



Northern Ireland
Assembly

Committee for the Environment

OFFICIAL REPORT (Hansard)

Scrap Metal Dealers Bill: DOJ, PSNI

15 December 2015

NORTHERN IRELAND ASSEMBLY

Committee for the Environment

Scrap Metal Dealers Bill: DOJ, PSNI

15 December 2015

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 William Irwin
Mr Alban Maginness
Mr Barry McElduff
Mr Ian Milne
Mrs Sandra Overend
Mr George Robinson

Witnesses:

Mr Steven McCourt	Department of Justice
Ms Martine McKillop	Department of Justice
Superintendent Alwyn Barton	Police Service of Northern Ireland
Inspector Roy Robinson	Police Service of Northern Ireland

The Chairperson (Ms Lo): I welcome Mr Steven McCourt, head of the operations, protection and organised crime division at the Department of Justice (DOJ); Martine McKillop, head of the crime reduction branch in the community safety unit; Inspector Roy Robinson of the PSNI and the NIEA single point of contact (SPOC) unit for G and F districts; and Superintendent Alwyn Barton, from the PSNI's district policing command. You are all very welcome. Thank you for coming. This session is being recorded by Hansard. We have your briefing. Thank you very much. Talk us through your briefing paper, after which members can ask questions?

Mr Steven McCourt (Department of Justice): Thank you Chair. We are grateful for the opportunity to attend the Committee today and brief members on the justice aspects of the Scrap Metal Dealers Bill. I understand that the Committee has received oral evidence from Assembly researchers, whose paper clearly highlights the cost to the UK economy of this type of activity as being between £220 million and £770 million. Committee members will know that the impact of this type of crime can go beyond the financial loss suffered by victims. Thefts, particularly from the utility sector, can have serious consequences for the general public, over and above the clear risk to the criminals themselves, who, in their attempts to remove items such as live cabling, put themselves and the wider community at risk.

Departmental officials and the Minister met Mr Beggs on this issue prior to the launch of his consultation. At that time there had been a number of representations made to the Department on who should lead on its delivery. As outlined to Mr Beggs, the Department of Justice recognises that

the principal aim of the Bill is to reduce metal theft. We are aware that the responses in England and Wales were taken forward by the Home Office, and by the Justice Department within the Scottish Executive. However, it is important to note the presence of existing and established regulatory regimes within these jurisdictions, which lead to a wealth of knowledge and experience of existing operational practices. This is not the case in NI oversight in enforcement relating to the activities of a wide range of waste management facilities, including scrap metal dealers, is carried out through environmental legislation.

Whilst we support change to existing practises to limit the number of potential outlets facilitating this type of criminal behaviour, this Department has no locus in place for any of these sites under the current regulatory regimes.

It is essential, at this time of ongoing financial constraint, that we look at how we can deliver changes as effectively and efficiently as possible. I understand that DOE officials have set out their views on how their current programme of legislative change will continue to impact positively on this issue. This is an important factor which should also be considered in the context of the changing departmental landscape when considering the timeliness of this proposed response. The approach taken by officials across the border should also be a factor in considering a proportionate response to the issue.

I will now touch briefly on the voluntary code. The Department has long recognised that effective responses are better delivered in partnership with others. This participative approach was evident in its involvement in the inter-agency group that was responsible for the development of a voluntary code. The group, chaired by the PSNI, brought scrap metal dealers together with key stakeholders from the DOJ, the PSNI, the NIEA and the DOE as well as the National Farmers' Union and utility groups impacted by this type of crime.

