

# Official Report (Hansard)

Monday 21 November 2011  
Volume 69, No 1



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# Northern Ireland Assembly

Monday 21 November 2011

*The Assembly met at 12.00 noon (Mr Speaker in the Chair).*

*Members observed two minutes' silence.*

## Ministerial Statement

### Single Farm Payments: Disallowance

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** Go raibh maith agat, a Cheann Comhairle. With your permission, a Cheann Comhairle, I wish to make a statement on the issue of financial correction by the European Commission and the programme of work that the Department is taking forward to address that.

First, I thank my colleague junior Minister Anderson for stepping into the breach last Monday when members of the Committee for Agriculture and Rural Development debated a motion on the issue. I am grateful for the Committee's interest in the issue and would like to reassure its members that it has been my intention for some time to make a statement in November to give them an update on developments since Michelle Gildernew's statement in September 2010. Although I do not want to go over old ground that was well covered at that time, given the complexity of the issue and to avoid any misunderstanding, it is important that I put the issue into context, explain the problem, quantify the amount of disallowance and explain how we are funding that and reassure the Assembly that we are solving that problem.

I will take the problem first. As a paying agency, the Department of Agriculture and Rural Development (DARD) is responsible for the payment of around €300 million a year to the agriculture industry. DARD is accountable to the European Commission for ensuring that that €300 million is paid accurately and in a timely fashion to those entitled to receive it. That means that the various scheme rules have to be complied with by those claiming the subsidy and that DARD, as a paying agency, has to be

able to demonstrate that compliance through its administrative checks and on-the-spot controls.

Since the single farm payment was introduced in 2005, European Commission auditors have audited DARD on a number of occasions, commencing in 2006. The Commission has found fault with the controls operated by the paying agency, resulting in disallowance. In their visits here in 2006, 2008 and 2009, Commission auditors raised concerns about the control of the single farm payment scheme. In 2006, they advised that our mapping system was not good enough; that our farmers were not telling us of changes to their fields; that our on-the-ground controls by inspectors were not sufficiently rigorous; and that our approach to sanctions and penalties was too lenient. Those concerns were reiterated during further audits in 2008 and 2009. Also in 2008, the auditors highlighted that our approach of permitting two farmers to use the same parcel of land to support two separate schemes — for example, the single farm payment scheme and the countryside management scheme — was not, in their view, in line with regulations. In addition to those area aids audits, in 2008 the Commission examined how we had allocated single farm payment entitlements in 2005. Those entitlements are an essential requirement for a farmer to make claims. A farmer must have one entitlement for each hectare of eligible land claimed. Concerns were raised about a number of policy issues.

The Department's response in the early years was understandably one of challenge, particularly because, at the outset, there was little or no evidence of other countries facing a similar problem. The Department also considered that the scale of the disallowance was manifestly disproportionate because the payments were based on entitlements that had an historic as well as an area component, and the Department thought that, at the very

worst, the rate of disallowance should have been applied to the area component only. It is important to add that the Department did not have the benefit in 2006 of knowing that other countries were going to be visited with similar audit findings.

The Commission system is not particularly transparent, but, once disallowances began to roll out across more and more countries, it became clearer that the Commission was embarking on a course from which it would not easily resile. So, when the question is put whether the Department was wrong to challenge for so long rather than to seek immediately to comply with the Commission's findings at an earlier stage, it is clear with the benefit of hindsight that it should have sought to comply sooner.

As highlighted in last week's debate, the Commission's own processes contributed to these matters being protracted. Members were right to note that the first area aids audit was in July 2006, yet the final decision on that was not announced until July 2010, which was a full four years after the audit. In 2009, although DARD still believed that the Commission's approach was heavy-handed, it recognised that it had to move to satisfy the Commission's concerns on maps or face continued and probably increased disallowance. Also in 2009, my Department moved to make its own estimate of the risk to the fund so that it had some hard figures to take to the Commission, and a risk assessment exercise was taken forward, the aim of which was to estimate the risk to the fund resulting from claims on ineligible land. A sample of 400 farm businesses, which is 1% of the claimant population, was selected, and the corresponding aerial photography was carefully viewed to identify and measure ineligible features. The results of that exercise showed that the error rate was 2.72% for ineligible areas claimed and 2.05% for incorrect payments made. However, the Commission maintains that penalties that would be applied to individual farmer claims for overdeclaration of land must be included in the calculation. So, when that is done, the risk to the fund increases from 2.05% to 5.19%. Those figures are with the Commission and are likely to inform decision-making with regard to 2009.

In summary, our problem falls into three parts: mapping, inspection and penalties. That problem has been compounded by a legalistic

and slow procedurally based approach by the Commission.

I will now discuss the amount and how we will fund it. Two of the audits — the area aids in 2006 and the entitlements in 2008 — have now worked their way through the Commission processes and have resulted in the publication of a financial correction or disallowance. We have been advised that the Commission is also proposing a disallowance in respect of area aids for the 2007 and 2008 scheme years and in respect of entitlements for the 2008 and 2009 scheme years. To complete the picture as we know it, we have been advised of what may be a €1 million correction in respect of pre-2005 bovine and ovine claims. We are also awaiting the Commission's proposals on the 2009 area aids audit, a compliance audit in 2009 and a rural development audit in 2010.

We are certainly not alone in this. Many paying agencies have experienced disallowance, and the timing of the announcement of disallowance can be highly variable. I know that that is a concern for Members, but the process for determining disallowance has been unpredictably slow. Indeed, although disallowance has been confirmed in relation to various concerns from 2004 to 2007, the Department has, as yet, not had to make an actual payment with regard to disallowance. Members have, understandably, expressed concerns about the impact of those corrections when they eventually arise, but the Department has made careful provision in its accounts to accrue — that is, to treat as already spent — the relevant amounts for disallowances up to and including the 2009 scheme year. That means that the arrival of any of those confirmed disallowances will not impact on the spend of the Department or the Executive in the year in which it eventually materialises. I know that that will reassure Members, but that leaves the important matter of future disallowance.

The timing of the announcement of future disallowance decisions cannot easily be predicted, but it is expected that decisions on area aids in 2007 through to 2009 and on the ovine and bovine schemes will be announced at some point. I will return to the accounting arrangements for that in a moment. First, it is important to note that, although the previous area aid audit that we received was in 2009, we cannot rule out the possibility of further audits for the 2010 and 2011 single farm payment

scheme years, and there have been audits on rural development and on cross-compliance where we await feedback from the Commission. It would be unwise for the Department to speculate in advance of those audits what the findings might be or what account the Commission might take of what has already been done. Of course, Members are free to use the figures to date to make such predictions, but, as Minister, I cannot be drawn into that unhelpful discussion. Only last week, officials were involved in lobbying the Commission at a senior level on disallowance, the programme of work that is under way and the scope that there might be for the Commission to send some positive signal to the paying agency on the progress that we have made so far. I do not want the House to send a message to the Commission that further disallowance might be in order for the North. Of course, there remains a risk of further disallowance, and we are doing all in our power to mitigate that problem.

I now turn to the way in which my Department is managing the disallowance problem to seek to avoid problems for the North. The Department is required to prepare its accounts on what is known as an accruals basis. For disallowance, that means that liabilities are recorded and expenditure is scored in the financial year in which the obligation to pay the disallowance arises, not the year that the payment of the disallowance is made. In other words, the money is treated as being as good as spent as soon as the liability is recorded in the accounts.

I confirm that £69.4 million has been accounted for in my Department's 2009-2010 and 2010-11 audited resource accounts for disallowance covering the single farm payment scheme years up to and including 2009. The Department for Environment, Food and Rural Affairs (DEFRA) has accounted for another £11.2 million of disallowance that relates to the North. That is a total of £80.6 million. DEFRA holds that £11.2 million for us, and the balance has been met at the North of Ireland block level. As a consequence, there will be no further budgetary pressures on either my Department or the block for scheme years up to and including 2009. The funds used to meet the disallowance pressure could not, in the main, have been reallocated by the Executive for other purposes within the block. Finally, I should point out that the EU has not yet sought the cash from us for disallowance, and the payment of that cash will not create any additional pressures.

The moneys that have been accrued are sufficient not only to cover the confirmed disallowances that I mentioned but to take into account disallowances to be confirmed in the future about which we have sufficient certainty now. I will be clear: that comprises the area aids disallowance up to and including 2009, entitlement disallowance up to and including 2007 and the one-off ovine and bovine disallowance. I have provided the Committee for Agriculture and Rural Development with a table that attempts to summarise the position at present as accurately and clearly as I can.

The Commission has carried out an audit of our 2009 risk assessment exercise, and, although its initial feedback on how it was carried out was positive, it has not yet finalised its position on the 2009 area aids audit. However, given that the overall risk to the fund was assessed to be 5.19%, it is unlikely that the disallowance imposed for 2009 will be less than the 5% flat rate correction that has been applied in previous years. It is on that basis that the Department has made provision on an accruals basis for that year. The funds used to meet the disallowance pressure could not have been used for other expenditure in the North, so there has been no impact on DARD or other Executive services. The position has been built up over several years. Although that is, I hope, welcome, it remains my top priority to tackle the issues that could cause future disallowance, and it is to that work that I now wish to turn, and I will talk about how we are solving the problem.

### **12.15 pm**

I have said that the problem identified by the Commission is mainly in three areas: mapping, inspection and penalties. I will deal with the last issue first. We have always encouraged and required farmers to claim only for eligible land, and we have repeatedly increased our communication effort. We have evidence that farmers are claiming on less ground overall than in previous years, which seems to signal that ineligible land is being removed from claims. That is positive and reflects the responsible nature of most farmers. In a large population, however, there always will be a small number who turn a blind eye to the rules of the scheme and seek to get away with it. I have a clear message for those farmers: the Department is reviewing its approach to penalties and will, in line with Commission demands, seek to

increase its use of intentional penalties when those are justified.

The Department is examining a number of 2010 inspected cases. If, in any of those, intentional overdeclaration is determined, the application of the Commission's penalty framework will mean that no single farm payment will be made for the 2010 scheme year. It is possible that, in some of those cases, that will also affect other years' claims. We will also consider how that impacts on the 2011 inspected cases. Farmers who wilfully claim on land containing bungalows or on scrub will be vulnerable to much higher penalties, so my clear message to farmers is that they should be active and alert to the need to update their maps and claim correctly. It remains the farmer's responsibility to ensure that only eligible land is included in the claim, and, since 2005, we have issued detailed guidance explaining that. Throughout the period for which disallowance has been imposed, my Department has been criticised for being too harsh on farmers, but the Commission has been saying exactly the opposite. Although I will ensure that my Department acts reasonably in these matters, it must be clearly understood that that will be within the context of the EU regulations being fully complied with. I have no other option.

As for inspection, between July 2006 and now, the DARD inspectorate has made significant progress in dealing with areas that were criticised by the auditors, although it is important to emphasise that the discrepancies found by EU auditors were generally very minor. DARD has looked carefully at the areas of concern and engaged with the auditors and the Commission's Joint Research Centre to make improvements in the correct interpretation of the regulations in relation to land eligibility and the correct assessment and measurement of eligible land in the field. Inspectors have received enhanced training and additional support resources, and quality checks have been deployed. The most up-to-date field computer equipment is now used, and inspectors have all the available information relating to the claim, including aerial photographs of the field and its features. Those changes were acknowledged and welcomed by the Commission auditors in their recent visit here.

Our present mapping system is delivering a claim accuracy of between 97% and 98%. It is only when the overdeclaration penalties are added that the risk to the fund rises to over

5%. Although an accuracy level of 97% to 98% may be acceptable in other spheres, it is not in this case, and we have to increase it to around 99.5% if we are to end disallowance on area aids. That means that we have to pay attention to the finest detail, even in very small areas, down to 0.01 of a hectare and, in some cases, areas smaller even than that.

Last year, my Department embarked on a project to remap all 750,000 agricultural fields here. That project, which is funded through the invest-to-save initiative, has been undertaken in partnership with DFP's Land and Property Services. As Members will appreciate, it is a huge and complex task, but I am pleased to advise that the first of the maps will issue within days. The initial maps will form part of a test, and the Department will interrupt the map issue as necessary to make corrections and adjustments to the process. It is planned to have all maps with farmers in time to inform their 2012 single application form returns.

The maps are based on all land declared by a farm business on its 2011 single application form; namely, all land owned, leased or taken in conacre. Field boundaries and the ineligible features that we identified and assessed this year are superimposed on aerial photographs. The field boundaries have been determined by Land and Property Services, which is our mapping authority. As Land and Property Services uses accepted mapping standards, it establishes field boundaries on the basis of physical features, for example hedges, fences and walls. Where those do not exist or are not apparent from the aerial photography, field boundaries will change. That will mean that the information shown in those maps may be different from information shown on maps in the past. It also means that, if fields are being used by more than one farmer — for example, on a shared grazing basis — only the boundary of that field will be shown. We will write to any farmers affected in that way to explain the situation and to advise on the action they should take.

Given the importance of this work, it has been decided that we will use the first phase of around 200 to 300 maps issued to test the accuracy of the revisions and to check that our systems are robust enough to deal with any queries that may result. If that test proves successful, the remaining maps will begin to issue during December and through

to February 2012. To accompany the maps, we have produced a data table, which provides additional details of the features shown on the map, and an explanatory guidance booklet. Staff will be available in DARD offices to discuss any changes that are required to the maps. For example, changes could be required if something is built in a field after the date of the aerial photograph or if an area of scrub has been removed. It is vital that, once they receive them, farmers check their maps and contact DARD about any changes that are required. Maps will be available to view online after they have been issued to farmers. We plan to extend the online facility in the future to make it more interactive. We will explore, for instance, the scope for farmers to report map changes to us online.

A number of Members stated last week that farmers expect the Department's maps to be correct, and I do not want to mislead farmers in any way. The map will be correct only once the farmer has checked it against what he knows to be the current situation on his farm. If Members make any suggestion to a farmer that he or she should rely on the DARD map without checking it, they are doing that farmer a disservice and putting him or her at risk of penalties. It is not possible to do a mapping exercise of this scale without there being corrections to make, and it is only with the willing co-operation of the farming community that we will be able to correct the maps to the Commission's satisfaction.

We believe that our current approach will resolve the problems and, importantly, provide an accurate and robust basis for the implementation of CAP reform in 2014. As Members will appreciate, this mapping project is only one element — albeit a major one — of a comprehensive programme of work that is under way in the Department to ensure compliance with the EU regulations.

