



**Northern Ireland
Assembly**

COMMITTEE FOR THE ENVIRONMENT

Please use this form to submit written submissions in relation to the Scrap Metal Dealers Bill.

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Organisation: (if applicable) arc21

Date: 10 December 2015

Introduction

arc21 is a Local Government sector entity embracing six Councils located along the Eastern Region of Northern Ireland which covers approximately 33% of the land base, populated by approximately 59% of the national population and accounts for approximately 60% of the national Local Government controlled municipal waste arisings.

The establishment of arc21 together with its functionality has been enshrined in various pieces of legislation with the most recent provision being The Local Government (Constituting a Joint Committee a Body Corporate) Order (Northern Ireland) 2015.

In essence, it is primarily responsible for activities associated with the production, ongoing development and implementation of a Waste Management Plan for the arc21 area.

The six Constituent Councils of arc21 are Antrim and Newtownabbey Borough Council, Ards and North Down Borough Council, Belfast City Council, Lisburn & Castlereagh City Council, Mid and East Antrim Borough Council and Newry, Mourne and Down District Council.

Comments

1. Timeframe

In responding to the invitation to submit views in respect of this Bill, arc21 would first like to make comment on the short timeframe associated with such.

The invitation appeared to be made public on the week commencing 23 November 2015 with a closing date of 11 December 2015. As a local government body with appropriate governing procedures this short duration and timeframe is not conducive to enable the democratic process to properly consider, reflect and respond.

2. Content

arc21, in our response to the previous consultation, supported the objectives etc relating to the introduction of such a Bill. However we did suggest that council operations should be exempted from requiring a specific licence etc in respect of scrap metal dealing.

Clause 16 provides definitions for the purposes of the Act including the definitions for 'a scrap metal dealer', 'a mobile collector' and 'scrap metal'. Councils do collect scrap metal from households and do receive scrap metal at their Household Waste Recycling Centres from which arrangements with the private sector are entered into for the processing of the collected material. Accordingly, it would appear from the provisions of Clause 16 that councils will be subject to the requirements of the Act including the necessity to hold a duly authorised scrap metal licence and the associated administrative obligations.

Taking into account the level of transparency applied to the functioning of a council and the other checks, balances and scrutiny which council waste management operations are subject to, arc21 would contend the requirements would place an unnecessary burden on councils.

Consequently arc21 would ask the NI Assembly to incorporate suitable provision in the legislation which makes it clear that the Act does not apply to Councils and their waste collection and management operations, effectively exempting them from the various requirements.

3. Enforcement

arc21, in our response to the previous consultation, agreed that the Department of the Environment be made responsible for regulatory activities associated with ensuring compliance with the legislation. We welcome this in the proposed Bill as the Department are undoubtedly best placed to undertake this role. However, it is important to stress that it will be important to ensure that the Department is adequately resourced to ensure a robust monitoring and enforcement regime will be put in place. It is hoped that the forthcoming reorganisation of central government departments and agencies will not detrimentally impact on such.

In light of the recent discussion paper on Environmental Governance just issued by

the Department of the Environment, the Committee may wish to consider if it would be prudent and practicable for the legislative provisions to be drafted in such a way to suitably accommodate realisation of any of the various options outlined in that discussion paper.

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