The voluntary code was launched in September 2012, and its success has largely been down to the involvement and cooperation of a significant proportion of scrap metal dealers. The introduction of the voluntary code was delivered alongside a number of other targeted interventions by the PSNI in partnership with colleagues from the Northern Ireland Environment Agency, including crime prevention advice to businesses, a public awareness-raising campaign, and a focus on enforcement action against illegal sites. Prevention is an important element in tackling this crime. One of the ways it can be done is through encouraging businesses and property owners to take proactive steps to protect their assets in order to reduce the opportunity for this type of crime to occur. The Home Office assessment in 2015, which explored a similar package of interventions in England and Wales, highlighted that there was evidence to conclude that interventions resulted in a reduction in the number of offences over and above what would have been expected as a result of the fall in metal prices. Historically, the price of metal is recognised as the principal driver for the significant rise in this type of acquisitive crime.

Peaking in the summer of 2011, the number of burglary, robbery and theft offences involving metal has fallen each year since 2011-12. The most recent figures from March 2015 have shown a further decrease of almost 50% on the previous 12 months. At this time, I understand, a similar evaluation has not been carried out in NI, but the figures indicate that the voluntary code, coupled with the measures I have already outlined, have contributed to a reduction in this type of crime in Northern Ireland. The voluntary code also established the deterrent effect by reducing the number of outlets that criminals could confidently use to dispose of the metal they had stolen.

In our written response, we highlighted how the Bill is largely derived from the Scrap Metal Dealers Act 2013. The deviations from that Act contained in the Bill have been highlighted by the Assembly research team. Whilst I do not wish to reiterate them again in our oral evidence today, it is important to highlight two particular aspects that I know the PSNI have strong views on: that is, cash transactions and powers to enter and inspect.

When investigating this type of crime, improving the traceability of disposed metal is an important factor, and the proposed £100 limit for cash transactions is not reflective of the recent change in approach taken in England, Wales and Scotland. The PSNI has advised that the provision is too wide, open to abuse and very difficult to police. A complete ban on transactions would be its preferred route.

In addition, in enforcing the provisions of the Bill, the powers to enter and inspect are placed solely with the PSNI, building on the partnership approach to date, which I have outlined, between the PSNI and the NIEA. In combating this type of crime, it may be more appropriate for provisions to be expanded to include authorised officers from the Department administering the scheme, including the

NIEA. In the DOJ's response to the original consultation, we supported the proposal that the PSNI and the DOE would have authority to carry out inspections. That approach would enhance a collaborative response to tackling this type of crime across NI.

To conclude, I assure members that the Department and the PSNI remain committed to playing an effective role, in partnership with others, focused on tackling this issue. We are happy to take any questions that members might have on this matter and are happy to follow up in writing where we are unable to address specific issues.

The Chairperson (Ms Lo): Thank you very much, Mr McCourt. You talked quite a bit about the voluntary code, but we have been told that the code, by its nature, will mean that not everyone will sign up. You will have only the big ones signing up, but the smaller, more troublesome ones may not be that willing to sign up. How can the voluntary code be strengthened or even made mandatory? Would that be a better way to go about it rather than bringing forward legislation?

Mr McCourt: You can bring forward a mandatory element in relation to the code of conduct in that respect. As you rightly say, a range of scrap metal dealers have entered into the code, and some of the smaller ones may be outside. I will ask the PSNI, from its operational perspective, to touch on how it finds working with scrap metal dealers and the NIEA on the ground.

The code covers a number of very important aspects in relation to deterring individuals, and we have found that, where the code has been implemented, the incidences of crime have reduced in that regard. As I indicated in the evidence, the 50% reduction down to somewhere in the region of 500 offences has impacted. You will have information in front of you, and I do not intend to go through what the voluntary code requires people to do, but the emphasis is on the owners of scrap metal businesses to adhere to the various elements in the code and work at close hand with the PSNI in relation to addressing those instances where people approach it to try to dispose of metal where it does not fall within the code, and it has been effective so far. Roy, I do not know whether you want to add to that on the operational perspective.

Inspector Roy Robinson (Police Service of Northern Ireland): I cover F and G districts: some scrap dealers are registered, and some are not.

The Chairperson (Ms Lo): What percentage of people have signed up to it?