We continue to develop for both farmers and inspectors. In March this year, we issued the 'Guide to Land Eligibility' booklet, along with an aerial photograph, to all single application claimants for 2010. The booklet clarified many eligibility issues and set out the standards that inspectors now use to assess land eligibility. It builds on a long engagement with the European Commission and the Joint Research Centre in Italy to ensure that we understand as well as we can what the Commission's expectations will be for detailed eligibility rules.

We have introduced new computer software for assessing and processing field information, using global positioning equipment and information databases. Although those developments have initially slowed the progress of inspections, as they become established they will yield considerable benefits in the speed of inspection completion and will enable inspectors to provide a fair and accurate assessment of land eligibility more easily. In addition to the new software, work is under way to introduce technology to allow the use of satellite imagery for some inspections in 2012. That will enable us to check claimed parcels remotely and, in time, should speed up payments significantly. Moreover, that approach will help to ensure increased consistency and standardisation of on-the-spot checks, which the Commission sees as a critical factor when applying the scheme rules.

Since 2005, my Department has provided a facility for farmers to submit their single application electronically — online — and I am pleased to report that there has been a steady year-on-year increase in online applications. This year, the number of online applications has risen to 5,880, which is around 15.5% of all single applications received in 2011. The online facility for the single application is an important customer service initiative, offering farmers and my Department significant benefits. My Department continues to work closely with industry stakeholders and representatives to refine and improve the service further. We will seek to ensure that their valuable feedback is taken into account in its future design and operation. I encourage all farmers to use the service and, if they have not yet registered, to do so now in readiness for next year's scheme. The online facility is available around the clock throughout the application period. It is easy to use, automatically checks many aspects of the claim as information is entered by the farmer and, as stated, has associated online benefits, such as access to maps and aerial photography. By submitting their applications online, farmers can reduce the potential for error when completing their claim forms and thus avoid potential delays at a later stage.

As part of my Department's commitment to engage with the Commission, we gave an undertaking early this year to carry out, in line with a Commission guideline, a voluntary audit of random inspection cases from 2011. The audit, which the Audit Office is undertaking, has commenced, and a report will be submitted to

the Commission by 1 September 2012. The report will present evidence gained during the audit on whether the amounts found eligible for payments as established by DARD, recorded in its databases and paid are free from material misstatements and on whether the control statistics reported to the Commission are correctly compiled and reconciled to the database by DARD and are free from material misstatements. It is hoped that a satisfactory report will provide assurance to the Commission that the corrective actions being undertaken by DARD are effective. That could reduce the risk to EU funds and, in doing so, reduce any further disallowance that may be applied. In addition, on 10 November, the DARD permanent secretary met the deputy director of DG Agri in the European Commission to update him and his colleagues on the programme of work that is currently being undertaken in DARD. The meeting went well, and the Commission was encouraged by the actions that we are taking.

In September 2010, the Department lodged a case with the European Court that challenged the approach used by the Commission when it applied the 2006 disallowance. It involves a very technical matter concerning the interpretation of EU regulations on how overdeclaration penalties should be calculated. We await the court's considerations on the matter. If successful, we expect a substantial reduction in our disallowance, although the exact amount would be dependent on the detail of the court's judgement. In the meantime, the Commission continues to follow its processes. Should our case be successful, however, it will have to reconsider the position regarding the disallowance that was applied in that year and others.

DARD, in recognition of the need to take a disciplined and co-ordinated approach to this work and as part of its governance arrangements, has set up an EU audit compliance programme board. The board will ensure the effective progressing of a range of projects, some of which I have mentioned. It is designed to ensure compliance with Commission audit recommendations. The programme reports directly to the change management board, which is chaired by the head of the paying agency.

I hope that that comprehensive account provides the who, when and where asked for during last week's debate. I have provided an accurate account of the confirmed and proposed disallowance. I have highlighted the importance

of the maps, and I reiterate that it is essential that we get help from farmers to make those as accurate as possible. Although we will make a lot of progress during the next few months, it will not be a perfect process; nor will it be painless. Farmers will, in some cases, be unhappy with the maps that they receive, and work will be required to correct them. The Department will be challenged in regard to its payment timelines. However, in working through that together, we will be able to demonstrate very significant progress towards having a stable set of data in our land parcel identification system (LPIS).

We are working with all parties, including the farming unions, farmers and the Commission, to resolve as many of the issues as we can. I appreciate the support given by those parties, my Executive colleagues and Members of the Assembly, particularly the Committee for Agriculture and Rural Development. It is only by recognising the issues and working together to resolve them that we will satisfy the Commission that our controls are effective and that this level of scrutiny and disallowance is no longer required.

**Mr Frew (The Chairperson of the Committee for Agriculture and Rural Development):** I thank the Minister for her statement. I am glad that she recognises the work of the Committee on this issue. I am sure that her officials examined carefully the debate that we had last week on the Committee's motion.

Does the Minister agree that, whereas the Committee's motion sought clarity on the extent of the fines and disallowances, the position is far from clear? Will she accept that we are not really that much wiser as a result of her statement? Very little or nothing was said about the Comptroller and Auditor General's report, and there was no detail whatsoever on the disallowance or penalty fines issue.

In September 2010, in the House, the Minister's predecessor, who is from the same party, promised actions to minimise disallowance by bringing in new measures and through negotiations with the Commission. If the Department is continuing to calculate fines or disallowances at a rate of £15 million or £18 million year on year, does the Minister not agree that that suggests that the new measures have been ineffective or have not been brought in at all and that the Department's negotiation with the Commission has borne no

fruit whatsoever? The most important issue is how that will impact on the current wave of farm inspections for single farm payments. The Department has been notoriously slow up to this date.

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. I do not agree. I think that I tried my best in that very lengthy statement to clarify the position around the fines and the disallowance. I have clearly said that it is £80.6 million, £69 million of which has been accrued in the accounts and £11 million of which DEFRA holds. I cannot be any clearer about that; that is the figure that is being audited. It is on the Department's accounts; it is clear for everybody to see.

I will pick up on the Comptroller and Auditor General and the issue of irregularity, which you raised during the debate last week. The Department is well aware of its obligations to me and the Assembly. The Comptroller and Auditor General has qualified his audit opinion of the Department's 2009-2010 resource accounts. In his opinion, the amounts that are due to be paid to the EU in respect of financial correction are irregular. I respect the right of the Comptroller and Auditor General to inform his opinion on the treatment of items in the accounts. However, I argue that the expenditure is not irregular. The view has been noted in the Department's annual reports and accounts. Again, those are open for anybody to view.

The concept of regularity is set out in 'Managing Public Money'. Expenditure is regarded as being irregular if it falls outside the legal powers of the Department, Assembly consents or DFP delegations. I know that that sounds very technical but that is the reality. The Department believes that the European Communities Act 1972 and the Assembly budgeting and Estimates process provide the requisite authority and consents to ensure that the liabilities are within the Department's delegated authority. That is why we disagree with the Comptroller and Auditor General when it comes to regularity or irregularity.

### 12.30 pm

As to the difference on the ground, we envisage that we will start our regular process of issuing payments. Our target is to have 80% issued by December, and, at this stage, we are still on track to move forward with that. Again, 95% is

the target for June, and that is a regular year-on-year issue.

As for what has been done to date, action has been taken. We took a three-pronged approach, and the legal challenge is still ongoing. We do not know what the outcome of that will be, but if we are successful, that will bring down the disallowance. Securing that would be a win. Remapping is a massive piece of work and will not be done overnight. It has taken some time to get that right, but I will issue the new maps over the next few days.

So, there has been action over the past number of years. We have to be mindful and put the whole thing in context. The Commission's process for dealing with disallowance is so slow. There were four full years between its first audit and its official confirmation that there would be disallowance. That is the process that we are dealing with and that makes things challenging for the Department. The Department initially entered into a process of conciliation with the Commission, and it went on for three full years. You have to deal with very long processes in Europe. However, we are on target to improve things and to introduce the new mapping system; that was the main concern of the Commission. So long as we are able to address that and communicate that message, we hope to be able to bring down any potential future disallowance.

**Mr W Clarke:** Go raibh maith agat, a Cheann Comhairle. I thank the Minister for her statement. Who is to blame for the disallowance issue? Is it the Department, the Commission, farmers or a combination of all those stakeholders?

**Mrs O'Neill:** I thank the Member for his question. It would be simplistic to blame one party for the disallowance but that is not to say that the various parties are not at fault. In relation to the Department's responsibilities, I preface my response by saying that some of the issues are very technical. The Department had issues with the maps that it issued, the Commission delayed the whole process and operated a system that made everything a lot slower and harder to deal with and then some farmers claimed for ineligible land — it was only some farmers; the majority of farmers are responsible and claim appropriately.

I am not running away from blame, but you need to look at the matter in the round. All three of those areas need to be considered. Our job is to

work with farmers to ensure that the maps are fit for purpose, to continue to communicate with the Commission, and to move forward with LPIS and our remapping process so that we can bring down any future disallowance.

**Mr Swann:** I thank the Minister for her immediate answer because I was slightly worried. I read the 58 points in her statement and I can see where the Commission and the farmers fell down but I cannot see where the blame goes back to the Department. That is something that has to be recognised, Minister; the Department was majorly at fault for the delivery of this system. Your statement emphasises:

*“discrepancies found by EU auditors were generally very minor.”*

If your Department has made very minor errors that led you to accrue £80.6 million of disallowance, I would hate to have seen what would have happened had your Department made major errors.

Your statement outlines your intention to use satellite imagery for some inspections in 2012, which will enable remote inspections. Does that also mean that farmers can expect remote penalties as well? Your Department will move to meet the perception already out there that it is a Department solely based in ivory towers in Belfast and one that has no interaction with the farming or rural communities. Your Department needs to address that in order to deal with some of those problems and get out on the ground —

**Mr Speaker:** I encourage the Member to come to his question.

**Mr Swann:** You have to encourage your Department to get out on the ground to work with the farmers who it is meant to support.

**Mrs O'Neill:** I thank the Member for his question. I have not for one minute tried to escape from or take the Department out of any blame situation. The Department's maps were not fit for purpose. That was identified by the Commission. At the time, the Department felt that the maps were correct. It thought that it had a good case and could make a challenge. With the benefit of hindsight, it could have moved more quickly and went to a remapping system. However, hindsight is a wonderful thing. At the time, it thought that it could genuinely

challenge Europe. The fact that we took on the court case and took legal advice on it shows that we thought that it would be successful.

My departmental officials are very much out on the ground with farmers. We work with the farming unions. I was recently out and met all the policy heads of the farming unions' various groups. We will continue to do that.

No one person can fix this. DARD will have to issue the new maps. Only in partnership with the farmer can we get them up to standard and be sure that they are correct. You have to remember that the maps that were issued back in 2005 and 2006 led to compliance rates of 97% to 98%. The Commission wants a 99.5% compliance rate. That is what we are working to address, and I hope that we can do that. We will issue the new maps in the next few days and get things moving. By 2013, we hope to be in the position that we have a fit-for-purpose, 100% ready-to-go mapping system.

**Mrs D Kelly:** I refer to the statement made to the House by the Minister's predecessor and party colleague this time last year. Minister Gildernew said that it was:

*“wrong to simplistically blame the Commission” —*  
*[Official Report, Bound Volume 55, p225, col 2].*

for what has happened. That remains the case, despite the scattering of blame to the Commission.

We obtained figures on the disallowance in the South of Ireland. Last week, the Committee for Agriculture and Rural Development met a Committee from the Oireachtas, and there is a 5% disallowance. Members need to realise that part is disallowance and part is fine. Yet, with the UK, the figure is 49% as a total of the area disallowance. Those are approximate figures. In the North, per head of population, we are being asked to repay or to pay a fine that is 20% of the UK total fine, with only 2.9% —

**Mr Speaker:** I am being very patient with Members. Let us try to come to the question.

**Mrs D Kelly:** It is on this basis, Mr Speaker. If the percentage of the total UK population that lives here is 2.9%, but the fine and disallowance is 20%, what is the Minister doing or what reassurance can she give to the people of the North that we will not be disproportionately fined for the ineptitude of her Department's

use of its resources and the decision of the Commission?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. The first point that I want to make is around disallowance in general. We were the first area to be out of the traps, if you like. We are first in the queue to be dealt with. The fines from Europe have increased dramatically over the past four or five years. We are not alone in facing fines. Many paying agencies right across Europe are grappling with disallowance for similar reasons. The most recent Commission decision affecting us announced our fine to be just over £4 million and also announced that 13 other countries were to be fined.

The disallowance for the South of Ireland has not been confirmed yet. There has been no definite confirmation. It is the same with many member states, and we need to be mindful of that. We might be facing this issue now but we are being dealt with first.

As to reducing the disallowance: that is what the whole remapping process and talking to the Commission regularly is about. We are trying to bring down the figure for the future. We have been fined up until 2009. We know what the correct figures are and about the £80.6 million. That is everything dealt with until 2009. For the future, if we cannot stop the disallowance, we are trying to at least bring it down. We have so many systems in place to try to improve things.

**Mr McCarthy:** Last week, I referred to this as a debacle and said that it is outrageous and shocking that the Department will have to pay up to £100 million in disallowance fees. The Minister referred to £64 million that has been accounted for in her Department's resource budget. She then went on to say that there would be no impact on DARD or other Executive services. I do not know, but £64 million in anyone's language is very valuable and will have some effect on some Department in the Northern Ireland Executive.

The Minister also said that the single farm payment was first introduced in 2005, and the Commission's auditors came in 2006 and found fault with the controls operating by the —

**Mr Speaker:** Again, I encourage the Member to come to the question.

**Mr McCarthy:** Of course, Mr Speaker. That was your Department, Minister. Why in heaven's

name did no one catch on to that in 2006? That would have prevented so much money from going out of the Northern Ireland block grant. Also, can she confirm that this will be the last fine? I understand that more fines are coming down the track for inefficiency with regard to horse mussels in Strangford Lough. It goes on and on and on. Where will it stop?

**Mr Speaker:** I think that the Minister has the gist of the questions.

**Mrs O'Neill:** So many questions.

Let me make it very clear that the figure is £80.6 million for everything up until 2009. I cannot comment on future disallowance. We are arguing with the Commission and putting our case about what we are doing to improve things. Hopefully, that will bring the disallowance down if we cannot stop it. The Member asked where the money is coming from. As I said, £11 million is being held in DEFRA and the rest is being dealt with through underspend at block level. That has been made possible by utilising underspends at the overall block level. It is money that emerged after the financial year end and, therefore, could not be spent in other Departments. I make that point clear.

