



Northern Ireland
Assembly

Committee for the Environment

OFFICIAL REPORT (Hansard)

Scrap Metal Dealers Bill:
Formal Clause-by-clause Scrutiny
and Committee Report

11 February 2016

NORTHERN IRELAND ASSEMBLY

Committee for the Environment

Scrap Metal Dealers Bill: Formal Clause-by-clause Scrutiny and Committee Report

11 February 2016

Members present for all or part of the proceedings:

Ms Anna Lo (Chairperson)
Mrs Pam Cameron (Deputy Chairperson)
Mr Cathal Boylan
Mr Paul Girvan
Mr William Irwin
Mr Alastair Patterson

The Chairperson (Ms Lo): Members, you will be aware that the Committee Stage concludes on 19 February. At last Tuesday's meeting, members seemed to reach consensus that the Committee had run out of time to give proper consideration to all the issues that had been raised on the Bill, including the amendments proposed by the Department, which would impact on every clause other than clause 21, which is the short title. Members, can I double-check with you that it was agreed at last week's meeting that we had run out of time?

Members indicated assent.

The Chairperson (Ms Lo): We really do not have enough time to scrutinise the amendments put forward by the Department or the Bill. I seek your agreement that the remaining time left in the Committee Stage is not sufficient to resolve any outstanding issues.

Members indicated assent.

The Chairperson (Ms Lo): Are members content to proceed with the formal clause-by-clause consideration of the Bill today? It would allow the sponsor of the Bill sufficient time to schedule his amending stages.

Mr Boylan: I do not mind. We have to follow the procedure. We have to do our report, but we, as a Committee, need to discuss what way we would like to go forward. We have agreed primarily what we will put in the report. The next phase is the Consideration Stage on the Floor. We do not know whether the Department will move the amendments or what proposals will be made. We will not know until the Thursday before the debate what Mr Beggs will bring to the table.

The Chairperson (Ms Lo): What he may or may not bring to Consideration Stage.

Mr Boylan: Exactly. All that we can do, as a Committee, is try to agree a position on how we would like to deal with this. After we have agreed a report, where do we go? It is up for discussion. If Mr Beggs brings something to the Chamber, for instance, we will have to get up and debate it or not.

That is the way it goes. If the Minister decides to table his amendments, we will be debating in the Chamber. How soon can we find out any of that? Uniformly, we have agreed a position.

The Chairperson (Ms Lo): The Committee's position is that we do not have enough time to consider the Bill or the amendments, and that is what we will say in our report. We will produce a report, but we must follow the procedure, and we must go through the informal and formal clause-by-clause scrutiny. We did the informal on Tuesday, so we are now in the second stage — the final stage — of the Committee Stage, which is looking at the Bill clause by clause. I propose that, like last time, we group them into two groups, with your agreement. We can do it now. Ciara has tabled a draft report. If we have time, it would be useful to agree the draft report, so that we can submit that to the Business Office.

The Committee Clerk: If the Bill were to be scheduled at Consideration Stage, the Committee has agreed that it is not content to take a view on the Bill or the amendments, because it has run out of time.

Mr Girvan: I might take a slightly different view from that, and it is my personal opinion. Unfortunately, I have not been here from the start; I have been involved in only the latter part. The evidence that I have received brings me to a very quick conclusion that what we are dealing with is not necessary and, as a consequence, what we would be doing in the Chamber would be a window-dressing exercise. We would be wasting Assembly time and officials' time going through the whole procedure. I want to put that on record, because, having heard the evidence, I believe that that is what we are doing. I understand that we have to follow procedure, but we should have seen earlier that there were major flaws. The Department has already included that, because the red-line drafts that we saw last week —

The Chairperson (Ms Lo): Every clause has been changed.

Mr Girvan: There is nothing in it. What is the point in having a four-hour debate or whatever — it can be as long as you want it to be, because it is legislation — on absolutely nothing that will have any material effect or change?

The Chairperson (Ms Lo): The point is that the Bill passed its Second Stage, so the House supported the principle of the Bill. It was then passed on to us, the Committee, to go through the scrutiny stage.

Mr Boylan: We need to be more creative than that. We understand the procedures, but this is unusual. In all my time on the Committee, this has never raised its head.

The Chairperson (Ms Lo): Not in this Committee.

Mr Boylan: We have to follow procedure, but we also have to recognise that there is no appetite to go to Consideration Stage and Further Consideration Stage. That is the point that has been raised by most members — I cannot speak for all. The only thing that we can do is try to get, as soon as possible, an answer from the proposer of the Bill or the Department on what they propose to take forward. As soon as possible, we need to find out what they are going to do. You are right: we will get up and say that we, as a Committee, have formulated a report and did not have time to scrutinise the Bill. But there is another point: there is no appetite for the legislation from most of the Committee. You will find that if you put it to a vote today. That is the unusual part. It has not happened on this Committee.