Inspector R Robinson: I think that the vast majority have signed up, but there are certainly a few, even some with licensed scrap yards, who feel that, perhaps it is not really worthwhile signing up to it because it is voluntary. I can think of one incident when a scrap yard that was not registered made us aware of a large bronze statue that had been cut down in Ballyshannon and had been taken to their yard. We were made aware of it and recovered it. It was worth over £60,000.

Of those yards that were licensed but are no longer licensed, we have a couple of exemption 45s. They would probably be our biggest problem; yards that do not require any planning permission or environmental impact assessments. They are the ones with which we have found the greatest difficulty. The ones that are properly licensed are inspected to see whether they have catchment facilities for the waste oil from their vehicles. End-of-life vehicles go into those registered scrap yards, which is where they should be. End-of-life vehicles are those that are full of oil and have batteries in them. People have them scrapped because they will no longer pass the MOT. Yards with exemption 45s should not receive end-of-life vehicles, except when they are depolluted, but we have found that that does not happen; they simply take them in.

Two years ago, I was at a yard where the oil was running into a tributary river and into Lough Erne. The gravel was actually sponging the oil as it ran into the lake. I am a Fermanagh man. We have lots of people who are very much against fracking, but we had all that oil running from the yard into the water. Julian Fowler was with us. The BBC recorded it. That was two years ago, and it still continues today. We have the greatest difficulty with those unlicensed yards with exemption 45s, which will be the new exemption 12s. We are all passionate about the environment and the effects of pollutants. There is a lot of criminality relating to end-of-life vehicles. If the Bill can help to address that, it would be great.

I have worked on operations in Tyrone as well. We have waste coming from the South of Ireland. People are dumping it on large sites, where it is again seeping into the environment. Of course, our water, which is so precious to us, is coming from those sources. We should do anything we can to

address that. Certainly, we have had unlicensed yards containing over three tons of Eircom cable that was taken from the South of Ireland. We did a recent operation when we stopped a vehicle that was full of oil being driven to an unlicensed yard. I think that the people who are licensed feel that they cannot compete with the unlicensed yards or those with exemption 45s. Some who are licensed do not want to sign up to the voluntary code when they see that we are trying to police the unlicensed yards, exemption 45s and exemption 12s.

The Chairperson (Ms Lo): Certainly, the DOE is saying that it will make nearly all scrap metal dealers get licensed, but we do not know when that will happen. It said that it would happen in the near future. The only people who will get exemptions will be those who store scrap metal at the dockside, ready to be shipped out. Do you think that this may help a bit?

Inspector R Robinson: I think that it will. If the exemption 45 will be for dockside yards only, then, yes, I can see that that will help. I know that there will be an exemption 12 for a smaller amount of storage capacity of 100 cubic tons, but that is still a lot of metal. I would just be concerned that it may revert back to replace the old exemption 45 whereby they would be allowed only 12 cars that were depolluted. Policing that could be more difficult. I think that it should still require planning permission and should also have an environmental impact assessment of some type. There should be a facility on those yards with exemption 12 to store the waste oil and battery acid. Where is it going? We are all so protective of our environment and water supply.

That probably applies to me more than anybody because, in the past, having had lung cancer twice in my career, my consultant always tells me to be careful about the water I drink. We are very protective of our water. We have lots of water in Fermanagh at the moment, unfortunately, and we do not want it all, but the water that we drink is so important. We need to get the exemption 12s right. I have no issue with the licensed yards who comply with the voluntary code; it is good to see that but I would like it to be part of the legislation. However, there are those who are licensed and who are running good yards but are not signed up to the voluntary code.

The Chairperson (Ms Lo): The DOE officials who spoke to us last week said that in the past two years, and since the consultation on Roy Beggs's Bill, they have stepped up their waste management checking and strengthening of regulations. Do you feel that there is a need for the Scrap Metal Dealers Bill? If we continue with the voluntary code, or strengthen it, is the Bill really necessary?