In respect of Strangford Lough, I am disappointed that the Ulster Wildlife Trust has decided to take its case and provoke the European Commission to take action against us. We have a plan in place, namely the modiolus restoration plan. We have worked very carefully with the industry to get that and allocated £1 million to fund a research programme. We are doing a lot of good work on that. It is up to the Ulster Wildlife Trust if it wants to take a case to the Commission. We will communicate with the Commission on that issue but we have a good plan in place for modiolus restoration in Strangford. We will have to deal with it as time goes on.

**Mr Irwin:** I declare an interest in that I receive a single farm payment. Contrary to some press coverage, farmers, in the main, did nothing wrong. Some press coverage stated that farmers were guilty of wrongdoing, but most of the discrepancies were very minor. In the Minister's statement, she said that with the benefit of hindsight, it was clear that her Department should have sought to comply sooner. Is it not an indictment of her Department that it did not seek to comply sooner?

**Mrs O'Neill:** As I said earlier, with the benefit of hindsight, action could have been taken more quickly. However, I want to put it in context so that everyone understands.

The first audit was in 2006. Negotiations with the Commission about what could be done to improve things started straight away, and DARD told the Commission that it thought that the maps were fit for purpose. The process of exchanges with Europe is lengthy, difficult and cumbersome. The negotiations went on until 2008, when the Commission officially told DARD that it would face 5% disallowance. At that stage, the Department entered into a formal conciliation process, which went on right up until 2009. Just before the 2009 date, the Department entered into a legal challenge. It thought that there was a strong case to take against Europe and it took legal advice. The conciliation process ended in April 2009. It took until January 2010 for Europe to inform the Department officially that it was pursuing the 5% disallowance. It did not publish or sign off on that disallowance until July 2010; that was the first confirmed date of disallowance.

Looking back, I ask whether the Department could have moved sooner to remap. With the benefit of hindsight, the Department could have moved sooner. However, we have to deal with the situation that we are in now. As soon as the issue was highlighted in 2008 and it looked as though the Commission would not accept that our maps were fit for purpose, the then Minister, Michelle Gildernew, directed the Department towards a remapping process. We now have to challenge the Commission on future disallowance.

**Mr Murphy:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a ráiteas. I thank the Minister for her comprehensive statement. It seems that the benefit of hindsight would have made us all wiser and meant less of a dilemma with an entire issue that does no one any favours or credit. There seems to have been an inordinate amount of time in which to get the mapping issue right between DARD accepting that it would have to remap rather than contesting the issue and the present time. Can the Minister explain why that has taken so long? What assurances can we have that it will be expedited as quickly as possible?

**12.45 pm**

**Mrs O'Neill:** Go raibh maith agat. There are several reasons why the maps cannot be prepared quickly. The first reason is that the work is highly technical, enormously complex and detailed. As I said in the statement, a long engagement with the European Commission's joint research centre in Italy was necessary to clarify some of the issues concerning vegetation, including, for example, the treatment of various kinds of hedges.

Ultimately, the new maps will have to meet stringent quality standards set for all paying agencies in the EU. The changes to be introduced have to be delivered, and, at the same time, we must seek to continue to deliver farmer payments. At all times, a compromise has to be struck between the introduction of change and the delivery of ongoing programmes. We are going to do our utmost to ensure that the balance struck is the right one, but there is no guarantee that the introduction of the new maps will not bring significant challenges in the next two years.

It is a high priority for me to ensure that payments are made promptly. It is also a high priority for me to tackle disallowance. From time to time, there will be tensions between those two priorities. Furthermore, the outworkings of the Commission's audit processes and the process of confirming disallowance progresses slowly and within certain timing.

As I said earlier, one of the biggest challenges that we face is dealing with the Commission and getting things moving. If the Commission comes out with a new announcement around various issues that it highlights, it can disrupt the hard work that is ongoing, as occurred recently with the long-awaited Commission announcement on a disallowance that the Department had accrued some time ago. Therefore, it is important to remember that the Commission did not officially confirm disallowance until 2010, and the Department then finally decided that the disallowance and current map upgrade needed to progress as quickly as possible. I am committed to making sure that we complete that process by 2013. A test number of maps will be issued in the next few days, and we hope to have a better, more fit-for-purpose system for the Commission to approve for 2013.

**Mr T Clarke:** I also thank the Minister for her statement. Given that your Department has

been the paymaster of the system since it was inherited in 2006, and even by some of the admissions about how it could have acted sooner, it seems that it has been defending the indefensible in how it has interpreted some of the programme. Even in the statement, reference was made to two farmers claiming the same portions of land. Therefore, it seems that there has been a catalogue of errors in her Department. There will be change for farmers in relation to maps and other aspects, given all the errors in the past, but what changes will the Minister make to the personnel in her Department who sat over those errors for the past five years and tried to defend the indefensible?

**Mrs O'Neill:** Go raibh maith agat. We have trained our inspectors and increased technology, so we are hoping that that will assist the farmers in getting the whole system and the maps fit for purpose. Officials will continue to work with farmers, and we will also work with the farming unions to make sure that we get it right. As I said earlier, the benefit of hindsight is a wonderful thing, but there is no doubt that when the issue was highlighted to Michelle Gildernew in 2008, she took action, and she showed good leadership and good stewardship of the Department in making sure that things changed.

We have increased the number of inspectors, we have upskilled them, and we have new technology. We are moving towards a new mapping system, so we are moving in the right direction, and, hopefully, we will get there by 2013, and we will militate further against any disallowance.

**Mr Byrne:** I thank the Minister for her comprehensive statement. Does she agree that the problem has centred on mapping, inspection and penalties? Given that mapping is the root of the problem, can the Minister assure the House that a dedicated team in the Department will work alongside Land and Property Services to make sure that the maps are correct, and that when the farmer makes an application for the single farm payment, he will be working honestly on a good map, given that some mistakes have been made in the past? Can the inspection be more of an advisory service to farmers rather than a penalty service?

**Mrs O'Neill:** Go raibh maith agat. The maps that are issued are not perfect. That is the

message that I want farmers to take away, and I want Members to take that away if they are speaking to farmers. The maps that we issue will not be perfect until the farmer gets involved in the process and takes a look at what is on the map. They are the most up-to-date maps that the Department has, and, with aerial photography, they are improved maps, but we still need farmers' input to make the maps fit for purpose and proper, so that they can make a correct claim for a single farm payment for the next year.

My Department will continue to work with our inspectors to make sure that we get a fit-for-purpose system. We have had to upskill our inspectors. We have got them new technology, which will help them to do their job. Hopefully, that will improve the two-way process between the inspector and the farmer. DARD is not out to hinder farmers in doing what they do. We want to assist them and make sure that we get the process right so that we do not face any future fines.

**Mr Allister:** I want to take the Minister back to paragraph 27 of her written statement and the remarkable pretence that the £69 million that has had to be found has been without any pain to the Northern Ireland economy. It is patently obvious that it was block grant money and that, if it was not being deliberately held over to end-of-year underspend, it would have been recycled during in-year monitoring. Is it not the case that the wheeze was worked in such a way as to enable the Minister to say that it caused no pain, when, in fact, £69 million was held back from other plans on which it could have been spent during in-year monitoring? Why are we pretending that it is otherwise?

**Mrs O'Neill:** The Member is incorrect. The £69 million that was found from the block underspend was money that was identified at the end of the financial year. It could not be distributed across the Departments. The money was underspend that would have been lost back to the British Treasury, and the Department was able to utilise it to deal with the fines.

**Mr McClarty:** I thank the Minister for her statement. I am dismayed that such a huge amount of money has had to come from the Northern Ireland taxpayer. Many of the questions, Minister, were about how you were going to raise the money. Does the Minister accept a suggestion that she could, perhaps,

raise the money by charging £50 to everyone who wishes to ask her a question in future?  
[Laughter.]

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. May I confirm for the Member that the money has been accrued in the accounts, so we do not need any additional money at this time? If we face any future disallowance, we will have to deal with that at the time. The £80.6 million has been accrued at this stage.

**Mrs Overend:** I thank the Minister for her statement. The public perception is that farmers are to blame for the situation. Will the Minister make a commitment to change that perception and to return her Department to one that will be a friend of the farming business across Northern Ireland: one on which the farmer can depend for accurate mapping and sound advice and from which it will receive good and timely communication on their responsibilities? Furthermore, can the Minister advise the House what the final legal bill is expected to be?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. The Department wishes to be the farmers' friend; I think that we make every effort to play that role. The Member mentioned the perception that farmers are to blame. I said very clearly said that some farmers made ineligible claims, because the majority of farmers made eligible claims for land that they felt was within the scheme rules.

It will cost £150,000 to take the case. If we are successful in bringing down all those levels of disallowance, it will be a great achievement. If we are able to do that, it will be money well spent. It is also important that we challenge these decisions with Europe, because you cannot merely roll over and accept these things all the time. It is important that you challenge decisions, where you think you have a legal case to work on. We sought legal advice and felt that that was the way forward.

**Mr D Bradley:** Go raibh maith agat, a Cheann Comhairle, Gabhaim buíochas leis an Aire as a ráiteas, agus seo í an cheist atá agam uirthi. Has the Minister sought any advice from the Department of Finance on the use of public moneys in this matter? If so, can she say what that advice was and whether her Department is working within DFP rules in dealing with public moneys in that respect?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. The underspend is dealt with by DFP centrally; that is how we were able to secure that to deal with the disallowance issue. DFP has been very involved in the process.

**Mr McCallister:** I welcome the Minister's statement. I draw Members' attention to my declaration of interest as a recipient of a very modest single farm payment who is looking forward to it arriving soon. In paragraph 53 of her statement, the Minister said that she is appointing a new board to look at the issue and that it will be chaired by the head of the paying agency.

Is that an appropriate individual to chair the review, and is that good governance?

**Mrs O'Neill:** In paragraph 53, I talk about how we need to take a disciplined and co-ordinated approach. It is important to tie down all the EU regulations that we have to comply with, and we must ensure that the Department is doing that. We need to report directly to the head of the paying agency, because that person will have to deal with Europe and, ultimately, be accountable for all the payments. Therefore, that is the appropriate mechanism.

**Mr Elliott:** I thank the Minister for her statement. I declare an interest as someone who gets an even more modest single farm payment than Mr McCallister. Does she accept that the ineptitude of her Department has resulted in many more farm inspections and, to ensure that they maintain their single farm payment, farmers are required to cut back their hedges very significantly and cut down trees, which ruins the natural habitat for wildlife and destroys our environment?

**Mrs O'Neill:** DARD carries out its inspections in compliance with EU regulations, and that is what we have to work to. I am not interested in doing any more than is necessary. We just have to comply with the EU regulations, and those are the confines that we work within. Inspectors are not out to hurt or damage farmers. They want to ensure that we can tell Europe that we are complying and, therefore, we can continue to draw down single farm payments, rural development money and whatever other funding we can draw down from Europe.

## Private Members' Business

### Rivers

**Mr Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose the motion and 10 minutes to make a winding-up speech. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes to propose and five minutes to make a winding-up speech. All other Members who are called to speak will have five minutes.

**Mr Hamilton:** I beg to move

*That this Assembly calls on the Minister of Agriculture and Rural Development and the Minister of the Environment and their Executive colleagues to develop a co-ordinated strategy to improve how rivers are cleaned.*

I thank the Business Committee for allotting time to allow me to raise this issue. I thank the Minister for her presence and, in advance, I thank her for her response. After having spent the guts of an hour on a multimillion pound payback of funds to the European Union, the cleanliness of Northern Ireland's rivers will come as something of a light relief. I also thank Mr Kinahan for tabling the amendment that has been selected. I found Mr Kinahan a useful source of counsel in advance of the debate. He and I have shared concerns about the issue, and his amendment enhances the motion. I did not think that it would be possible to enhance my motion, but it does that. It achieves that lofty ambition.

I am not prone to bringing motions to the Floor to criticise Ministers or Departments. What I want to do with this motion — what I always try to do with anything that I have brought forward for debate — is to highlight a problem that I have experienced in my constituency work and encourage a resolution. I know that I am not the only one who has experienced this problem. I am trying to impress on the Minister and her Executive colleagues the need for greater interconnectedness between various public agencies, not just Departments, in respect of the cleanliness of Northern Ireland's rivers.

I do not need to point out that Northern Ireland is fortunate in that it is blessed to have many great rivers that offer fantastic scenery,

have great tourism potential and, in many cases, are a source of world-class recreation. However, given the nature of the debate, I have a sense that many Members may point out how particularly wonderful the rivers in their constituency are. Nevertheless, the status of those rivers is often put in jeopardy. Sadly, all too often, our news bulletins are filled with stories about the pollution of rivers and, in some instances, the cases are quite severe.

That is not the thrust of what I want to say today. However, it is a problem, and I share the concern of many others, including the Minister.

### 1.00 pm

What I do want to discuss is my experience of one particular river, the Enler river in Comber. That river might not trip off the tongue as an example of one of the best rivers in Northern Ireland. However, it is recognised as a fantastic place for recreational angling, particularly for sea trout and brown trout, and, given its nature, the river is a real test of an angler's skill. On a good day, particularly in the summer, the banks of the Enler are full of anglers enjoying their sport, but sometimes those who go there will get more than they bargained for and will see something in the river that they did not expect to see.

I have seen everything in that river from the ubiquitous shopping trolley, which, unfortunately, seems to inhabit quite a lot of rivers in Northern Ireland, to prams — I think that everyone has seen prams or parts of prams in rivers — to, more commonly, trees. I have also seen dead animals in the Enler and, most recently, part of a fridge-freezer. I do not know how some of those things get into the Enler — I can hazard a guess — but it seems miraculous how some of the debris makes it into the river. What also concerns me is that other bits of litter often collect around that debris. We could get into a whole debate about littering, but that litter, although it sometimes looks as though it did, does not fall from the sky, and the everyday detritus of drinks bottles and fast-food wrappers accumulate in and around the other debris.

When I first encountered such a case, I naively thought that it was a fairly easy, simple and straightforward problem to resolve. In actual fact, it was anything but. Anyone who is faced with such a problem would instinctively think of the Rivers Agency as the place to go to to solve it. Its name is sort of a clue — it is like

the advert on television, in that the name says it all. One would think that the Rivers Agency would be bound to be able to help with such a problem, but, sadly, I have always found it, through no fault of its own because of the way in which the responsibilities are structured, to be the least helpful organisation when it comes to clearing up rivers. It is part of the Department of Agriculture and Rural Development (DARD), but, as I was told in a recent reply from the agency, when it comes to our rivers, it is concerned only with the drainage function of the watercourse and has no remit to carry out works that improve the aesthetics, such as litter-picking. That reply is what motivated me to table the motion. The agency is structured in that way under the Drainage (Northern Ireland) Order 1973. I appreciate and understand that, but it is part of the problem that I want to try to overcome through the motion.

