OK?

**The Chairperson (Ms Lo):** Roy says that he may bring forward an amendment to make it an enabling clause so that the Department will have the power to change it in the future, if it thinks it necessary.

**Mr B Forde:** That is right. It would be a different type of power than we are used to, but certainly that would be very welcome.

**The Chairperson (Ms Lo):** Are you going to bring forward an amendment, or is Roy?

**Mr B Forde:** That is why we need to have conversations with Mr Beggs to see how we handle all of that.

**Mr Boylan:** Although a lot of people here might agree on the cash issue, there are some of us who do not agree with it. Are we talking about resetting the limit? Is there an opportunity for that? He mentions £100 in this. I do not know whether you have done any exercise to see how it would impact moving down South.

**Mr B Forde:** We have to be very honest. We certainly welcome Mr Beggs conceding that it is difficult to put a proper process in the Bill for the financial transaction end of it. As for the bit about what we can do in the future, what it will look like and all the rest of it, that certainly needs to go through a proper consultative process. It is not natural territory for us. In that regard, we would certainly go out to a full consultation where people, including those in the industry, would be given the opportunity to see what the regulations contain. I suppose that there is a conversation to be had as well with you and the Committee about how the clause would be presented. An enabling power that may or may not be used might be a useful option for us and for the industry in the sense that you would not be seen to prematurely foist something on people before they get used to the whole idea of licensing people first. We need to see how tightening all the waste management licensing regulations works in practice before we know whether anything like cashless transactions are even needed in the future. Whatever form the amendment that Mr Beggs has made takes— we will have a conversation with him about that as well — it might be better, from our perspective, too, that it is something that allows us to introduce licensing in some way, if deemed necessary, as opposed to saying that it has to happen. That is the best way I can describe it. I agree with Mr Boylan on that. We certainly have not yet seen any proper evidence, through the Bill or the limited responses that you received, that informs us properly how that would work.

**Mr Boylan:** That is the problem. The premise of the Bill is grand, as far as licensing is concerned, but we do not know what the impact will be. We do not know whether, say, 60% of the industry is made up of the "white van men", if I may use that terminology, and deal in cash. Is that what we are trying to do? No. We are trying to stop the theft of metal or introduce a tool that will enable us to deal with it better. That is what the legislation is about.

**Mr B Forde:** We need to talk to Mr Beggs to see exactly what he intends, but you certainly could not introduce it immediately. It would be preferable to give the choice that it could be done, if needed.

**The Chairperson (Ms Lo):** You also need to look at the wording in clause 10. The British Metals Recycling Association (BMRA) queried the use of "paying in kind". It said that it is very difficult to judge what constitutes payment in kind and that that needs to be tightened.

**Mr B Forde:** I am being asked about the issues raised by Mr Beggs, and a lot of what he talked about at the meeting of 12 January related to the lack of engagement from DOE. I will put on record our perspective: we had dealings with Mr Beggs before the Bill appeared, including on 18 February last year, when we explained fully our intentions for waste management licensing. On 22 October, the Minister wrote to Mr Beggs offering a meeting with officials to discuss all of these things. That offer was not taken up. Following the evidence, and in the run-up to the Christmas period, we were engaged with legislative draftspeople. At that point, we needed to get something concrete to talk to him about. We will be talking to him next Wednesday, 27 January.

In broad terms, that covers most of the 12 January meeting, unless I have missed anything.

**The Chairperson (Ms Lo):** Brendan, you both talked about dual regulation. Will it be a problem? Can you resolve that?

**Mr B Forde:** That is what we are attempting to do by making the scrap metal dealer's licence an endorsement of the waste management licences. That is the technical way that we would try to handle that. I did not use the "collector's licence" terminology. It is not only about whether there is a need to have a separate collector's licence. There is also an issue for us about dual regulation. We definitely think that it could be relevant. We have put the issues to our draftsman, and he is looking at that for us. I will be better informed on that next week, but it is an issue.