Inspector R Robinson: We have to deal with the unlicensed locations. There are three in Tyrone at present. The regulations should be strengthened. There are unlicensed locations with large amounts of waste already on them. We have done a joint operation with the Northern Ireland Environment Agency, but it has no powers of arrest. The environment agency in Holland has powers of arrest, but its Northern Ireland counterpart does not.

The Chairperson (Ms Lo): The Bill will not give it that power.

Inspector R Robinson: I appreciate that, but we can go alongside it and do that. We need strong powers so that we can go on to those illegal sites and seize machinery on those premises. The exemption 45's, for those who do not have a licence, are a thorn in the side. The regulations should be tighter. They have no means of collecting all the waste products, such as oils and acids, that are going into the environment. The people who are licensed feel that they are not able to compete on price because they have had to provide collection facilities for waste oil and meet all the regulations. I know that, with one voice, they would want things to be made more difficult for those who are not licensed.

Mrs Cameron: Thank you for your presentation. You talked about the voluntary code. It strikes me that a strengthened version of the code may fit the bill. I know that you were talking about other issues as well, but those might not necessarily be dealt with under the Scrap Metal Dealers Bill anyway. I would like you to walk us through what happens in scrap metal transactions and how the voluntary code affects those transactions. Has the voluntary code been successful and what does it mean for scrap metal dealers?

Mr McCourt: I will take the opportunity to outline the key aspects of the voluntary code. The regulation of scrap metal dealers is not a matter for the DOJ, so it is very difficult for me to give you an operational perspective on how waste management is dealt with on the ground. I will talk about the

general aspects and, again, I will ask our PSNI colleagues to explain the code from an operational point of view.

In general, the voluntary code is to do with the introduction of CCTV to cover entrances, weighbridges and pay stations. The recorded images of those locations are retained for a minimum of 28 days. It is concerned with ID for individuals who dispose of metal; that ID is recorded and retained with the transaction documentation for a minimum period of 12 months. The ID must be photographic and must take the form of a driving licence or a passport etc in such circumstances. Failure by the seller to produce identification in accordance with the requirements would result in no transaction taking place. Vehicle registrations have to be recorded either physically or electronically and stored with a record of the transaction for a minimum period of 12 months.

There are wider interventions, such as posters describing the new measures which have been displayed at weighbridges and pay stations, to make it abundantly clear to people who are trying to dispose of metal what the procedures are in that respect. All we can say about the impact of this is that there has been a significant reduction in metal theft and in the illegal disposal of metal in terms of the introduction of the voluntary code. How metal price impacts is also a factor, and we acknowledge it. You will note, from the evidence given so far by the PSNI, how closely the PSNI needs to work with the NIEA in waste management regulation, wider environmental factors and scrap metal theft in that respect. They have a very close partnership arrangement at this point and they are very much intertwined.

Alwyn, I do not know whether you have any information to add on the operation of the voluntary code.

Superintendent Alwyn Barton (Police Service of Northern Ireland): There is certainly evidence that, in the vast majority of cases where businesses are signatory to the voluntary code, when you arrive, identification is sought. The facilities are there in respect of recording; in other words, there are cameras. Images of the person who is selling the product and the vehicle that is used to convey it to the yard are taken. Equally so, when it comes to paying for the goods that have been sold to the yard, quite a number of yards will certainly offer, if not use, cheques. However, there is still a cash option available. Where there is that option, verifying the identity of the person selling the product is a challenge. There is also evidence that, in some cases, sale of scrap metal can be made to yards without the seller being required to produce ID.

The code is a useful tool, but it is not foolproof. There is no guarantee that the code will be complied with in all instances. There is certainly a good spirit of compliance present in those yards that are signed up, but getting blanket compliance in all cases is not assured.

Mrs Cameron: OK. We have heard a couple of times about the success of the voluntary code. Have you any statistics to tell us what the drop in the number of metal thefts has been? Does it correspond directly with the introduction of the voluntary code?