There is something inherently wrong when an agency that is called the Rivers Agency and that is charged with looking after Northern Ireland's rivers has no concern about aesthetics. The aesthetics are every bit as important, yet the Rivers Agency is concerned only when, for example, a tree, shopping trolley, pram or part of a fridge-freezer blocks the flow of the river and has a flooding effect. I will set that aside, and I am sure that other Members will bring up the fact that the debris in the river, even if it is not blocking the flow, can cause flooding at a later date and can determine where a river floods. Perhaps the Rivers Agency needs to have a broader interpretation of its remit and should be more concerned about rivers. There is something wrong when an agency that is called the Rivers Agency has no concerns about the cleanliness of our rivers. If the litter that I talked about is not preventing the flow of a river and is not a threat to flooding, the Rivers Agency is, in effect, not interested. When, for example, a tree is blocking the flow of a river, the Rivers Agency will send out men to remove it, and I have seen that happen. However, it has no responsibility for, or concern about, any litter or detritus that may have accumulated as the result of the fallen tree. That is wrong, and there is a lack of connectedness.

In my experience, what inevitably happens is that the Rivers Agency points you in the direction of a local council and highlights the fact that councils have discretionary powers to deal with such circumstances. In most cases, councils are concerned enough about the

appearance of their rivers, want to take a bit of public pride in them and will want to step in. I have seen examples of local councils stepping in and taking action, but, equally, I have seen examples of their not being willing to do so.

It is a bit like other problems that we have experienced, particularly last winter, when councils did not want to rush in to deal with snow and ice on footpaths. Councils have a concern about health and safety, insurance, liability and taking on such liability in the future. One local authority responded to a query from me by stating, "Look, we will lift it if it is easily lifted, but if it is difficult or potentially dangerous, we are not interested". We get this background game going on of what I would describe as public sector ping-pong: Rivers Agency hits the issue to the local council, the local council hits it back to Rivers Agency and it goes back and forward. Indeed, when cases are raised with the Environment Agency, it points you to the council as well.

So, there does not seem to be a clear understanding between all of those agencies as to who exactly is responsible. Invariably, the reality is that it falls upon some of the organisations that Mr Kinahan talks about in his amendment; it falls on community groups to step in, perhaps with the assistance of organisations such as Tidy NI and Conservation Volunteers, to do that work themselves. In my locality, I have even seen the local angling club organise work parties regularly to step in to clean the river through the year.

That is all very well and good and to be encouraged. Perhaps that is a manifestation of the big society in Northern Ireland. However, with the greatest respect to all those who give freely and voluntarily of their time, that approach cannot deal with those one-off occasions when a tree falls or a fridge-freezer door, pram or shopping trolley is in a river. They cannot deal with that. They can try to but will not always succeed, so that is where help, encouragement and support are needed from the public sector.

Northern Ireland needs a more co-ordinated and coherent joined-up strategy on dealing with the cleanliness of its rivers on an ongoing basis and particularly in response to the sort of problems that I highlighted. I appreciate that there is not one Department to do that. The Minister is here to respond on behalf of her Department and the Executive. Yes, her Department has

a responsibility, but, through the Northern Ireland Environment Agency (NIEA) and on behalf of local government, the Department of the Environment (DOE) does as well. The Department of Culture, Arts and Leisure (DCAL) is responsible for angling, which has a clear interest in all of this. The Department for Social Development (DSD) has, perhaps, an interest through volunteering. There is hardly a Department or an aspect of government that is not affected.

We should be deeply proud of our rivers. I am proud of those in my constituency, and I am sure that other Members are proud of the rivers in their constituencies. However, I think that the message that sometimes goes out from government is that it is not as proud of those rivers as it ought to be. When we identify problems of lack of interconnectivity, as we see here —

**Mr Speaker:** The Member's time is almost up.

**Mr Hamilton:** — we cannot simply wash our hands, if you excuse the pun, of that problem. We should say, "Now, let us tie this together much better than is the case".

**Mr Kinahan:** I beg to move the following amendment: Leave out all after "improve" and insert:

*"the management of our rivers so that they are kept to the highest levels of cleanliness; and further calls on the Executive to ensure that the expertise and services of non-governmental organisations and stakeholders are part of that management arrangement."*

I, too, very much welcome the chance to speak in the debate today. As many of you know, I am extremely keen on trying to help the environment, particularly rivers, so I was pleased to see Mr Hamilton table the motion. I am equally pleased to see the Minister of Culture, Arts and Leisure, because, most of the times that we have discussed rivers, it has been in the context of the Department of the Environment. As can be seen in the amendment, I am extremely keen to see Departments work closely together.

I had never heard of the Enler river before the debate, so we learn from each other as we get buried in worlds of our own rivers. However, it was good to hear that the same things that happen in my patch happen in other Members' patches — it is the anglers and the local

community who get involved in clearing rivers, whether of tyres, trees, unsavoury domestic items or even the fridge that somehow floats down the river to a resting place. We have the same problems in south Antrim, whether it is the Sixmilewater, which was polluted two or three years ago and about which we have had many debates, or the Ballymartin river. Recently, we even had a pile of cat litter from fuel laundering dumped in the Sixmilewater, and we could not get it moved out of the river for exactly the reasons that Mr Hamilton raised. Everyone denied that it was their job, and eventually the fishermen pulled it out, only to be told that they should not have done so because it was hazardous waste. The fact is that we needed to find a way of dealing with it very quickly.

The public need to know who is responsible. It confuses them to find out that the Rivers Agency is not responsible for all that they would expect. Therefore, my amendment on behalf of the party asks for more joined-up government, not just at departmental but at council level. I welcome the fact that Mr Hamilton's motion also puts forward that point.

However, we need someone to take it on. We need someone who will actually make sure that joined-up government works. Could it be somebody from the Office of the First Minister and deputy First Minister (OFMDFM) who pulls it all together? Could it be a junior Minister, or, in line with our party policy, could we merge Departments to try to get everything to do with rivers into one Department? I think that that is very much the way that we should be looking in the future.

My amendment tries to move on from how a river is cleaned and expand that to management of rivers, so that they are cleaner and we are managing their cleanliness. I want to emphasise water cleanliness. In the UK's National Ecosystem Assessment document that has just come out, put together by some 70 scientists, we are told that the benefit of water quality to Northern Ireland is between £8 million and £12 million. We are also told that 98% of our water that is used for human use is extracted from rivers, lakes and reservoirs — 98%. The comparison across the water is 35%. We are also told that the chemical status of our rivers is just a bit better than it used to be, and that their biological status has hardly changed.

Think of the use of our rivers: the eel fishery in Lough Neagh used to bring in £5 million, and its turnover is now down to £2 million. Aquaculture brings in £11 million. Look at the whole fishing industry: rivers are phenomenally important to us. Some 95,706 hectares are in lakes, rivers or bogs. It is incredibly important that we get the Departments working together today, especially if you think of all that we spoke about last week in the Programme for Government and the strategies going forward for development and jobs. We need to find the balance with the environment, and we need to have both working together.

My amendment is not just about cleanliness; it is about joined-up government. It is not just about Departments; it is about Departments and councils. It is also about stakeholders and the other experts and the other users. I used to sit on the Lough Neagh committee. We had academia; we had the users like the anglers or the quarries with their gravel extraction; and we had the farmers. I praise all of those who work hard to help on the rivers. There are also the river trusts, like the Sixmilewater Trust, which I have to declare an interest in.

I praise all those anglers and all those trusts, because it is they who really do clean the rivers. They look at the rivers throughout the year and are there on the ground all the time. It is those anglers who have put in the spawning beds, reported the banks and much of the pollution, and helped to pull it all together. The same applies to the river trusts and their enthusiasts, whether it is wildlife, countryside or tourism. For those who listened to me a week or two ago in the Sixmilewater pollution debate, one matter that I really wanted to push was the anglers' monitoring initiative. It shows how people look after the cleanliness of the river. It is an idea that is used across the water, where all those who are qualified, if we get them qualified, can sample the rivers, see how clean the water is and report it upwards. When two or three poor samples are found, they can pass it on to the NIEA, which can then bring in the necessary enforcement.

I go back to the point that we must have joined-up government. We must stop passing the buck between one Department and another. As Mr Hamilton said, no more ping-pong. I ask the Minister to set up some joint form of government, some way of pulling it all together so that we have one person or some

grouping responsible. We need to look at some reorganisation, some consultation and some way of working with the experts.

We know that DARD is responsible for the Rivers Agency. I can only congratulate the Rivers Agency on almost everything that I have worked with it on and seen happening on my patch — until you get to the point about sharing responsibility, when quite often “it’s not my job” and it is passed on.

In the environment, we need to make sure that planning and its effects on rivers are controlled. Planning has very good enforcement officers, but not enough resources. Think of houses that have been built on floodplains or near rivers. Something is going wrong when, as has happened on the Milltown Road in Randalstown, a house gets flooded every time the river rises, not just during big floods. Other houses have been built above it, and now everything drains into the house that is lower down. We need to get that sort of point into the joined-up thinking in order to get planning and enforcement from the Department of the Environment working with the Rivers Agency. They do it a bit, but they could do it that much better.

### 1.15 pm

When it comes to DCAL, we need to see not only the licensing and regulation of fisheries, but Rivers Agency being encouraged to work and share responsibility with the other Departments, so that it is no longer just the flow that it is concerned with but all the things that block the flow. On one stretch near me, there are three trees in the centre of the river. In the old days, it would have been the owner's responsibility because he owned to the middle of the river. Nowadays, they are left lying there. Antrim suffered from flooding three years ago because trees and large items blocked watercourses and caused the water to go somewhere else, which then flooded houses all around the area. That is why we need joined-up management.

Do not forget the councils; they have biodiversity officers and the wish to clean and look after their own patches. However, they need resources, and someone needs to pull it all together. Therefore, I propose the amendment. We want to see rivers managed to the highest levels of cleanliness. We want to see joined-up government, and we want to see stakeholders and experts being included. I ask the Minister to add fishermen and river trusts to all

consultations and to look for other such bodies that need to be included.

**Mr Frew (The Chairperson of the Committee for Agriculture and Rural Development):** I will speak, first, in my capacity as Committee Chair before expressing some personal views, if I have time.

It is not surprising that we have a motion such as this before us, because, from what I and my colleagues have read and heard in Committee on several occasions, the fact that there are so-called shared responsibilities for rivers is a cause of much confusion, consternation and frustration. The Committee has been trying to get to grips with who is responsible for what, and it commissioned a research paper on the role, function and responsibilities of the Rivers Agency as recently as last month. Mr Speaker, you can see that the Committee is on top of the issue.

The first thing that struck me when I read the research paper was that the Rivers Agency's powers are discretionary rather than mandatory. Probably more worrying was that the second thing that struck me was that, although the Rivers Agency has responsibility for some issues, and the Minister summarised them recently as prevention, protection and preparedness, there are many issues that do not fall under its responsibility. Therein lies the problem.

As far as I understand the situation, the agency is responsible for maintaining the free flow of designated water courses and has some more limited responsibilities in respect of undesignated water courses. Apparently, the Rivers Agency fulfils its responsibilities through a programme of inspections, and as it has limited powers with respect to removing obstructions it takes certain actions in that regard. The agency also has flood defence responsibilities and regulates water levels on Lough Neagh and Lough Erne. It also has regulatory powers for the safety of reservoirs and obligations for emergency responses in relation to flood alleviation.

Who else in the public sector has responsibility? The answer is: the Northern Ireland Drainage Council, the Northern Ireland Environment Agency and local councils, not to mention the Planning Service, Roads Service, NI Water and the Department of Culture, Arts and Leisure. By my calculation, responsibilities are spread across at least four Departments: the

Department of Culture, Arts and Leisure; the Department of the Environment; the Department for Regional Development; and the Department of Agriculture and Rural Development. If there were ever an example of the need for joined-up government, this is it.

I know that many, if not all, members of the Committee for Agriculture and Rural Development have had occasion to raise constituency issues with the agency, and I know that some of those have spilled over into Committee business, which I have tried to resist. However, the simple truth is that we have found it very difficult, as individual MLAs, to get any clarity or success from Rivers Agency. I will clarify that because, had this debate been taking place last year, I would have been saying that I found Rivers Agency to be atrocious to work with. However, I must admit that over the past number of months — whether it is because it is in my capacity as Committee Chair to change things — there has been a marked difference in how I am being treated, as an individual MLA, by Rivers Agency on constituency issues.

I do not know whether that is so much to do with position; it may be down to individuals in different offices in the Rivers Agency. If you get the right person, who is proactive and wants to deal with the issue, you get better results. Even when it is not their responsibility, that individual will make it their task to find out who is responsible for the work that is needed. So I must say that I have seen a marked improvement in the Rivers Agency over the past number of months. Of course, that is not enough. We understand that the Rivers Agency has difficulties with its criteria and what its responsibilities are.

I will speak briefly as an MLA representing North Antrim. I grew up in the Kellswater river, wisely or unwisely; perhaps my parents were not wise for letting me be in the river every day in the summer months. I know exactly how rivers do and do not work. We can rest assured that, when there are issues with and objects in a river, that is of concern to the communities who live in the areas in question because of not only the optics but the danger of flooding.

**Mr Speaker:** The Member's time is almost up.

**Mr Frew:** It is very important that that is dealt with, Mr Speaker. Thank you.

**Mr McMullan:** Go raibh maith agat, a Cheann Comhairle. I thank the Members who brought the motion to the House. Indeed, I think that this is a motion that should unite the Assembly.

Where rivers are concerned, who is responsible for what is very complex. We can say that the Rivers Agency is responsible, but the Environment Agency, and so forth, are also involved. One other Department, the Department of Enterprise, Trade and Investment (DETI), also has a responsibility. The Planning Service also has a responsibility, because it falls to it to make those who are applying for planning permission for houses aware of whether they are or are not on a floodplain. In some cases, you wonder whether that information is given to Members.

Councils also have a role to play. If you look at the Rivers Agency, you will see that, if an impediment is not stopping the flow of water, that body, quite rightly, no longer has responsibility for it. Therefore, the matter goes back to the councils, which have a discretionary responsibility. A council directive states that, due to cost and health and safety issues, they try to avoid sending staff out to a river for fear of drowning.

