



**Northern Ireland
Assembly**

COMMITTEE FOR THE ENVIRONMENT

MINUTES OF PROCEEDINGS

THURSDAY, 30 JANUARY 2014

SENATE CHAMBER, PARLIAMENT BUILDINGS

- Present: Ms Anna Lo MLA (Chairperson)
Mrs Pam Cameron MLA (Deputy Chairperson)
Mr Cathal Boylan MLA
Mr Colum Eastwood MLA
Mr Tom Elliott MLA
Mr Alban Maginness MLA
Mr Barry McElduff MLA
Mr Ian Milne MLA
Lord Morrow MLA
- In Attendance: Mrs Sheila Mawhinney (Assembly Clerk)
Mr Sean McCann (Assistant Assembly Clerk)
Mr Neil Sedgewick (Clerical Supervisor)
Ms Antoinette Bowen (Clerical Officer)
Ms Éilis Haughey (Assembly Bill Clerk – item 6 only)
- Apologies: Mr Ian McCrea MLA
Mr Peter Weir MLA

The meeting commenced in public session at 10:20am

1. Apologies

Apologies were indicated as above.

2. Chairperson's Business

The Chairperson reminded members that the Committee will receive a Ministerial briefing at the Committee meeting scheduled for next week (6th February).

Members were advised that areas for discussion would include the Local Government Bill, taxi legislation, report on Illegal Waste Activities in Northern Ireland and the Minister's statement on the planning policy.

Agreed: the Committee agreed to add climate change issues and an update regarding Exploris to the agenda for the briefing.

The Chairperson reminded members that the Committee stage of the Local Government Bill ends on 20th February and asked members if they wished to schedule additional meetings.

Agreed: The Committee agreed to schedule an additional meeting on Tuesday 4th February, and to consider further additional meetings subsequently.

3. Draft Minutes

The minutes of the meeting of 23rd January 2013 were agreed.

4. Matters arising

4.1 The Committee noted a Departmental reply in relation to statutory consultees in the Sperrins Area of Outstanding Natural Beauty.

4.2 The Committee noted an amended research paper on the Single Transferrable Vote model in Councils.

4.3 The Committee considered a Departmental reply on further subordinate legislation in relation to the Taxis Act 2008.

Mrs Cameron left the meeting at 10:30am

Agreed: The Committee agreed to discuss this issue further with the Minister at the briefing scheduled for 6 February.

4.4 The Committee noted further information on the Local Government Bill from the Commissioner of Complaints.

Mr Elliott joined the meeting at 10:32am

4.5 The Committee noted correspondence from the Committee for Finance and Personnel, enclosing a Hansard transcript of a briefing from DFP officials on rates convergence.

4.6 The Committee noted a Departmental letter clarifying the number of Belfast Public Hire taxis.

4.7 The Committee considered a consultation on Marine Monitoring Programmes.

Agreed: The Committee agreed to request a copy of the synopsis of responses from the Department.

4.8 The Committee noted an email from Assembly Research regarding the General Power of Competence.

Mr Eastwood left the meeting at 10:39am.

5. SL1 – The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2014

The Committee considered the SL1 The Fluorinated Greenhouse Gases (Amendment) Regulations (Northern Ireland) 2014.

Agreed: The Committee was content for the Department to proceed with making the Rule.

6. Informal clause by clause consideration of the Local Government Bill

Linda MacHugh (Director, Local Government Policy Division), Julie Broadway (G7 Local Government Policy Division) John Murphy (Local Government Policy Division) and Mylene Ferguson (Local Government Policy Division) attended the briefing to discuss outstanding issues in relation to the Local Government Bill.

Mr Eastwood re-joined the meeting at 10:51am

Clause 1: Name of councils

Mr Elliott left the meeting at 10.58 am.

Agreed: The Committee agreed that Departmental officials should provide a briefing paper on the determination of council names in relation to city or borough status.

Clause 2: Constitutions of councils

Mr Elliott rejoined the meeting at 11.09 am.

Mr McElduff left the meeting at 11.10 am.

Agreed: The Committee agreed that Departmental officials should provide details of a possible amendment to Clause 2(1)(b). Officials also agreed to provide a copy of the Model Constitution to be used by councils.