Mr McCourt: As I said, I could not, hand on heart, indicate that the reduction in metal theft has been solely as a result of the introduction of the voluntary code. The code is one of a suite of measures. However, as I said earlier, there has been a reduction from 2013-14 in the incidences of robbery, theft and burglary that included metal, from 1,055 incidences of crime to 552, in 2014-15. That is a drop of 503 incidences where metal has been a factor.

Mrs Cameron: I suppose that it is difficult to know whether the drop is as a result of the introduction of the voluntary code or whether it is due to a combination of the code and the fluctuation in prices.

Mr McCourt: Yes.

Ms Martine McKillop (Department of Justice): Steven also referred to other measures, with regard to awareness raising and crime prevention in general. The code is part of a suite of measures.

Mrs Cameron: From the PSNI's point of view, has the voluntary code led to an increase in prosecutions?

Inspector R Robinson: There have been instances where we recovered CCTV images of those who have made a transaction. I have no figures, but I am aware of instances of where we have been able to obtain CCTV images and have had cooperation from licensed scrap yards. They have been able to

facilitate and help us in that, yes. That is helpful. It is not always easy to capture images because individuals are fairly aware of CCTV and come wearing a baseball cap, which is part of the fashion. It is difficult to determine who made the transaction.

Mrs Cameron: From the PSNI's point of view, if it was in our gift to say, "Let us make the voluntary code mandatory", would you welcome that? Do you want that?

Inspector R Robinson: I certainly would welcome anything that strengthened the code for us. It would then be a requirement for the premises to provide us with CCTV and to make sure that they recorded all the details of those who made transactions.

In a cashless society, it is easy to make a transfer of moneys from your bank, and everybody who is dealing with them should have a bank account, so it is easy to make a transfer immediately so that the money goes straight into your account before you leave the yard.

Mrs Cameron: My final question is on clause 14, "Right to enter and inspect": do the police not already have that?

Superintendent Barton: Yes. The issue that we are slightly concerned about is that other elements of the proposed legislation provide authority to both a constable and an official of the Department. Our contention is that it would be a missed opportunity not to include an official of the Department in the right to enter and inspect as well. We would like to broaden that power to include an official of the Department.

The Chairperson (Ms Lo): Is there any incentive for people to sign up to the voluntary code?

Superintendent Barton: No.

The Chairperson (Ms Lo): Not even reputational?

Superintendent Barton: No.

The Chairperson (Ms Lo): Is there no sanction if they do not follow the code?

Superintendent Barton: No. To be fair, a significant number of well-run businesses have signed up and are working fairly well with it, and I give them credit on the basis that they have done so without any incentive.

The Chairperson (Ms Lo): You talked earlier about a lot of smaller dealers being under exemptions. Do you know how many scrap metal dealers there are in Northern Ireland?

Inspector R Robinson: The Northern Ireland Environment Agency has a register of all who are registered dealers, and we have details of nearly all who are unlicensed. We work closely with the Northern Ireland Environment Agency to tackle those unlicensed premises. They are quite difficult, in that they are not licensed, so we have to see what type of business is going on there. We cannot inspect them. We have to suspect that they are involved in criminal activity or stop people on their way to the yard. We need, because they are not licensed, to seek a warrant to go on to those premises. It makes it a lot more difficult for us and for the Northern Ireland Environment Agency to police those premises.

Superintendent Barton: Chair, we are not, however, able to give you a figure for how many there are.

The Chairperson (Ms Lo): Will you, though?

Superintendent Barton: No, we are not able to at present.

The Chairperson (Ms Lo): If there was a mandatory code of conduct, all licensed dealers would have to adhere to it.

Superintendent Barton: If it were —

The Chairperson (Ms Lo): In which Department would a mandatory code sit?

Mr McCourt: If it came in legislation, it would be —

The Chairperson (Ms Lo): DOJ?

Mr McCourt: No, the Department of the Environment, because it would be in DOE legislation.