How do we expect those who are responsible for polluting rivers to clean them if they are landowners or operators? I will put this to the Assembly: one of the failings here is that we do not have a complete list of all those who are responsible for our rivers and loughs. I will go back to one landowner — the Crown Estate. It has responsibility for rivers and loughs in Northern Ireland, but we do not even have a list of which rivers and loughs it is responsible for. There is The Honourable The Irish Society, lords and so forth, as well as absentee landlords, who derive large amounts of money from fishing rights and aggregates from the loughs. They have a responsibility for the maintenance of the rivers. If we are to look at this issue, we must have everybody around the table.

One possible way to look at this matter is to get all the stakeholders to discuss the merits of having one body that is responsible for rivers. We cannot be selective about those that we think are responsible. There are bodies out there that we know are irresponsible but keep falling through the net. I think that those people will have to be brought to the fore and told of their responsibilities. Believe it or not, some

people who have responsibility for rivers are still covered by Crown immunity and cannot be taken to court. That is wrong, and if we are going to look at the issue, that needs to be changed.

We talked about reviews of all the rivers. I have sympathy with everything that the other Members who spoke said. The issue goes back to 1962 and was raised again in 1984, 1992 and 2004, when the direct rule Minister was, I think, Lord Rooker. He said that what was in place here was sufficient and that he was not minded to change it. Given what came from that direct rule Minister at the time, how are we supposed to change that?

We have to take a proactive approach. If we give the responsibility for river cleaning back to councils, there will be money involved. Can they afford to take on that responsibility? I do not think so. I think that we have to get everybody here round the table. We must have a comprehensive review. I keep going back to this point: we have to get everybody here round the table.

There are other issues involved as well. When we talk about designated watercourses, we have to realise that maybe only a 200-yard stretch of a river is designated, and therein lies the problem. The reason why quite a lot of the rivers concerned are causing flooding at the minute is that drains are blocked or gullies are blocked by trees. So we must get somebody to remove such blockages.

I certainly support the amendment, which is very comprehensive, and I do not have a problem with the motion. Nevertheless, I think that we have to get everybody round the table.

**Mr Speaker:** The Member should bring his remarks to a close.

**Mr McMullan:** Go raibh maith agat.

**Mrs D Kelly:** I welcome the fact that the proposer of the motion accepts the amendment, and I agree with him that it improves the motion. At the outset, I have to point out that we are, once again, starting another week in the absence of Executive business other than the Minister's statement. I think that that is absolutely disgraceful. The facts about river cleaning are well known. There is already a plethora of recommendations about it. The issue is whether those recommendations will be acted on and whether a better form of joined-

up government will be the outcome. That is the decision before the Executive.

Members here find themselves in the unenviable position of having to discuss strategies and, sometimes, rehash motions that have been before the House on previous occasions, even in the last mandate. That is a sorry state of affairs. Youth unemployment is at its highest ever level. One in five young people in the North is unemployed or has no training place. Over the weekend and, I think, today, small retailers have made a plea to the Executive asking them to do something to help their lot. However, we have not seen any business here that will do that, and we have not had any suggestions from the Executive, so it seems that they do not think that it is imperative that that be delivered. No doubt we will come back to that at another time.

*[Interruption.]*

**Mr Speaker:** Order.

**Mrs D Kelly:** I appreciate that the river cleaning strategy requires joined-up effort. It is, indeed, an important topic for those whose homes have been flooded, which is a dreadful experience, after a river has burst its banks. It is regrettable to note, however, that Rivers Agency costs some £11 million but that only £4 million of its budget is spent on its flood defence programmes and on protecting villages and housing developments.

Members who spoke previously were right to point out that responsibility for river cleaning falls to a number of Departments, and that is where it has fallen down. Joined-up working is essential in ensuring that rivers run freely. Indeed, to protect local people and communities, there is a need for better information and better education of the public about what Rivers Agency and Departments are responsible for. The Chairman of the Committee for Agriculture and Rural Development Committee said that he had found Rivers Agency to be, until recent months, one of the most difficult agencies to deal with. As someone who has over 17 years' experience as a local councillor and some seven years' experience as an MLA, I, too, found that to be the case. I am not talking about the person at grass roots level who, if you got to know them, was very helpful. However, the further up the line you went, the more elusive the people were and the harder it was to ascertain who was responsible for what.

I do not have much more to add. I lend our party's support to the motion but find it regrettable that we are speaking again today about cleaning rivers when much more pressing issues face the people whom we represent.

**1.30 pm**

**Ms Lo (The Chairperson of the Committee for the Environment):** I congratulate my fellow Environment Committee members Mr Hamilton and Lord Morrow on tabling the motion calling for a river cleaning strategy.

As Members can imagine, the subject of rivers crops up frequently in the Environment Committee. Only a few weeks ago, the Committee was informed that, unlike the Department for Environment, Food and Rural Affairs, which has recently announced an allocation of £110 million towards implementing its river management plans in England and Wales, the Department of the Environment is struggling to stretch out a mere £500,000 to do the same thing in Northern Ireland. The Department informed us that, to do that, it would be implementing Northern Ireland's river basin management plans through local management area action plans because it had been unsuccessful in its recent bid for £8.9 million.

**Mr McCarthy:** Will the Member give way?

**Ms Lo:** Yes, surely.

**Mr McCarthy:** Does the Member agree with me that, had the Department of Agriculture and Rural Development not been fined £80 million, which went back to the European Commission, some of that money could have been diverted to help the Environment Committee to ensure that the work was provided for?

**Mr Speaker:** The Member has an extra minute.

**Ms Lo:** Very well said; I certainly agree with that. Well done.

The Department was unsuccessful in the bid for £8.9 million, which it says that it requires to implement river basin management plans here. Although my following comment may not be directly related to today's motion, and as members of the Committee recognise, issues relating to rivers simply cannot be taken in isolation, yet that is exactly what we do.

The last time that we discussed rivers in the Environment Committee, members wanted to

ask questions about water quality and river habitats, so we wrote to the Department of the Environment for more information. Members also wanted to know more about problems with small urban streams, which meant that we had to write to DARD because management of water flow is the responsibility of the Rivers Agency. Had members also wanted to ask about fishing in rivers, we would have had to approach a third Department, DCAL, as it has responsibility for inland fisheries. Three different Departments look after three aspects of river management, and there is still no clear indication of where responsibility for cleaning rivers lies.

In addition to that complexity of river management at central government level, we have the involvement of local councils. Although the Committee has not engaged with councils specifically on rivers, it has been liaising with them and the Northern Ireland Environment Agency on fly-tipping. Towards the end of the last mandate, the previous Environment Committee scrutinised the Waste and Contaminated Land (Amendment) Bill, which made provisions to give councils more powers to deal with fly-tipping. The Committee was adamant that those powers must not be enacted until the Environment Agency and councils had reached agreement on a suitable threshold below which councils would deal with fly-tipped waste and above which it would become the responsibility of the Environment Agency.

As my fellow Committee members are aware, that threshold has not yet been agreed. The outworking of that is — as representatives, I am sure that we all have some experience of it — that the two authorities are playing off against each other about which authority has responsibility to address a fly-tipping problem.

It is exactly the same with our rivers. Responsibility is divided among so many authorities that it is easy for them to opt out when funds are tight. The frustration that that causes for citizens and for us as their representatives when we try to act on their behalf is why we are having this debate. I am in no doubt that a strategy clarifying responsibility for keeping the rivers clean would help to alleviate those problems.

Rivers are an integral part of our landscape. They not only make Northern Ireland a lovely place to live but contribute to our economy through tourism, the creation of livelihoods and

the provision of leisure services. They will not do that if we do not keep them clean, so not only do we have a duty to protect them but it makes common sense. On behalf of the Committee for the Environment, I support the motion and the amendment.

I will now speak very briefly as a Member for South Belfast.

**Mr Speaker:** The Member's time is up.

**Ms Lo:** I have the same frustration in trying to identify the authority to clean up prams and trolleys in the River Lagan, and a joined-up strategy is needed.

**Mr W Clarke:** Go raibh maith agat, a Cheann Comhairle. I, too, welcome the debate, and I thank the Members who brought the motion and the amendment to the House. The amendment adds to the motion and was tabled with the best intentions. I support the motion and the amendment.

The cleansing of rivers impacts on all of us, and, as elected representatives, the general public probably turn to us first and expect us to resolve the situation of litter in rivers. Litter comes from many different sources, including domestic, industrial and agricultural. Plastic is probably the worst type of litter, because it damages not only the habitat but the animals that live in it. There is a broad range of waste, including plastic, paper and animal carcasses. You always hear people asking why a sheep carcass has not been taken out of the river, and the discussion goes round and round and ends up in the media, and there is no clear understanding of who is responsible for taking it out. The public want a collective response, where someone takes a decision to take the likes of an animal carcass out of a river and sorts out who will foot the bill later. Some agency should take responsibility for the removal of the animal.

Tourism is one of our biggest growth sectors, and, when visitors see litter in our rivers and along our riverbanks, they are appalled. They do not see whose responsibility it is. They probably see it as the responsibility of this House to solve the problem of litter in the river. The visual aspect is a big issue for visitors when they decide whether to return for a second visit. I visited Albania for a day, and the beaches were absolutely filthy. I have nothing against Albania, but I said to myself, "I will not be going back

there". That is the type of impression that litter in rivers leaves on visitors.

I agree with Oliver McMullan that there is a range of interests and stakeholders. The Crown Estate, absentee landlords and councils have a huge responsibility. The community is probably ahead of us in taking action. People have been out with fishing clubs and have improved their areas. I have been on community clean-ups, and, when people get involved, it helps to form a sense of community. A joined-up approach to who will cleanse the rivers is required. There should be round-table discussions on the issue, and, under the review of public administration, the lead agency should be the councils.

I am coming at this from the clean neighbourhoods legislation, which is there to enable them to do it. The only thing missing is resources; therefore Departments need to pool their resources. We heard discussion about DCAL, the DOE and the Department of Agriculture. We need to sit down and look at how much money we can make available to local authorities to carry out some of those measures.

I understand the public's frustration. Even as elected representatives, you are on a merry-go-round, passed from pillar to post about who has responsibility for clearing litter out of a river. The build-up of litter is the biggest issue that faces elected representatives; a branch in a river could collect a lot of litter around it. That becomes a flooding issue, but it is a case of trying to convince the Rivers Agency that it is a big enough obstruction for it to remove.

It is important that agencies work together. I had a situation when the Forest Service and the Rivers Agency could not decide which was responsible for a branch across a bridge in Donard Demesne, Newcastle. I had to ask the Minister for a decision. That should not be happening. The issue should be dealt with and then see who foots the bill.

**Mr Speaker:** The Member's time is almost up.

**Mr W Clarke:** I support the motion.

**Mr Irwin:** I thank the Members who tabled the motion, as the cleaning of rivers around the Province, including those in my constituency, has been a source of concern for many. Through my work in the Newry and Armagh constituency, I am aware that the lack of cleaning of a river in

Laurelvale was, in my opinion, the direct cause of flooding to homes at Velton Lawns, much to the residents' displeasure. In that instance, branches and debris blocked a main culvert running under the roadway, which resulted in water backing up and the river breaking its banks, causing significant damage and disruption.

Since then, however, following my sustained lobbying, the Rivers Agency carried out remedial works to install a box culvert and a twin filtering grille system to catch debris further upstream and prevent further flooding. Fortunately, through an increased monitoring programme, we have had no further incidents of flooding. However, my lobbying of the Rivers Agency and, indeed, the Minister, on the matter continues to get the riverbanks walled at that location to prevent further erosion of gardens. However, had more frequent monitoring and cleaning been in place prior to the incident, flooding might not have occurred in the first place and residents' homes would have been spared severe damage.

Last week, I met landowners close to the shores of Lough Neagh with my colleague Sydney Anderson, MLA, to hear their concerns about the Derryneskan, Foymore and Derrylettiff watercourses. We discussed the possibility that poor river maintenance is leading to an increase in the flooding of farms in the area, which in turn prevented grass from being harvested and is damaging to vegetable crops. I requested that the Rivers Agency come before the Committee for Agriculture and Rural Development, and it will be interesting to put those concerns to the agency and to hear how it has managed that watercourse and what it intends to do to alleviate concerns.

Those are only two issues; I could report on many others throughout the constituency and beyond. However, it is clear that although good work is being done there is room for improvement. I would like to see greater action on issues before problems mount up and cause greater nuisance for landowners and homeowners. We need to see watercourses cleaned more regularly and maintained to a greater level. That would improve the situation environmentally and prevent damage to land, produce and property. I support the motion.

**Mr Swann:** I thank Mr Hamilton for acknowledging how our amendment strengthens the motion. I also thank all the other parties and everybody else who spoke in support of

the amendment because it moves the debate away from just how rivers are cleaned to whether government use other NGOs' skills and expertise to keep bodies of water in good condition. Hopefully, through this motion we can get more support and recognition for those stakeholders — farmers, local conservation groups, angling clubs and all the organisations that make physical use of the rivers.

### 1.45 pm

Although a substantial proportion of Northern Ireland water bodies in each of the three river-basin districts are already classed as being of good status or better, a number of areas, such as Lough Neagh and the tributaries that surround it, have some of the most polluted waters in Europe. More can and should be done in those areas. Following on from what some Members said, and after working with it recently on a number of issues in my constituency, I commend the Rivers Agency.

**Mrs Overend:** Does the Member agree that there is a requirement for the Rivers Agency to work with landowners and to carry out any work or repairs in a timely manner so that it is not to the detriment of farming activity, whether that is through the use of the land along the river, the safety of animals or the avoidance of land erosion?

**Mr Speaker:** The Member has a minute added to her time.

**Mr Swann:** Thank you very much, Mr Speaker. I thank the Member for her intervention. It is timely to tie in the Rivers Agency with the Agriculture Minister here, because it is important for us to recognise the work of the Rivers Agency and the timely way in which it has been doing that work. However, with more resources and a better joined-up approach among other Departments, we can get a better response from other parts of government.

The Member mentioned farmers. We have to realise that farms cover 70% of the total land mass of Northern Ireland. Therefore, farmers have a major role to play in the protection and maintenance of rivers. It is also important to note that, given the large numbers of farms here, there are very few associated incidents of pollution connected directly to farmers. It is important that, as one of the major stakeholders in the area that we are talking about, farmers are considered as quite effective

custodians of Northern Ireland's rivers. Through the countryside management scheme, rivers are protected, but many farmers are already taking proactive measures to protect the rivers that flow through their land, because they realise that they add value to the natural resources and can encourage more use of those rivers through angling, recreation and tourism.