Clause 3: Qualifications

Agreed: The Committee was broadly content with this Clause.

Clause 4: Disqualifications

Agreed: The Committee agreed that Departmental officials should provide details/regulations relating to the potential barring of certain council employees as councillors. The Department also agreed to forward details of other posts funded by DOE that would be affected by this clause.

Clause 5: Penalties for acting as a councillor while disqualified

Agreed: The Committee was broadly content with the Clause.

Clause 6: Declaration on acceptance of office of councillor

Agreed: The Committee was broadly content with this Clause.

Clause 7: Resignation

Agreed: The Committee agreed that Departmental officials should provide the Committee with a briefing note on co-option to councils.

Clause 8: Vacation of office on account of non-attendance

Agreed: The Committee agreed that Departmental officials should provide a paper clarifying the exceptional circumstances in which an exemption could be made in relation to vacation of office in the event of non – attendance.

Clause 9: Declaration of vacancy in office in certain cases

Agreed: The Committee was broadly content with this Clause.

Clause 10: Positions of responsibility

Agreed: The Committee agreed that Departmental officials would provide the wording of a technical amendment to Clause 10(4). Officials also agreed to provide further information on the possibility of additional remuneration for certain positions of responsibility.

Agreed: the Committee agreed to defer further consideration of this clause.

Clause 11: Arrangements for discharge of functions of council

Agreed: The Committee agreed that the Departmental officials should reconsider the wording of 11(3)(b) in the light of a possible conflict with the Local Government Finance Act 2011.

Clause 12: Arrangements by one council for discharge of functions by another council

Agreed: The Committee was broadly content with this Clause.

Clause 13: Arrangements for discharge of functions by councils jointly

Agreed: The Committee was broadly content with this Clause.

Clause 14: Exercise of functions not prevented by arrangements under this Part

Agreed: The Committee was broadly content with this Clause.

Clause 15: Appointment of committees etc. for the purpose of discharging functions

Agreed: The Committee was broadly content with this Clause.

Clause 16: Appointment of committee to advise on discharge of functions

Agreed: The Committee was broadly content with this Clause.

Clause 17: Appointment of councillors to committees, etc.

Agreed: The Committee was broadly content with this Clause.

Mr Eastwood left the meeting at 11:49am.

Clause 18: Joint committees: further provisions

Agreed: The Committee was broadly content with this Clause.

Clause 19: Disqualification for membership of committees

Agreed: The Committee was broadly content with this Clause.

Clause 20: Declaration required of persons who are not members of councils

Agreed: The Committee was broadly content with this Clause.

Clause 21: Voting rights of persons who are not members of councils

Agreed: The Committee was broadly content with this Clause.

Clause 22: Termination of membership on ceasing to be member of council

Agreed: The Committee was broadly content with this Clause.

Clause 23: Permitted forms of governance

Agreed: The Committee agreed that Departmental officials should consult with the Minister on proposals for the regulations for operation of executive arrangements and the allocation of functions between the council and its executive and the minimum number for an executive streamlined committee.

Clause 24: Power to prescribe additional permitted governance arrangements

Agreed: The Committee was broadly content with this Clause.

Mr McElduff rejoined the meeting at 11.54 am.

Mr Eastwood rejoined the meeting at 11.59 am.

The meeting was suspended for a short break at 12:03pm.

The meeting recommenced in public session at 12:21pm with the following members in attendance: Ms Anna Lo MLA, Mr Cathal Boylan MLA, Mr Colum Eastwood MLA, Mr Tom Elliott MLA, Mr Barry McElduff MLA, and Ian Milne MLA.

Clause 25: Council executives

Lord Morrow re-joined the meeting at 12:28pm

Agreed: The Committee agreed that Departmental officials should consult with the Minister on the role of the Chair and Vice Chair in a council executive and whether they would have voting rights. Officials also agreed to consider the minimum number specified for executive committee members.

Clause 26: Functions which are the responsibility of an executive

Agreed: The Committee was broadly content with this Clause.

Clause 27: Functions of an executive: further provision

Agreed: The Committee was broadly content with this Clause.

Clause 28: Allocation and discharge of functions

Agreed: The Committee was broadly content with this Clause.