The Chairperson (Ms Lo): Right, OK. We cannot escape.

Mr Boylan: Thank you for your presentation. Roy, thank you for expanding the argument a bit. There are broader issues in trying to resolve this, but, in light of what you have said, I will try to stick to the Bill. You have been a good spokesperson for Fermanagh so far. You have given us food for thought. You talked about licensed and unlicensed sites, planning issues and established business practices going back over a number of years. That is very hard to get to grips with.

It would be wrong of us to introduce legislation on the basis of the original premise of this Bill. The gist of it was that this crime spiked in 2011 because of the price of copper and a few other metals. My view is that theft is a criminal issue and belongs to DOJ. I will not make further comment on that, but what is the overall percentage of theft in the whole scrap metal industry? Has anybody got those figures or done research on that? It is hard to gauge, obviously, but do you have any indication?

Inspector R Robinson: One indication is that a lot of farmers have lost batteries. We have had farmers with big tractors whose batteries have been stolen, and they are annoyed. Some will report it; some will not. The percentage who will not report present another difficulty. There are also people from the South of Ireland whose property is stolen and ends up in a yard across the border, so it is hard to measure all those who have lost batteries. We have had farmers losing four and five batteries, as well as contractors losing them from various machinery. Those batteries might fetch only £80 to £100 at a scrapyards, but, because they are large industrial batteries, cost the farmer and contractor £400 or £500 to replace.

In one yard, hidden behind a pile of cars, we found three and a half tons of Eircom cable that was licensed to only one yard in the South of Ireland. We recovered and returned that to the South. It is difficult to measure what property is taken, and it is transferred either way. Some of these criminals believe in a lead-free environment: they will simply strip the lead off your roof and take it straight to a scrapyards. It is very difficult because not all people report that, and some of it is taken from Housing Executive sites. A majority will say, "Well, I'm never going to see it again. It's not possible to identify it". We have seized tons of lead and thought that lead that we had marked would be included in that. However, when we examined it, the marked lead was not among it. The difficulty is that it transfers so easily across the border in either direction.

Superintendent Barton: That is why we cannot give you a percentage, Chair.

Mr Boylan: I understand that it is difficult, but, if you were to say to me that it was a small percentage of the overall business, taking forward legislation on that basis alone might be an issue.

Mr McCourt: We could certainly come back to the Committee with statistics that cover all burglary and robbery offences. We cannot break the statistics down into those that include metal, but we can give you the global picture for those types of offences. Metal theft is not a policing priority.

Mr Boylan: No, that is grand. I am just trying to tease this out. This legislation would limit the opportunity for theft by limiting the outlets: is that a fair assumption?

Superintendent Barton: Yes.

Mr Boylan: That said, the problem that we would then have — I represent a border constituency — is that it would just shift the problem across the border, unless there was —

Inspector R Robinson: Corresponding legislation.

Mr Boylan: Yes. Is that a fair assumption?

Mr McCourt: Movement across the border can work either way. The Republic of Ireland strengthened its waste management legislation in about 2013, and that covers some aspects of what we are dealing with. As we said earlier, the DOE has taken forward waste management regulatory changes for a stricter licensing regime for scrap metal dealers. That has an impact on this issue.

On the offences that the PNSI would investigate, there is already criminal law to deal with handling stolen goods — the Theft Act etc, etc. This is about creating the conditions to make it more difficult to dispose of scrap metal. That is why the police need to work closely with the NIEA on its existing licensing regime. As that regime is in place, creating another one would place a burden on people. As the DOE has, rightly, said, it has already strengthened that since the Bill proposal came forward. We would need to see whether that had an impact, rather than the Bill being progressed. There are a number of factors to consider.

Mr Boylan: OK, I have just two points, because I have been warned about asking too many questions —

The Chairperson (Ms Lo): There is a chance of displacement. There is evidence of what happens once legislation is introduced. I think that it was the Scrap Metal Dealers Act 2013 that was implemented in England and Wales, and, after that, there was a shift up to Scotland. It is quite likely that, if we have legislation here in the North, it will go South.