Further stakeholders that should be taken into consideration in the motion are the angling clubs, which are prepared to take responsibility for stretches of river when it comes to the numbers of fish, for example. A number of angling clubs in my constituency of North Antrim have already approached me to see how they can take forward that work. So, there is a proactive approach for the stakeholders to take on responsibility for the use of the rivers.

One thing that we should be mindful of in this motion is the impact of the water framework directive, which already has a requirement for stakeholder participation in the management of the water environment. That was part of the rationale behind our amendment: it meant that we were coming here with substance behind what we were proposing.

Recently, the Ulster Unionist Party publicly expressed concern that Northern Ireland is not on track to meet the 2015 target of the water framework directive. We are halfway through the six-year term, and there has been very little action to date, even though the water framework directive is a DOE matter. Taking into consideration the fact that we are not meeting our targets in the directive, even though it is a DOE matter, will the Minister take part in a joined-up approach to it? In a statement to this House, Minister Attwood has already warned of tighter controls coming from Europe. More challenging, not only in this debate, given what is coming from Europe and the Minister and the stakeholders, will the Minister inform us how she is going to —

**Mr Boylan:** Does the Member agree that if directives come from Europe, the resources to deal with resulting issues should come with them?

**Mr Swann:** I thank the Member for his intervention and agree with him. If we are to meet those framework directives, we should receive direct support. That is a very timely intervention.

**Mr Beggs:** Does the Member accept that it is also very important that we structure our

organisations better to get the maximum output from the money that we are putting in already, as has been suggested?

**Mr Swann:** I thank everybody for their interventions. *[Interruption.]* No; you are all right. We have realised from the broad scope of the debate the number of agencies that are responsible for our rivers and waterways. If we are serious about getting money from Europe to go forward with a joined-up case, we need to be sound in what we are doing here to make sure that we have a joined-up approach and that we are delivering on the same aims at all times.

I was about to finish before that intervention. Minister, when you address the concerns that I have raised —

**Mr Speaker:** The Member should bring his remarks to a close.

**Mr Swann:** Thank you, Speaker. When you address the concerns that have been raised with the Minister of the Environment about framework —

**Mr Speaker:** The Member's time is up.

**Mr Swann:** — I hope that you can come up with some answers that will keep Mr Oliver McMullan happy as well.

**Mr Dallat:** I join with others in welcoming this motion. One of my greatest childhood pleasures was to go to a local stream, take off my socks and shoes and, armed with a jam pot, catch the sticklebacks. *[Laughter.]*

**Mr Frew:** The situation is your fault. *[Laughter.]*

**Mr Dallat:** I doubt that you could do that today.

Some reference was made to Albania and the dirty beaches. I have been to that country, and I saw that it spent its money on 700,000 bunkers. We had our bunkers as well, but there is no excuse for the lack of investment in the management and cleaning of our rivers. Those of us who bothered to take any interest in the Budget will know that the money has not been allocated. Indeed, there was a daft idea that the £16 million that is required over the next four years would be raised from the sale of plastic bags. The same plastic bags —

**Mr Agnew:** Will the Member give way?

**Mr Dallat:** Of course.

**Mr Agnew:** I thank the Member for raising that point. I had planned to raise it myself. The Minister seems to have a policy of turning plastic into gold, because he is going to put £12 million into the green new deal from the plastic bag levy. There is also £12 million for water cleaning, but it seems to be the same £12 million each time. Does the Member agree that we can spend £12 million only once?

**Mr Speaker:** The Member has a minute added to his time.

**Mr Dallat:** I would agree if I could be sure that even that £12 million would be spent. The problem is that there is a total lack of investment in our river management and repairs and so on.

I come from a part of Northern Ireland where rivers are very important for tourism. The legislation that governs the management of the River Bann was set in the 1960s. It is all about drainage and getting water out to the sea, so it has absolutely nothing to do with the modern-day demands on rivers. Tourism is our greatest growth area. The River Bann was, at one stage, our greatest salmon river. In fact, if you had lived a few hundred years ago, you would have found that there was a law that stated that you did not have to eat salmon more than three times a week. If you could catch a salmon in the River Bann now, you would consider yourself very lucky. A few are still there, thank goodness. The fact that the money has not been invested is a sad reflection on society. Every society likes to think that it leaves something of which it is proud for the next generation. I am afraid that the management of our rivers leaves a lot to be desired.

Several Members have talked about getting the runaround and how you go from the Rivers Agency to the drainage division to the DOE. I would have thought that the easy solution to that is to have one body responsible for our rivers. That is certainly worth considering. Although the motion may be a filler for other things, it is important. I congratulate —

**Mr McGlone:** Will the Member give way?

**Mr Dallat:** Yes; of course.

**Mr McGlone:** The Member made the point that people often get the runaround when they contact the Department. That has particularly been the case when a dead animal has been

found in a waterway. I know that that is illegal. You will find real fun in trying to establish someone who will take responsibility for the decaying mass of flesh, which sits there and creates a huge smell. It is really noxious for people. That often occurs in a tourist location, and the matter could move from Rivers Agency to the council and could possibly involve NIEA. It could then go back to the council and then Rivers Agency before the obstruction is cleared.

**Mr Dallat:** I could not agree more. That type of pollution is serious, and industrial pollution has been responsible for killing tens of thousands of fish. Although penalties have recently been imposed on the worst polluters, it is still a serious problem. I am not an angler, but my heart goes out to those who give of their time and money voluntarily to clean up and restock rivers to find only that somebody with no respect or accountability does away with their work and sets angling back for years to come.

There are many reasons why a river should be cleaned up. Reference was made to flooding, which has been a problem in a large part of my constituency. The other issues that I mentioned — tourism and the environment — are very important.

**Mr Frew:** I thank the Member for giving way. As he brings his speech to a close, I hope that he is leading on to the following point. Tourism is important, and community groups and associations are often left to clean up river beds, not only because of flooding issues but because of aesthetics, because no Department will do it. Does the Member think that that is fair, and should that issue once again be the responsibility of Departments?

**Mr Dallat:** Mr Speaker, I see you smiling, and I know that you are going to tell me that my time is up. I am grateful to the Member for allocating me enough time to agree with him. *[Laughter.]*

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** Go maith raibh agat, a Cheann Comhairle. I will start by making some general remarks before picking up on Members' points.

A river cleaning strategy in the North relates to water quantity and quality. Two main pieces of European legislation are associated with that: the EU floods directive deals with quantity, and DARD's Rivers Agency is the competent authority for that; and the EU water framework directive

deals with quality, for which the DOE, through the NIEA, is the competent authority. These two pieces of legislation are often referred to as sister directives and are not mutually exclusive.

A joined-up approach to the strategy is achieved by the participation of staff from the Rivers Agency who sit on both the implementation working group and the steering group for the water framework directive, and by the participation of the NIEA as one of the key stakeholders for the implementation of the floods directive.

Separate, but perhaps more relevant to the motion, is the connected issue of the nuisance suffered by landowners and members of the public alike because of littering and the illegal dumping of animal carcasses in watercourses. The remit for Departments is clear for issues such as littering or fallen animals. It is only when there is an identifiable threat to health or the environment through potential flooding or pollution that either my Rivers Agency or the NIEA can become involved. When there is no identifiable threat, the nuisance value for landowners and the general public still remains, and there is an understandable expectation that the debris or animal carcass will be removed.

In instances when items have been illegally dumped or fly-tipped, the local council has enforcement powers against offenders. However, when an offender cannot be identified, those powers do not extend to the removal of debris or animal carcasses. It may fall to landowners to remove such debris, but their responsibilities, and who would enforce them, appear unclear.

To that end, I would welcome a river cleaning strategy to address the current obvious gap. I have been a local councillor and involved in many such instances in which people are constantly chasing their tail to try to find someone responsible to take on the issue. Being mindful of that, I welcome the motion and think that it is a direction that we need to take.

Willie Clarke picked up on the fact that councils have some enforcement powers, but I hope that the Clean Neighbourhoods and Environment Act 2011, which comes in next year, will assist us to find a solution on the way forward. The crux of the issues that Members raise today is about who will take responsibility, lead and have control. I agree with Simon Hamilton's comments when he moved the motion that there should be clear responsibility and co-ordination

and a strategy that delivers properly and sorts out the issue.

Members said that many Departments and agencies are involved: the Rivers Agency, the Department for Regional Development (DRD), DOE, DCAL and other Departments have a role to play. It is about getting everyone together, knocking some heads together and finding a positive solution on the way forward.

## 2.00pm

Danny Kinahan moved the amendment and said that the responsibility was not just DARD's but the entire Executive's. After the debate, I intend to raise the issue at Executive level and see where we can get to. I have a meeting with the Minister of the Environment this week, and I will raise it there as well.

Paul Frew said that he is getting some favouritism from the Rivers Agency: I hope not. However, I am glad that his dealings with the agency have improved, for whatever reason, in the past number of months. The Rivers Agency works very hard, and, particularly when dealing with recent flooding issues, I have found its staff to be very approachable and easy to work with. I hope that that is all Members' experience.

Oliver McMullan said that we should agree to draw up a list of all agencies responsible, note what they are responsible for and then get some transparency around ownership. Those are the issues that any new group that is set up needs to start off with. It should then move forward by developing a proper strategy. He said that whoever takes responsibility needs to have the proper legislative cover. Many Members picked up on that point throughout the debate. That will be key.

Anna Lo talked about funding problems. All Departments have to compete for a very limited resource budget. My Department, like others, always competes for funds for vital services and will continue to do so.

Willie Irwin spoke about incidents around Laurelvale. He picked up on a particular constituency issue. If he wants to take it up with me or with the Rivers Agency afterwards, we will be happy to look into it.

Robin Swann talked about lobbying the Minister of the Environment. As I said, that is something that I will be doing over the next week. I think that my meeting with him is tomorrow. I am

happy to raise the water framework directive and discuss how we can work together to meet the deadlines for implementation. DARD is obviously the competent authority for the floods directive, and I hope that I will have the support of all Ministers in delivering on it.

Tourism was mentioned. We do not want the state of our rivers to impinge on rural tourism. My Department is committed to supporting rural tourism through the rural development programme, and I hope that that support continues to increase.

Issues were raised, and points were well made. I presented to Members the Rivers Agency's current approach to cleaning rivers and distinguished between the two remits of quantity and quality, but I am happy to take the issue to the Executive, as the motion calls for, and explore how we can move forward and address this continuing problem. People should have one point of contact and be able to see a follow-through from it, as opposed to running around chasing their tail. Go raibh maith agat.

**Mr Beggs:** This has been a useful debate. There has been a high degree of unanimity around the Chamber, with everyone recognising that we need to improve, do things better and have a co-ordinated strategy. Most Members also indicated that they supported the amendment that my colleagues Robin Swann and Danny Kinahan tabled and spoke to.

I will concentrate my comments on contributions that referred to issues raised in the amendment. Danny Kinahan indicated that the current system is failing. He highlighted the need to improve and to involve partnership working, which generally brings about an improvement to whatever you are doing in life. A particular example involving cat litter showed how each of the Departments seems to want to walk away from problems. There are no clear lines of responsibility. In the end, a community and voluntary group had to deal with the problem, only for it to be told that it should not have done so. Presumably, the cat litter, left over from fuel laundering, should have been left lying, polluting the river.

Among other options for improvement, Mr Kinahan indicated that looking at how government might be restructured could be the responsibility of a junior Minister in OFMDFM. More importantly, he suggested restructuring the existing Departments to be more efficient in

what they do. He said that 98% of fresh water is used in our water supply, and, therefore, it is very important to us. Interestingly, Northern Ireland Water states that 50% of that water is collected in reservoirs, while 42% is withdrawn from loughs, 10% from rivers and 1% from boreholes. I am glad that it is so high. If it were lower, as it is in England, we might experience what people in London experience. I understand that the water there is recycled seven times before it hits the sea. I am glad that our water comes from our waterways. We must protect the biodiversity etc of our rivers to improve the wildlife. However, another very selfish reason to improve the rivers is that we end up drinking the water. That important point was made.

Mr Kinahan praised local anglers for getting involved in improving the local environment and the river. He suggested that the anglers' monitoring initiative that applies in other parts of the UK should be brought in in Northern Ireland. Volunteers can be another set of eyes and ears for the Department. That process can help to gather evidence and address people who pollute a river earlier. I know from experience that that is a major problem. Joined-up thinking is needed on a range of issues.

I am pleased that Simon Hamilton, who proposed the motion, accepted the amendment, recognising that it is designed to improve things. He illustrated clearly, by sharing his experience involving the Enler river in his locality, the fact that the agencies are not working in a clear fashion and there is a tendency to play ping-pong and pass responsibility back and forward.

Paul Frew, the Chairman of the Committee for Agriculture and Rural Development, agreed that there needs to be improvement. He, too, illustrated a complicated situation that involves six agencies — it may be even more — and four, possibly five, Departments. How can you possibly manage something well with such a breakdown? We clearly need to bring about improvement.

Dolores Kelly indicated her support for the amendment. She expressed concern about the Rivers Agency and how it has a difficult remit. I shall go back to what was said earlier: people's expectation of what the Rivers Agency does is very different from its remit. That needs to be cleared up.

The Chairperson of the Committee for the Environment, Anna Lo, indicated that funding

was a problem, with only £500,000 earmarked to carry out the river basin management plan, when £9 million was bid for. We must do things better and more efficiently ourselves. Let us get our structure right and spend our money right. If we need more money after that, we should chase it then, but let us reorganise and do things better.

Willie Clarke indicated that there was a particular problem with plastics. Having been involved with the marine conservation volunteers, I know that it is largely plastics that are washed up on our beaches. What goes down our rivers ends up on our beaches. We need to bring about improvement.

My colleague Robin Swann highlighted the fact that the water framework directive means that we have to bring about improvement in this area. We have no choice. The sooner we do it ourselves, the better. I support the motion with the amendment.

**Lord Morrow:** The debate has been interesting but, at times, quite confusing. I never thought that it was as complicated to get a fridge door or a tyre out of a river as it has been portrayed today. Some Members have called for European legislation to deal with it; others were critical of the Executive. Dolores Kelly was critical that there is no legislation to deal with the issue. I automatically thought that it is not often that a member of the SDLP blames another member of her own party for not bringing forward legislation. Do not let anyone think that this is purely an issue for one Department; it is anything but. However, I do not think for a second that we need to run to Europe to get further directives and more legislation —

**Mr Beggs:** Will the Member give way?

**Lord Morrow:** I will in a moment or two.

I do not think for a second that we need to run to Europe to get more legislation to deal with a very simple thing. At times, we get carried away in the euphoria of things.