There was no Hansard record of the meeting of 14 January, even this morning, so we are a bit unsighted on that. If I picked Mr Beggs up correctly — I am happy to be corrected — he made the concession on dovetailing. He definitely said that he did not want things to do with licences in the Scrap Metal Dealers Bill that we were not already applying. We welcome that; that helps. Hopefully, this can also be confirmed, but I think that he said that he would be content that, whilst there is a requirement for financial records of transactions and the handling of metal, it would be for the PSNI to investigate in whatever circumstances that was required. As we pointed out previously, from an environmental perspective, we do not routinely deal with that. If my take on what he said is correct, and it is proven to be the case in Hansard and in our conversation next week, that is welcome.

There are some other views that we thought that we should mention, too. Clause 8, which is about the display of licences, is acceptable, of course. We want to bring that in for all waste operators.

**The Chairperson (Ms Lo):** It makes sense

**Mr B Forde:** Yes, it makes sense.

Clause 9 is on ID requirements. I know that this is still a discussion —

**Mr Boylan:** Sorry, just on the display —

**The Chairperson (Ms Lo):** Are you thinking about the display of a licence on a site?

**Mr Boylan:** Yes. On the site.

**Mr B Forde:** That was clause 8.

**The Chairperson (Ms Lo):** It is good for the public.

**Mr B Forde:** Yes. It is the same type of thing as landing up at this Building: you must have various certificates on display.

**Mr Boylan:** The clause refers to displaying it on a vehicle.

**Mr B Forde:** That is different.

**The Chairperson (Ms Lo):** Currently, the dealers have to keep their licence but produce it only when asked.

**Mr B Forde:** Clause 9 is on ID requirements, and I know that this is a difficult one for the Committee. From our perspective, in a broad sense, some record of identity would help all waste operations, not just scrap metal. The big issue is whether that is proportionate and whether people are capable of that for each transaction or in whatever way the Bill might discern. If the Bill proceeds and an ID requirement is included, we want that to apply to all waste operators so that for any transaction, the identity of the person, company or whatever would be known.

**The Chairperson (Ms Lo):** How will you do that? Will you go through your waste management licensing regulations?

**Mr B Forde:** There is the potential to do that through the Bill. I realise that the answer to the question of whether it should happen is not a straight yes or no. If the judgement is that it is a good thing and proportionate for people who would be newly licensed, and if the requisite costs and so on were sorted out, we would be willing, even if the Bill did not proceed, to look at that and consult on it.

**The Chairperson (Ms Lo):** According to the BMRA, it is well accepted in England, and people simply produce their driving licence. That way, you have their address, photo ID and all that.

**Mr B Forde:** One of the advantages that Mr Beggs and others identified is that the ID requirement is in the equivalent waste licensing legislation in the South. If nothing else changed, the ID requirement would at least bring us into line with the Republic.

**The Chairperson (Ms Lo):** Maybe we could encourage a voluntary code of conduct for that as well.

**Ms Lewis:** Operationally, when trying to trace where waste came from, having the ID of the person who delivered it makes it much easier for us to investigate.

**Mr B Forde:** I stress that I do not know the extent of the consultation that Mr Beggs carried out on that, and, of course, you are scrutinising whether that is the proper decision. If it is to happen through the Bill, we would certainly, if we could, make it apply to other waste operators

**The Chairperson (Ms Lo):** Was that a recommendation in Chris Mills's report?

**Mr Forde:** On ID?

**The Chairperson (Ms Lo):** Yes.

**Mr B Forde:** I do not think that it was.

**Ms Lewis:** I do not recognise it, but it would certainly strengthen waste legislation and our powers to be able to investigate wrongdoing.

**Mr B Forde:** On clause 16(2), we have been keenly watching you and looking at the written evidence that the Committee Clerk kindly furnished us with last week. I noticed that a fair number of comments came in from local government and the Northern Ireland Local Government Association (NILGA) about civic amenity sites making a plea to be exempt from the Bill.