The Committee Clerk: Is the Committee saying that it is not in a position to consider formal clause-by-clause scrutiny or the report today or that you have not had sufficient time to form a view and report in that way?

Mr Boylan: To form a view on the report, yes.

The Committee Clerk: Do you want to form a view of the report?

Mr Boylan: No, we have not had time to form a proper view.

The Committee Clerk: That was my understanding of the Committee's view from the meeting on Tuesday, and that is what we are reflecting that the Committee will consider at the formal clause-by-clause stage now. There is a draft report for members to consider today. It reflects the views. If that remains the view of the Committee and if the Committee is content to proceed today with the formal clause-by-clause consideration and the draft report, we will do that.

Members indicated assent.

The Chairperson (Ms Lo): OK. I will proceed, members.

I remind you that the formal clause-by-clause consideration is the last opportunity to discuss the clauses of the Bill and that any decisions will be final. Subject to your agreement, I propose to group clauses 1 to 20 of the Scrap Metal Dealers Bill for the formal Question. Are members content with that?

Members indicated assent.

The Chairperson (Ms Lo): As members are content, I will proceed. Do members agree that the Committee is not content to form a view of clauses 1 to 20, as the Committee is unable to give proper consideration and scrutiny to the complex issues raised at Committee Stage in the time remaining, including that it does not have a full understanding of the impact that the Bill will have on the scrap metal industry?

Members indicated assent.

Clause 21 (Short title)

The Chairperson (Ms Lo): There are no proposed amendments to clause 21.

Question, That the Committee is content with the clause, put and agreed to.

The Chairperson (Ms Lo): Are members content that I group schedules 1 and 2 in a single Question for the Committee's consideration of the Scrap Metal Dealers Bill?

Members indicated assent.

The Chairperson (Ms Lo): Do members agree that the Committee is not content to form a view of schedules 1 and 2, as the Committee is unable to give proper consideration and scrutiny to the complex issues raised at Committee Stage in the time remaining, including that it does not have a full understanding of the impact that the Bill will have on the scrap metal industry?

Members indicated assent.

Long Title

The Chairperson (Ms Lo): This is the end of the clause-by-clause consideration. The Committee must now consider the long title of the Bill. No amendments have been proposed.

Question, That the Committee is content with the long title, put and agreed to.

The Chairperson (Ms Lo): That concludes our formal clause-by-clause consideration of the Scrap Metal Dealers Bill.

Are members content to consider the draft report on the Bill today? It has only just been tabled, given the Committee's consideration on Tuesday.

Members indicated assent.

The Chairperson (Ms Lo): Members, you have the report. It is not very long. I propose to go through it, bit by bit, and allow you time to read through it. I refer to the draft report tabled. I will work through it paragraph by paragraph to allow members to indicate agreement or raise any suggestions for

amendment. Members will be considering the entire report including minutes of proceedings, minutes of evidence and written evidence.

I will let you have a couple of minutes to look at the executive summary starting at page 5 and on to page 6.

Are members content that the executive summary at paragraphs 1 to 8 stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the introduction of the Bill at paragraphs 9 to 12 stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the Committee approach to the Bill section, paragraphs 13 to 21, stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the key issues of the Bill section, at paragraphs 22 to 25, stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the issues raised by the Department of the Environment section, at paragraphs 26 to 31, stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): The next section is "Sponsor of the Bill's Evidence" at paragraphs 32 to 36. Are members content that the issues addressed by this section, in paragraphs 32 to 36, stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): The next section is paragraphs 37 to 41, the proposed departmental amendments. Are members content that this section of the report, at paragraphs 37 to 41, stands part of the report?

Members indicated assent.

The Chairperson (Ms Lo): The next section is the summary of evidence, at paragraphs 42 to 101. Ciara wants to add a sentence.

The Committee Clerk: I added a sentence to paragraph 42. This section is the other evidence that we heard outside of DOE and the sponsor. The previous paragraphs already reflected that evidence. I just want to be clear that you are content with that paragraph subject to that amendment.

Mrs Cameron: Yes, we had caught that on, Ciara. *[Laughter.]*

The Chairperson (Ms Lo): Are members content that the summary of evidence taken from other stakeholders on the Bill at paragraphs 42 to 101 stands part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the clause-by-clause consideration of the Bill section at paragraphs 102 to 106 stands part of the report?