I ask Members to read again the motion and the amendment, which we are quite happy with. The motion clearly states:

*"That this Assembly calls on the Minister of Agriculture and Rural Development and the Minister of the Environment and their Executive colleagues to develop a co-ordinated strategy to improve how rivers are cleaned."*

That sounds quite simple and straightforward, but it seems to me, after listening to some of the debate and discussion around the House, that it just does not get any simpler.

**Mr Beggs:** It would be interesting if the Member could illustrate who wants more legislation from Europe. The point that was highlighted was that you need to involve stakeholders in order to get better outcomes. By the way, there is a directive, and, if we do not involve stakeholders, we will be fined by Europe. Therefore, we do not want more European legislation. We want to involve stakeholders to bring about better outcomes and avoid fines.

**Lord Morrow:** We want old tyres, fridges and freezers taken out of our rivers and put where they belong. That is what we are trying to talk about. I listened to Mr Swann. I think he was in Europe at one stage, and he wanted to know what Europe was going to do about the matter. We have had enough interference from Europe in local and internal issues. Let us not invite them in to do more of that. We do not want that.

I did not realise that I had as much in common with Members right around the House. They referred to their childhood days and how they spent them at rivers, fishing. That is exactly how I spent mine. They were not spent on the riviera; they were spent on rivers around County Tyrone, in Ballygawley and places like that. As a young lad of seven, eight, nine years of age, I spent my summer holidays fishing and enjoying the simple things in life.

**Mr McCarthy:** Will the Member give way?

**Lord Morrow:** Go ahead. Let us hear you.

**Mr McCarthy:** Did the Member use jam jars to catch his fish in the rivers, as I did?

**Lord Morrow:** Believe it or not, I did. They were 2 lb jam pots at that time, and you got the bigger fish into them. I nearly had the fish weighed before I got them out of the river. I am pleased to hear that other Members spent their childhood days in similar ways. What good days they were.

If we want to take this issue forward and see an improvement in how our rivers are managed, looked after and maintained, there has to be some joined-up thinking. Everybody, without exception, highlighted that, and I agree with that. If we achieve nothing as a result of this

debate apart from some joined-up thinking in the future, it will have been worthwhile.

The Minister has given an undertaking that she will bring the issue to the Executive, and I welcome that. At least we will see that achieved. However, we want to ensure that our rivers are treated as the important natural asset that they really are. I believe that, very often, that just does not happen. How often have we heard about river pollution? I read that, in the Sixmilewater river, which I have little knowledge of, an estimated 35,000 fish were killed in one serious incident of pollution. That is an awful indictment. It shows the contempt with which our natural resources are often treated. I hope that that will be the last incident that I will hear of in relation to the Sixmilewater river or, indeed, any other river in Northern Ireland. We have some of the best rivers in the whole of Europe, and they compare with other regions of the United Kingdom. However, I do not think that they are treated as such, because I often see the wreckage of cars, tyres and litter. I would like to see the Departments bringing together a cohesive and decisive way of taking that issue forward.

Should we not have a programme in our schools to educate the up-and-coming generation about the importance of our rivers? I would like to see every citizen in Northern Ireland included as a bailiff in a voluntary capacity and knowing exactly what they should do, whom they should phone and whom they should inform if they witness river pollution or any item that might even seem innocuous. There should be no items of a pollutant nature in our rivers.

## 2.15 pm

I welcome the debate. I am pleased that the motion, together with the amendment, has found universal support across the House. I hope that, as a result of the debate, we will see things taking a different direction, because it has to be said that some of the greatest offenders in river pollution are Departments. In answers to questions that I have submitted recently, I see that fines ranging from £200 to £5,000 have been imposed on Departments. I do not think that there is a big deterrent there, but, previously, there was immunity for agencies and Departments, and they could not be prosecuted. Thankfully, that has changed, and they have to stand up, be identified and go to court to give an account of their stewardship

and say why they have allowed such things to happen.

I thank everyone for their contribution. I thoroughly commend the motion and the amendment to the House. I trust that they will find universal support.

*Question, That the amendment be made, put and agreed to.*

*Main Question, as amended, put and agreed to.*

*Resolved:*

*That this Assembly calls on the Minister of Agriculture and Rural Development and the Minister of the Environment and their Executive colleagues to develop a co-ordinated strategy to improve the management of our rivers so that they are kept to the highest levels of cleanliness; and further calls on the Executive to ensure that the expertise and services of non-governmental organisations and stakeholders are part of that management arrangement.*

**Mr Speaker:** The next item of business on the Order Paper is Question Time. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.30 pm.

*The sitting was suspended at 2.17 pm.*

*On resuming (Mr Deputy Speaker [Mr Beggs] in the Chair) —*

**2.30 pm**

## Oral Answers to Questions

### Agriculture and Rural Development

#### **Agriculture: EU Fines**

1. **Mr McClarty** asked the Minister of Agriculture and Rural Development to outline the reasons for her Department accumulating large fines from the EU since 2005 and what action she is taking to prevent any recurrence.

(AQO 781/11-15)

**Mrs O'Neill (The Minister of Agriculture and Rural Development):** The detailed reasons for financial corrections imposed by the European Commission were provided in my statement earlier. However, by way of summary, these are a result of a number of European Commission audits of my Department that started in 2006 and continued until 2009. Following those, the Commission raised a number of concerns relating to land eligibility and the award of single farm payment entitlements in 2005.

Despite my Department's efforts to convince the Commission that any discrepancies were small and the corresponding risk to the fund was low, the Commission subsequently applied flat-rate corrections for land eligibility issues to the 2005 and 2006 scheme years and are proposing disallowance for the 2007 and 2008 years. In addition, in relation to entitlements issues, they applied disallowance for the 2005, 2006 and 2007 scheme years and are proposing disallowance in respect of the 2008 and 2009 scheme years.

To prevent recurrence, my Department, as I outlined earlier, has taken and continues to take steps to mitigate future possible disallowance. The main priority is to improve our mapping system, and we aim to have a stable mapping system in place in advance of the CAP reform process. That task has been challenging, but its first phase is well under way, and revised maps will start to issue within days. We have improved the on-the-spot inspections through the

training of inspectors and the use of up-to-date equipment. We also plan to use control with remote sensing technology — satellite imagery — in the 2012 scheme year. We continue to improve our online facility. We have engaged with the Commission through a risk assessment exercise, and we are implementing the Commission's voluntary guidelines on legality and regularity. Through all those and other actions, we hope to satisfy the Commission's concerns and, in doing so, mitigate the risk of future or further disallowance.

**Mr McClarty:** I thank the Minister for her response and apologise for having her repeat what she told us this morning. However, when my question was submitted, I was not aware that there would be a statement on the same matter. With the potential for the Department to receive further fines from the EU in respect of Strangford lough horse mussels, will the Minister confirm what progress she has made on that issue?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. Because it is not content with the modiolus restoration plan that the Department has issued, the Ulster Wildlife Trust has approached the Commission and asked it to be involved in the Strangford situation. That plan was brought about and devised in conjunction with the Department of the Environment and stakeholders. We have invested £1 million in the plan, which is about further preserving the future potential of Strangford and its mussels. The Wildlife Trust is acting within its rights. We will continue to liaise with the Commission to let it know that we have plans in place. It is aware of that; we have sent our plan to the Commission for it to look at. At this stage, I am not aware of any potential for disallowance as a result of that, but we will continue to talk to the Commission.

**Mrs D Kelly:** I am aware that the Minister answered questions earlier, but she will be aware of the change in farmland topography over the past few years. What evidence does your Department require when administering the single farm payment, and what evidence must be produced if you are to penalise individual farmers?

**Mrs O'Neill:** Any penalties imposed will be a result of inspections and non-compliance. For example, action would have to be taken against a farmer who deliberately claimed for ineligible

land. The degree of penalty depends on what has happened, so it is decided case by case. Under EU regulations, we have to carry out inspections. We must comply to show that we are monitoring claims made by our farmers. Inspectors do not go out with the intention of trying to uncover something that a farmer is doing, but, if they come across it, we have to deal with it. Europe is getting stronger on penalties and wants member states and areas to look more closely at penalties and take them forward as a disincentive. My Department will decide everything on a case-by-case basis.

**Mr Murphy:** Go raibh maith agat, a LeasCheann Comhairle. The Minister spoke on this issue this morning, as she said, and gave assurances that the payments to date had not affected front line services. I ask her for that reassurance and to continue in that vein, so that if there are further disallowance payments they will not affect front line services.

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. I thank the Member for his question. As I said earlier, the total fines up to 2009 are £80.6 million, of which £11 million has been found in DEFRA and the remaining £69 million in underspent money that would have been lost back to the British Treasury if we had not been able to utilise it in this way. It is my intention to ensure that we reduce future disallowance as much as possible. We will do that by communicating with the Commission, letting it know about our remapping system and continuing to talk to it about the processes that we have undertaken to improve systems. Hopefully, that will satisfy the Commission and take any disallowance down to the smallest amount possible.

**Mr McCarthy:** Hopefully we can get some substantial reduction in the disallowance through the European Court. Will the Minister divert some of that funding to, for instance, save the horse mussels in Strangford lough? Also, as we heard this morning, the Department of the Environment is looking for £9 million to continue work on the cleaning of river basins. Can that money be diverted if we get it?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. If we were successful in our court challenge and were able to secure a reduced disallowance, that would be a matter for the Executive as a whole to consider at that time. It would not be just for my Department to

reallocate it where I want. Obviously, every Department has competing priorities, and we have a reduced budget as a result of the Tory cuts. We have to work within those confines at this stage. It is not for me to say how I would distribute the money; it would be an Executive decision.

## Forestry

2. **Mr Lynch** asked the Minister of Agriculture and Rural Development how she intends to improve on achieving the targets for forestry cover in the next three years. (AQO 782/11-15)

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. I wish to announce that Forest Service will review the support arrangements for private planting with the objective of increasing the rate of woodland creation. I recently met forestry stakeholders to discuss ways of increasing the rate of planting. They brought ideas including the scope for planting to alleviate flooding risks, greater equality of rates between lowland and less-favoured areas and improving the financial encouragement for farmers and landowners to take part in planting programmes. I hope that the outcome of this work will assist in delivering higher rates of planting over the period of the next rural development programme and help us achieve our long-term aim of increasing woodland cover across the North from 6% to 12% of land area, as expressed in the forestry strategy.

The review will take account of the recently published European Commission proposals in the rural development regulation, which include forestry measures, and will report in time to feed into the new rural development programme.

**Mr Lynch:** Ba mhaith liom buíochas a ghabháil leis an Aire as an fhreagra sin. I thank the Minister for her answer. Will she provide details of any plans to strengthen North/South links in relation to forestry?

**Mrs O'Neill:** Go raibh maith agat, a Cheann Comhairle. I am pleased to confirm that Forest Service in the North and Coillte in the South co-operate on many aspects of forestry. In order to formalise those relations and develop them further, a memorandum of understanding between the two organisations was launched in March. That will help to maximise the potential for development of the forestry sector on an all-island basis, including socio-economic benefits,

while protecting the environment. Forest Service in the North is also in regular contact with colleagues in the South on forestry plant health matters.

**Mr Frew:** I hear what the Minister says and thank her for her answers. However, Forest Service has set extremely low targets for tree planting, especially in the private sector, which reflects a poor image for the prospects for forestry in Northern Ireland. It also means that, if there was significant demand out there for forestry, the money would not be there to fund it. Will the Minister look at her targets again in order to increase them?

**Mrs O'Neill:** Yes, I am convinced of the need to increase our targets and to increase planting. We have had many challenges, not least the definition of farmer that Europe applies and how you can grant aid certain people. There are many challenges, and we have taken many actions to increase planting rates. The figure was up to 30% in November 2009, so we are moving in the right direction. However, we need to do more to encourage more people to get involved. At my recent meeting with stakeholders, they came forward with some really good ideas on how we can do that. I am happy to look at that, and I have announced a review to take a step back, see what we can do to encourage more planting and make sure that the incentives are there to encourage that.

**Mr D Bradley:** Ba mhaith liom a fhiafraí den Aire cad é mar a chuirfidh sí aidhm fhorógra a páirtí i bhfeidhm: is é sin, an clúdach foraoise a mhéadú faoi dhó. How does the Minister intend to achieve the stated aim of her party's manifesto, which is to double the area of forestry in the North of Ireland?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. As I said, I am convinced of the benefits of increased woodland to wider society. I will continue to support that and my party's position on it through the forestry strategy. The fact that I have said that the targets are not being met and have asked the Department to fully review the situation shows my commitment to improving this and to moving forward, making sure that we increase planting, whether through incentives to get more people to consider planting. I am very committed to my party's position, and I think that I have shown that in my past five months in office.

## Potato Producers

3. **Mr Campbell** asked the Minister of Agriculture and Rural Development what assistance her Department can provide to potato producers affected by the recent adverse wet weather conditions. (AQO 783/11-15)

5. **Mr McCallister** asked the Minister of Agriculture and Rural Development what impact the recent period of flooding has had on potato producers. (AQO 785/11-15)

**Mrs O'Neill:** With your permission, Mr Deputy Speaker, I will answer questions 3 and 5 together.

DARD sympathises with farmers who are experiencing delayed harvesting of crops due to the recent adverse weather. I also appreciate the additional work and expense that growers will incur to ensure late-harvested crops affected by localised flood damage are conditioned correctly to ensure safe storage. The Executive face very significant financial pressures in the present economic climate, and there are currently no financial support measures available to farmers to minimise losses due to the recent severe weather, including localised flooding. Any potential for compensation funding is further severely constrained by business case requirements and compliance with restrictive EU state aid rules.

Farm incomes fluctuate from year to year for a range of reasons, including changes in supply and demand, the cost of production and weather events, and it is therefore important that farmers act to mitigate potential risks impacting on their business as far as possible. In respect of risks associated with flooding, farmers are encouraged to consider appropriate measures such as precautionary activity around best practice, investment and insurance provision.

The Department has provided and will continue to provide practical information and advice to help to mitigate the risks associated with severe weather. In addition, my Department has commissioned research into additional measures that farmers can take to mitigate the risk associated with extreme weather events, and the findings of this research will be disseminated to farmers through CAFRE when they become available.