This is about carrying on business as a scrap metal dealer. Clause 16(1) says:

*"The following provisions apply for the purposes of this Act".*

We want to concentrate on clauses 16(2) and 16(2)(a):

*"(2) A person carries on business as a scrap metal dealer if the person—  
(a) carries on a business which consists wholly or partly in buying or selling scrap metal".*

The word "or" is important. The relevant bit is:

*"carries on a business which consists wholly or partly in buying or selling".*

This is only our interpretation of how that is currently phrased, rather than having put it through a departmental solicitor or anything like that to get legal advice. If you think of civic amenity sites, that seems to draw in local government. Although they do not buy the material that lands at their site, they sell it on with value. We will talk to Mr Beggs about that, and we wanted to make you aware of it. Without having taken legal advice, we think that perhaps that should read "buying and selling" because local authorities will not buy anything that comes into their yards for onward movement.

**The Chairperson (Ms Lo):** Washing machines and that sort of thing.

**Mr B Forde:** Yes. In policy terms, the Committee needs to consider that, but, with slight tweaking, that could be resolved.

**The Chairperson (Ms Lo):** I think that Arc21 and NILGA responded to clause 16.

**Mr B Forde:** Yes, I noticed a couple of responses.

In conclusion, in broad terms, we believe that we could dovetail scrap metal dealing licences with the existing waste management licence requirements. It is a doable action from our perspective to try to help on that. We are working hard at that, but time is short. We had the conversation earlier: I told you what our process is, and we are doing our best.

As I said, if the Bill were to proceed, we would try to use the ID requirements particularly and the display of licensing in a broader context. If they were to come forward, they could be seen as

welcome. As I also said, we would look at the ID requirement more generally and have a proper consultation on that specific issue to make sure that the Bill gets it right.

Overall, I still feel that there is nervousness in the Department and the agency about the implications for us of licensing in the longer term. We will be dealing with very serious waste crime and environmental crime and trying, within a shorter time resource, to make these things sit well with all sorts of other agendas that are going on.

I think that it is worthwhile mentioning the knock-on impacts of what we do already with operators. The information that you are getting from the scrap metal dealing side concerns us, but, ultimately, it is a democratic process, and others need to consider that, too.

**The Chairperson (Ms Lo):** Roy said that, in the last year alone, there were over 500 thefts of metal. That damages the environment by, for example, polluting the sewerage system, and there is also a threat to the health and safety of the public. We should not ignore that. I know that waste management is a big issue and includes detecting illegal dumps and so on, and you use a lot of resources on that. However, we are the only region without scrap metal regulation, and it is important that we try to dovetail your licensing regulations with the Bill. That would be a good thing.

**Mr B Forde:** My final point is that, ultimately, if the Bill is unable to proceed for whatever reason, we will certainly continue to look at waste management licensing, including the ID requirement, but that would also be subject to how people respond to a consultation process.

**Mr Milne:** Thanks for your presentation. In your opinion, is there a need for the Bill at all, in light of the material that you have presented on waste management licensing and what you plan to put in place in the future? Is the Bill outdated by virtue of the actions that you have carried out and those that you intend to carry out in the very near future?

**Mr B Forde:** That was our proposition in our initial evidence.

**Mr Milne:** That is what I was thinking of — the initial evidence to the Committee.

**Mr B Forde:** We stand over that. That is the case. What we are dealing with in more detail here is, if we try to fix things, how can they be fixed? That is what we have been doing. I mentioned the cost of licensing a significant part of this industry. Coupled with other things, there is the set of SI1 regulations. People are moving into a regulated environment in which where they will have to have a licence anyway. There is a cost associated with that. It comes with more scrutiny because there is a licence. Hence, from our perspective, had you been at the beginning of the process, we would not have said that you needed a Bill such as the one that has come forward.