Clause 29: Discharge of functions of and by another council

Agreed: The Committee was broadly content with this Clause.

Clause 30: Joint exercise of functions

Agreed: The Committee was broadly content with this Clause.

Clause 31: Overview and scrutiny committees: functions

Mr Maginness re-joined the meeting at 12:42pm

Agreed: The Committee was broadly content with this Clause.

Clause 32: Overview and scrutiny committees: supplementary provision

Agreed: The Committee was broadly content with this Clause.

Clause 33: Scrutiny officers

Agreed: The Committee was broadly content with this Clause.

Clause 34: Reference of matters to overview and scrutiny committee etc.

Agreed: The Committee was broadly content with this Clause.

Clause 35: Dealing with references under section 34(1)(c)

Agreed: The Committee was broadly content with this Clause.

Clause 36: Duty of council or executive to respond to overview and scrutiny committee

Agreed: The Committee was broadly content with this Clause.

Clause 37: Publication etc, of reports, recommendations and responses: confidential and exempt information

Agreed: The Committee was broadly content with this Clause.

Clause 38: Meetings and access to information etc.

Agreed: The Committee was broadly content with this Clause.

Clause 39: Meetings and access to information etc.: further provision and regulations

Agreed: The Committee was broadly content with this Clause.

Clause 40: Meetings and proceedings

Agreed: The Committee was broadly content with this Clause.

Clause 41: Standing orders

Agreed: The Committee was broadly content with this Clause.

Clause 42: regulations about standing orders

Agreed: The Committee was broadly content with this Clause.

Clause 43: Simple majority

Agreed: The Committee was broadly content with this Clause.

Clause 44: Qualified majority

Agreed: The Committee was broadly content with this Clause.

Clause 45: Power to require decisions to be reconsidered

Agreed: The Committee agreed that Departmental officials should report back to the Committee, after discussions with the Minister, on the criteria for a call in and guidance on the use of a solicitor/barrister in the procedure for the reconsideration of a decision or recommendation from a committee.

The Departmental officials also agreed to provide a summary of the latest drafts of the subordinate legislation needed to implement the Bill.

The briefing was recorded by Hansard.

7. Correspondence

The Committee considered a letter from a member of the public objecting to planning approval for Montupet, The Cutts, Dunmurry.

Agreed: The Committee agreed to forward the correspondence to the Department for comment.

The Committee considered correspondence from the Committee for Culture, Arts and Leisure regarding their inquiry – ‘Inclusion in the Arts of Working Class Communities’.

Agreed: The Committee agreed to forward a response to the Committee inquiry.

The Committee considered a copy of the Department of Enterprise, Trade and Investment written briefing – Onshore Renewable Energy Action Plan.

Agreed: The Committee agreed to include the Energy Action Plan in the Wind Energy Inquiry Report.

The Committee considered correspondence from the Committee for Employment and Learning seeking submissions to the Inquiry into post Special Educational Need Provision in education, employment and training for those with Learning Disabilities in Northern Ireland.

Agreed: The Committee agreed to forward a response to the Committee inquiry.

The Committee considered an invitation to the joint Enterprise Trade and Investment Committee and Fermanagh Trust 'Community Energy' Stakeholder event.

Agreed: The Committee agreed to advise staff if they wish to attend.

The Committee noted the following correspondence:

Letter of support to the proposed Private Members Bill by Roy Beggs MLA from the Northern Ireland Utilities Working Group on Metal theft.

Copy of the Committee for Culture, Arts and Leisure response to the Regional Development Committee Inquiry in to the Benefits of Cycling to the NI Economy.

Copy of the DOE response to the Regional Development Committee regarding the value of archaeological artefacts.

Copy of the Department of Finance and Personnel Monitoring of Departmental Saving Delivery Plans.

Copy of DOE Investment Strategy for Northern Ireland Investing Activity Report – January 2014.

8. Forward Work Programme

The Committee noted the forward work programme.

9. Any Other Business

No business was discussed.

10. Date, time and place of next meeting

The next meeting will be held on 4th February 2014 at 12:30pm in Room 29, Parliament Buildings.

The Chairperson adjourned the meeting at 13:14pm

Anna Lo, MLA
Chairperson, Committee for the Environment
6 February 2014