Mr Boylan: There is no doubt about it. I just want the question answered.

The Chairperson (Ms Lo): That does not stop us wanting legislation.

Mr Boylan: No, it does not, but, if you talk to all of the businesses about the impact that it would have on them, you see that there is a different matter for us here. There are a number of single operators.

I want to get to the issue of cash, which we have discussed. We know that many plumbers and electricians gather a bit of scrap metal legitimately and get cash for it. I do not know what the price is at the moment, but £100 does not sound like a big pile of money. You talked about cashless transactions. What about the burden of introducing all that? If I was a spark or a plumber with a bit of copper piping or whatever, I would drive two miles down the road to get cash in hand for it. Let us be realistic: that is what I would do.

Mr McCourt: You make a valid point. It is a cashless system in England and Wales, so we are not proposing something that is not already in place in regulation. It is the PSNI viewpoint that this would only strengthen the trail in relation to tackling people who are operating illegally.

Superintendent Barton: The point is well made. Our thought is that it would strengthen it from the perspective of making it more difficult to dispose of. The example of batteries that Roy gave us is a good illustration. In a rural environment, that is of particular concern. I understand what you are saying, which is that it inhibits things slightly. However, those businesses will still have bank accounts, and bank transfers are quick to process.

Mr Boylan: I do not know whether the ordinary man in the street would be in favour of that.

All the Bill is doing is issuing an operator's licence. That is what it says. There are so many waste licences now, and people can trade in effluent and all that. Probably some yards are doing that. Is there something that can be added to this Bill to enhance the issuing of a waste management licence?

Inspector R Robinson: You can apply for exemption 45 and have it within 30 days. You do not need planning permission from the council or an environmental impact assessment. You simply open the premises within 30 days, which is incredible when you consider that you are not required even to contact your local council and say, "I'm opening a yard. What are your views on it?" You just open it — you can do that with an exemption 45. It will move to the dockside, but exemption 12 will also be there.

There should be some constraint or some kind of inspection of the property that is licensed by councils so that they have a say. Environmentally, there should be something there to run exemption 45. There should be a local facility, even for the collection of waste oil, and that is what I would like to see.

Mr Boylan: Is there no possibility of doing that within the current DOE licensing system? Could it be done in an addendum to existing legislation as opposed to introducing this Bill? I am just being realistic.

Mr McCourt: The potential is there, I assume.

Mrs Overend: It has been an interesting discussion, and most of the questions have been covered at this stage. Can you give us any indication of the metal that is coming into Northern Ireland from the Republic of Ireland? We have talked at other meetings about how, if this legislation is brought in, it will encourage people who want cash to go to the Republic of Ireland. You mentioned it happening the other way around, in that people are coming up into Northern Ireland. What is the extent of that? Can you give us more detail on the effect of that?

Superintendent Barton: It is difficult to quantify. The variety and range of metals coming across the border into yards in Northern Ireland equates to the same products that are being taken to yards from within Northern Ireland. In other words, cable is being dug up and stolen. We have had BT cable dug up in Northern Ireland. In Fermanagh, three and a half to four miles of BT cable was removed. The plastic was burnt off it, and an attempt was made to sell the cable. Eircom has suffered similarly in Southern Ireland. Batteries, various types of lead and other metals have been taken from houses. It is exceptionally difficult to quantify the extent. I could not tell you what percentage of metals have come across the border compared with what has been stolen in Northern Ireland and sold on, but the range and the spectrum are the same.

Inspector R Robinson: The three illegal sites in Tyrone are being jointly investigated at present. There is a huge amount of plastic and metal swarf there — all those materials. A haulier obviously got a contract somewhere in the Republic of Ireland, took the material across the border and dumped it illegally. Those are also issues that we have.