**Mr Milne:** The purpose of the Bill is to eliminate —

**Ms Lewis:** Previously exempted facilities will, when they come under waste management licensing, also have to meet the test of having a fit and proper person, and that takes into account relevant offences, financial provision and technical competence. These are additional burdens on those facilities, but they allow the agency to scrutinise whether a person is fit and proper to carry out the role.

**Mr B Forde:** That is a very important point, and I should have emphasised that in the run-through.

**Mr Milne:** That is fair enough. I am happy enough.

**Mr Boylan:** Thank you for coming along: the more we hear, the better informed we are. I return to the issue that this is about crime, and the Bill might be a useful tool for dealing with some of it. You have now brought more food to the table. We have a responsibility to scrutinise any problem, and we are teasing this out. I do not know whether we will be able to hear from more witnesses, but, for us to be better informed, we need more people from the industry to give evidence.

**Mr B Forde:** Yes.

**Mr Boylan:** You have brought us some ideas. I do not know what way the Bill will go or what form it will take; I am just going through the processes. We have accepted the Bill at Committee Stage and wherever that takes us after that. There will be a Committee report. Some of the ideas that you put forward today have certainly given us a better understanding. That is why I wanted you to attend today.

I do not want there to be an adverse impact on the industry. This is about addressing crime and a few other issues, such as better regulation and licensing. We do not want to pick on a section of the industry. To be honest with you, we have to hear from those in the industry how it will impact. Besides, there is the cost involved and other issues. I do not have an issue with the level of fines.

**Mrs Overend:** Thank you for coming to the meeting today. There was a question about the impact of the Bill on the Republic of Ireland. Surely, if regulations are coming into place, sufficient notice is given so that the Republic of Ireland can take that into consideration and do something itself. The legislation can be enacted in such a way that there is a period in which the Republic could adapt, if necessary. Is that not the case?

**Mr B Forde:** There is a transitional period of six months after the SL1 and 2016 amendment regulations on exemptions and so on become operational, so a grace period, as it has been described, is possible. That is exactly the type of approach that we are taking. The grace period is largely about restrictions and exemptions: for example, you are not allowed to hold as much of certain materials, either by volume or type. Genuine operators working at a higher capacity need some time to adapt, even to what we are doing on waste management licensing.

**Mrs Overend:** OK. I am concerned by the delay in the Department getting its amendments through. You talked about that happening next week. Was there no way that they could have been drafted earlier so that the Committee could make faster progress?

**Mr B Forde:** I can assure the Committee that we have been running on this one, and we have limited resources. From our perspective, it is not like the situation in England, where a Bill was created to be operated by a different category of person altogether. It was dealt with through the criminal justice side. In this situation, we have had to lift legislation from a different scenario into a Northern Ireland situation, and we are being asked, through the Bill, just to make it work. Just making it work requires a lot of explanation and understanding of how our own regulations work before we can come through with constructive amendments to make the two sets of regulations sit as one, rather than dual regulation. Frankly, it has not been easy. From our perspective, we have been running the whole time that you have been involved in this.

**Mrs Overend:** I appreciate that. You know the ins and outs of it. Committee members are not experts, and we are trying to get our heads round it and process it. We are running, too. Perhaps the Committee can extend next week's meeting by a couple of hours to try to make progress. Perhaps there is a way to work round it.

**Mr Boylan:** Chair, unfortunately, I have to go.

**The Chairperson (Ms Lo):** We may have an extra meeting to deal with the Scrap Metal Dealers Bill.

We have lost our quorum.

**The Committee Clerk:** We can continue with the evidence; we just cannot take decisions.

**The Chairperson (Ms Lo):** No one has any further questions for Brendan or Helen.

It has been a very good session, and I am very pleased that you are working with Roy. As Sandra said, we are not experts in this and are waiting for you to guide us in how we can dovetail this with the other legislation. There is goodwill, and there was willingness at Second Stage that the Bill should pass. We want to do the best that we can.

**Mr B Forde:** Thank you.