Members indicated assent.

The Chairperson (Ms Lo): That concludes the consideration of the main body of the report. Members, are you content to move to formal consideration of each appendix of the final Bill report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the extracts of the minutes of proceedings at appendix 1 stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the minutes of evidence at appendix 2 stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the written submissions at appendix 3 stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the papers from the sponsor of the Bill and departmental responses at appendix 4 stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the other papers at appendix 5 stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content that the research papers at appendix 6 stand part of the report?

Members indicated assent.

The Chairperson (Ms Lo): Are members content for the Chairperson to approve an extract from today's minutes and the minutes from 9 February 2016, which reflect the read-through of the report? Those are needed for inclusion in appendix 1: minutes of proceedings.

Members indicated assent.

The Chairperson (Ms Lo): Thank you, members. You are content with the appendices. The report, in its entirety, will be laid in the Business Office tomorrow. Are members content with that?

Members indicated assent.

The Chairperson (Ms Lo): The next item on the agenda —

Mr Boylan: Before we move on, can I make a point?

The Chairperson (Ms Lo): Yes.

Mr Boylan: It is an important point. It seems that we have done an injustice to the Member and the legislation that has been brought forward. In the future, Committees have to learn about trying to rush through legislation at the end of a mandate. It would be remiss of us not to reflect that as a Committee. To be fair to Mr Beggs, he put a lot of work into this. We, as a Committee, just did not have the time to scrutinise it properly. That is a lesson for all Committees, not just this one.

The Chairperson (Ms Lo): Although, to be fair, a lot of Committees are rushing legislation through.

Mr Boylan: It is a slightly different matter when you have the support of a Department: we have an individual Member with a smaller team. All I am saying is that we, as an Assembly, have to look at a possible deadline. If we had looked at this last September, it would have given us time. Something has to be put in writing to deal with that. There is no way that we should be rushing this forward. We are sitting in February, with four weeks until the end of a mandate, trying to scrutinise a private Member's Bill. We have to learn from that. The departmental stuff is irrelevant; it has a different body or team. We, as a Committee, have to reflect it. I do not know whether we need to put that in the report, but, if we reflect it outside that, that is grand.

The Chairperson (Ms Lo): Do members want those comments to be included in the report —

The Committee Clerk: Or reflected outside to the appropriate —

The Chairperson (Ms Lo): Reflected to the Business Office?

Mrs Cameron: It is a very valid point. I have certainly experienced this in other Committees as well. Other factors are involved; I do not think that anybody wanted to simply turn down another Member's work, when you know that they have been working on it for a considerable time, without giving it an airing. There are other factors to take into consideration. It was probably unhelpful that there were two Departments — Justice and Environment — and neither, quite frankly, wanted to look at the Bill. That was probably a delay as well and would have been beyond Mr Beggs's control. There are other factors, but it is a valid point. It should be pointed out.

The Chairperson (Ms Lo): One of the issues for the Environment Department not wanting it, they argue, is that it is not an environmental issue. Justice has so many Bills going through; it just does not have the time. Everything is —

Mr Boylan: The Assembly, as a whole, barring emergency legislation, needs to say that the September before the end of the mandate is the deadline —

The Chairperson (Ms Lo): It needs to be scheduled better.

Mr Boylan: — whether it is private or whatever. That should be an easy thing to do. If there is emergency legislation, that is slightly different. There should be a way of dealing with this. We are sitting here with a private Member's Bill, and we cannot scrutinise it. We have four weeks left. Unfortunately, we do not even want to debate it at Consideration Stage and Further Consideration Stage. It is an injustice, really. We have an opportunity here to register it first and, then, let us see. Good luck to whoever comes back in the new mandate. Let us see whether they can come back with something else to deal with it. That is all that I am saying.

Mr Patterson: I concur with the comments made by the members. I am new to the Committee, as you know. I know that my colleague has put a lot of work into the Bill. It has to be disappointing for him to come to the stage that it will not go anywhere, but I agree with what you say about there having to be time limits. Something has to be brought in, because what I am witnessing at this time is a crazy situation in which everything is going through at the last minute and we do not have time to deal properly with items that people have put a lot of time and effort into. Something does need to be done going into the future.

The Chairperson (Ms Lo): It is unfair to him after spending so much time, and he started the process very early on. I think that he started the consultation in 2012. It has taken a long time for it to come through.

Mr Patterson: A long time.

The Chairperson (Ms Lo): We will reflect that to the Business Committee, and maybe, in future, the scheduling needs to be more realistic, particularly for a private Member's Bill.