Mrs Overend: They are huge issues that need to be dealt with. Legislation would deter that activity.

Inspector R Robinson: We would like to have the power to seize everything at those illegal sites that is used to hide the waste in the ground. Once it is in the ground, it is very difficult to get it out.

The Chairperson (Ms Lo): It is hard to fathom why scrap dealers would accept manhole covers or miles and miles of cable. They have obviously been obtained illegally, so, for them to buy them really amounts to criminal dealings. They are encouraging people to steal and then sell to them.

Mrs Overend: Is it easier for people to come across the border than it is for them to sell scrap metal in the Republic?

Superintendent Barton: I suggest that one of the reasons that they may be coming North is that there is less likelihood that they will be recognised in the yard up here, which is the same reason that some of ours head South.

Mr McElduff: You said that there are more than three unlicensed sites. What are the issues beyond planning permission? Is it all about planning permission or are there issues beyond that? In the absence of legislation, what can you do legitimately to secure compliance?

Inspector R Robinson: We work very closely with the NIEA on inspections and gather the evidence, but, as I said, one yard is still operating two years later. We would like the local authorities to say that, without planning permission, the yard cannot be opened. We would also like them to have greater enforcement powers to prevent the yard operating until it complies with full planning permission, should that be retrospective. Alternatively, it should be the case that it has to meet the criteria or else cannot open. We have seized some equipment recently, but that still does not prevent the yard operating, because the equipment used is quite old and not worth a lot of money.

The legal yards are crying out. They have spent thousands upon thousands bringing their yard up to the standards that meet the criteria, but they then cannot compete on price, because the other sites do not have to comply with the legislation and do not have to have any means of retaining the oils and the waste product.

The Chairperson (Ms Lo): I will ask one final question. In the Bill, the penalties for offences are much less stringent than what is currently in DOE legislation. Do you have any comment to make on that?

DOE is saying that there are two different sets of penalty levels for more or less the same crime. One is proposed in the Bill and one in the existing legislation. When a case goes to court, the barrister could very easily say, "We will go for the lower one".

Mr McCourt: The penalties that are included in the Bill are consistent with a licensing regime, so we have no comment to make on that. Naturally, how that sits alongside waste management regulations will be a policy consideration for the Department of the Environment to take on board and consider. We as a Department are quite happy to engage on that.

Mr Milne: Thanks for your presentation. Most of the questions have been covered. How much stolen scrap metal, in percentage terms, has been recovered from licensed and non-licensed businesses? You were talking about the licensed yards. Is there still a problem there, even given the voluntary code?

Superintendent Barton: The problem is significantly reduced with those who have entered into the voluntary code. The example was given of a yard that had not signed up to the voluntary code but was content to make contact to say, "Listen, I have been presented with something for sale here and have refused it". We were eventually able to recover that scrap metal. I cannot give you a percentage of what is recovered from unlicensed compared with licensed yards, or from registered compared with unregistered yards.

Mr Milne: There would be amounts above —

Superintendent Barton: The problem is significantly less among those businesses that have signed up to the voluntary code.

Mr Milne: If this Bill were enacted in the morning, people who are intent on stealing metal in the North would, as others have said, just transport it down to the South. They would have their markets sussed out there before they took it. It is very important that an all-island approach be taken.

Inspector R Robinson: I agree that the legislation should be mirrored.

Mr McCourt: There is good cooperation between the police services and the environmental agencies on that.

Mr Milne: I understand that. The cooperation is OK. However, my view is that, unless they are using the same legislation and tackling the problem jointly, we will just shift the problem somewhere else. We will still have the same level of theft.

Ms McKillop: As far as we are aware, the Republic of Ireland amended its waste management regulations in 2014 to strengthen conditions on the traceability of material. Those could also be taken into consideration in future.

The Chairperson (Ms Lo): Thank you very much, Martine and gentlemen. I am sure that you will hear more about this over the coming weeks.