**Mr Campbell:** The Minister has outlined departmental sympathy for farmers in respect of the recent exceptionally bad weather. As she

has outlined, she is aware that the crop has failed for many farmers. However, rather than just restating internal and European difficulties, will she endeavour to establish whether there is any possibility of assistance to farmers whose crops have been devastated due to the earlier despicable weather that caused severe problems and the almost total wipeout of the potato crop?

**Mrs O'Neill:** The Member will be aware that in the past, following exceptional flooding in August 2008, the Executive were able to find a small pot of money — I think it was £500,000 — to secure compensation for the loss of cereal, vegetable and potato crops. Given the current economic climate, it will be very difficult to locate that type of money again. Also, you are confined by EU state rules. You have to be careful about the projects and compensation programmes that you take forward. My Department is doing what it can to provide advice. We have commissioned the AFBI study, which we will present in mid-summer 2012. The Department is doing what it can to work with farmers to mitigate the effects as far as possible. However, there is a limited pool of money, and there are many competing priorities in the Executive.

**Mr McCallister:** I am grateful to the Minister for her reply. This is not the first time that we have had problems with potatoes. In recent years, the flooding in August 2008 and the very harsh weather on unharvested crops in late December 2009 and early January 2010 caused problems. Her Department likes to call itself the rural champion, so we need to see action. Could she detail why she accepts the case for flooding in urban areas but not in rural areas, particularly where potato farmers are concerned?

### 2.45 pm

**Mrs O'Neill:** As I said, my Department has taken forward work on many areas, particularly on advice issues, and it has been working with the farming community on mitigating risks. We commissioned the AFBI study on the effects of weather, and, again, we have worked with farmers on mitigating risks.

Where compensation is concerned, as you know, there is a limited pool of money. The Executive have many competing priorities, and this will be considered in the round with all those. I think that I am the rural champion; I will continue to be a rural champion and to work with the

farming community to do all that I can. However, we have to be careful with EU rules about state aid. Flooding in people's homes is one issue, and crop damage, which is, effectively, damage to people's businesses, is a separate matter. I do not think that you can link them and say that one is more deserving than the other. Some of the issues that we need to look at are to do with farmers making sure that they have adequate insurance to cover this type of event. I am always happy to work with farmers to give advice on what my Department can do.

**Mr Dallat:** Given that much of the crop has been lost through flooding and it is not practical to put a thatched roof over the fields, has the Minister made any representation to the large supermarkets to ensure that farmers will at least get a fair price for their crops?

**Mrs O'Neill:** I had a meeting recently with Sainsbury's, and I intend to meet the other major supermarkets. When we get to the stage at which we have a supermarkets' ombudsman, that will be a good help to farmers. Obviously, that will not be the case at this stage, but it will be a help for the future. We need that ombudsman to have proper teeth so that we can make sure that farmers at every level of the process are protected and get a fair price for their product.

**Mr Flanagan:** Go raibh maith agat, a LeasCheann Comhairle. Is the Minister satisfied with the progress that has been made to date on the recommendations of the Fermanagh flooding task force?

**Mrs O'Neill:** Go raibh maith agat, a LeasCheann Comhairle. Obviously, the Fermanagh flooding task force was a cross-departmental body. However, my Department is responsible for two of the task force's key recommendations. The first is about the management of the Erne system. The Rivers Agency is continuing to work with the Electricity Supply Board (ESB) to examine options for improving the operational regime, which will reduce flood risk. That detailed work is due for completion in the next financial year. If changes to the existing regime are recommended, a full consultation will be needed to ensure that all stakeholders have their views heard and an opportunity to influence any changes. The second key recommendation relates to the consideration of options for a flood alleviation scheme at Derrychara Link. Having considered the

situation, the Roads Service and the Rivers Agency have co-operated closely to provide a pump system at Derrychara Link in the event of high lough levels. The Rivers Agency has also completed work on the Killynure lough drain to help further to contain flows.

In addition to those two key recommendations, the Rivers Agency assisted with the production of a leaflet for the Lough Erne system. That leaflet provided information on preparing for a flood. So, we continue to progress the recommendations of part of the multi-agency working group that Fermanagh District Council established to co-ordinate the progress of the flooding task force's recommendations, thereby enabling more efficient information sharing and consequently bringing about an effective approach to the reduction of future flooding in the Erne system. That working group produced a report in April 2011 against which we have to keep measuring progress.

**Mr Allister:** The Minister expressed sympathy, but sympathy does not really cut it. Under this Executive, all that we have had throughout all the poor weather is half a million pounds of aid back in 2008. She hides behind EU rules about state aid, but even in that she is not doing all that she can. That is because there are de minimis rules that would allow the payment of up to €7,500 for each farmer —

**Mr Deputy Speaker:** Can the Member come to his question, please?

**Mr Allister:** — without EU approval. Why is she not taking even that step, and why has she not sought to bring, through representations, the farming sector into line with the rest of the business sector, which can be given aid de minimis of up to €200,000?

**Mrs O'Neill:** I am very aware of de minimis rules; I do not need the Member to tell me about them. I will be mindful of that when we consider our approach to the issue. There is a limited Budget, and the Executive have many competing priorities. If you want me to keep repeating that, I will.

The fact is that my Department is doing all that it can to assist the potato growers and all those who have been affected by exceptional flooding. In the past, when the Executive were able to help, they did, and I am sure that, when they are able to help in the future, they will.

## Single Farm Payments: Inspections

4. **Mr Irwin** asked the Minister of Agriculture and Rural Development how many single farm payment on-farm inspections have been carried out up to 1 November and how many are still to be undertaken. (AQO 784/11-15)

**Mrs O'Neill:** Up until 1 November, 1,090 single farm payment on-farm inspections had been carried out. As required by EU regulations, 810 inspections remained to be carried out at that date.

**Mr Irwin:** Given that single farm payments are due to go out in a few weeks' time, does the Minister accept that it is just not good enough that around 40% of inspections have yet to be carried out?

**Mrs O'Neill:** I expect all inspections to be in progress by mid-December. However, some inspections might require follow-up in the new year. Eighty per cent of single farm payments are on target to go out in December, and 95% of them will have gone out by next June. Those are targets that I set, and we are working hard to meet them. As I said, I am fully confident that those payments will be commenced in December and that at least 80% of them will be paid out then. We are working hard with farmers to make sure that inspections are carried out as quickly as possible to allow us to get payments out in our target time.

**Mr Swann:** For many farmers and farm families, the single farm payment is the major component of their household income. The delays that have dogged it over recent years have, therefore, had a huge impact on the families concerned and on their cash flow. I accept that, under EU legislation, DARD has to finalise verification checks before it can make payments.

**Mr Deputy Speaker:** Can we have a question, please?

**Mr Swann:** Will the Minister detail what she and her officials regard as the ideal timescale and the realistic timescale for carrying out on-farm inspections?

**Mrs O'Neill:** Inspections have taken a little longer than normal this year because of all the changes to the mapping system. Things were held up slightly as we worked through that process. As I say, we hope to have all inspections commenced by mid-December. I absolutely agree with you: without the single

farm payment, a lot of our farmers would be in the red. They need that subsidy to continue producing. Without it, they simply could not make any money at all. Food security is a massive issue for us.

As regards the timescale for inspections, the new technology and the fact that our inspectors have been upskilled will speed up the process and hopefully allow us to feed information directly from on-site visits to the Department. Payments will, therefore, get out even quicker in future.

**Mr McGlone:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht an fhreagra sin. In the Minister's answer, she explained the difficulties that had come about as result of the mapping issue. Is there any possibility of introducing some flexibility with the payments to farmers, particularly where it is well known and established that there is no history of disputes or difficulties with their farms or maps?

**Mrs O'Neill:** We have our targets, and we intend to meet them. Under EU regulations, I am permitted to make single farm payments only when all the checks have been completed and everything has been done. However, we have found that other countries pay out some single farm payments in the absence of all the checks being completed, and my Department is actively looking at that.

## Flooding: Beragh, County Tyrone

6. **Mr McElduff** asked the Minister of Agriculture and Rural Development what action she is taking to prevent a recurrence of the flooding in Beragh, County Tyrone. (AQO 786/11-15)

**Mrs O'Neill:** I sympathise with all the people across the North who have been affected by the recent flooding. I listened to some harrowing stories throughout October, which was a particularly bad month. To have your home or other property flooded — sometimes repeatedly — is very difficult to cope with, and I realise that that has a personal impact on people's lives.

During my visit to Beragh on 25 October, I announced that an additional £1 million would be made available to the Rivers Agency to help with flood defences for areas such as Beragh. I will also continue to bid for further funds as opportunities arise. I will return to Beragh

shortly to update the community on my efforts to deal with flooding.

I have asked for an urgent update of the Rivers Agency's flood alleviation programme in the light of recent flood events and the provision of the additional funding. As a matter of urgency, I have also asked my Assembly Private Secretary, Pat Doherty MP MLA, to undertake an investigation of the operational performance of the Rivers Agency during the October flooding incidents and to report back to me later this week. Once I have the opportunity to consider the review of operational performance and the updated flood alleviation programme, I will consider how best to deal with the broader flooding issues.

**Mr McElduff:** Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht an fhreagra. I thank the Minister for her answer and, indeed, for her visit to Beragh on 25 October. As she is the Minister with responsibility for the Rivers Agency, I ask her to ensure that a permanent flood alleviation scheme for the village of Beragh is prioritised by her Department and by that agency as a matter of great urgency. Also, will she meet local residents and the Beragh Red Knights GAC when she returns to Beragh?

**Mrs O'Neill:** On the night in October when I visited the residents and met the football club, I gave a commitment that I would come back. I intend to do that later this week because, at that stage, I will have the outcome of the review that is being carried forward by Pat Doherty and will have had a chance to look at the prioritisation list. After flooding incidents, you have to go back and take a look at where everything sits in the priority list and then see whether you can reprioritise. The additional £1 million will assist us in doing that. So, I hope to be in Beragh some time before the end of the week.

**Mr Hussey:** The Minister will be aware that the problem was not confined to Beragh. Once the Beragh problem is sorted out, it will go further down the river. So, I ask the Minister to confirm that, when the review is undertaken, it will include the river from Beragh all the way into Omagh because the lower Market Street area of Omagh was also badly affected during that recent incident.

**Mrs O'Neill:** I thank the Member. Any flood alleviation system that we bring in needs to be fit for purpose, and, whilst I was in Beragh in October, two gentlemen who live further

downstream approached me to say that they were concerned that, if the proposed scheme went ahead, it would have a detrimental effect on them. So, the Rivers Agency and I are mindful of that, and the issue will be considered in the round. The list on reprioritisation incorporates everywhere that was flooded; it is not confined to Beragh. We have to look at everything in the round and all areas that were affected because, as you say, many areas were very negatively impacted on by the flooding.

**Mr Byrne:** Does the Minister agree that the people of Beragh have suffered unduly in the past two years in that there have been two floods? Secondly, can she and her Department please put pressure on the Rivers Agency to come up with a scheme that will be workable and viable given that the local Red Knights club cannot now get compensation because of the excess of £25,000 and given that many local residents cannot get insurance?

**Mrs O'Neill:** I am very mindful of the impact of the repeated flooding on the people in Beragh. Moor Close and a number of other areas have been repeatedly flooded, and we need to take a look at the prioritisation list and make sure that we use the funds that we have to the best advantage and try to improve those people's lives. One lady said to me that, every time it rains, she frets about flooding. I can totally empathise with that, and I want to be able to take a look at the Rivers Agency's budget, prioritise that list and get work started as quickly as possible.

## Common Agricultural Policy: Food Security

7. **Mr Kinahan** asked the Minister of Agriculture and Rural Development for her assessment of whether the issue of food security has been adequately addressed within the recent common agricultural policy proposals from the European Commission. (AQO 787/11-15)

**Mrs O'Neill:** The issue of food security is complex and needs to be viewed in the context of meeting growing food demand at global level. So, the question is this: how do the CAP proposals assist us in that task? That will depend on the CAP budget and the conditions that are attached to the direct payments that will be made. It is proposed that the CAP budget is frozen in cash terms at 2013 levels until 2020. That will impose a challenge, given that it

will be eroded somewhat with inflation factors. It is probably better than was expected initially but will still place some constraints on our public expenditure. However, I will continue to fight hard against any further reductions during the negotiations that lie ahead.

There are aspects of the package that, I feel, undermine rather than strengthen the ability of the CAP post-2013 to address food security. In particular, I point to the requirement to take 7% of arable land out of production to satisfy an ecological focus area requirement. It is inevitable that large amounts of quality arable land will then be taken out of production across Europe. That does not make good sense at a time when feed costs are high, the demand for food is growing and the population is growing. We need to continue to expand, and the current proposals undermine the EU's agricultural competitiveness.

In addition, the proposed ban on first ploughing of carbon rich permanent pasture under new cross-compliance rules is likely to create a barrier towards the efficient use of grassland.

### 3.00 pm

In conclusion, the Commission needs to rethink some aspects of its proposals on CAP reform, especially on greening, to ensure that the CAP will enable the EU to make the necessary contribution towards meeting future world food production needs. In the period ahead, food security concerns because of growing world population and climate change issues are likely to work to our farmers' advantage. We should start to be able to produce things that other European countries will not be able to continue to do. We need to get the best deal that we can out of the CAP reforms —

**Mr Deputy Speaker:** The Minister's time is up, and time is up for questions to the Minister of Agriculture and Rural Development.

## Education

**Mr Deputy Speaker:** If Members wish to converse, I ask them to do so outside the Chamber. Some Members wish to hear the answers to the questions that are being asked. Question 8 has been withdrawn and requires a written answer.

## Integrated Schools: Special Educational Needs

1. **Ms Lo** asked the Minister of Education what additional resources he will provide to the integrated sector for schools which have high demand for places from pupils with special educational needs statements.

(AQO 793/11-15)

**Mr O'Dowd (The Minister of Education):** After an education and library board agrees to issue a statement of special educational needs for a child attending a grant-maintained integrated school, the Department provides the necessary funding directly to the school to enable it to deliver the provision that is identified in the statement. If the child attends a controlled integrated school or any other form of state-funded school, the relevant education and library board (ELB) provides funding for the provision of the child's statementing from its block grant funding.

With regard to additional resources for pupils with a statement of special educational needs (SEN), schools in the integrated sector are treated the same way as schools in all other sectors. Following submissions of final statements of SEN from the ELBs, the Department has funding authority for grant-maintained integrated schools and advises schools of the approved level and type of assistance that they will fund to be able to meet the needs of the statemented pupil. In the past three years, substantial additional funding has been allocated to 38 grant-maintained integrated schools with pupils with statements of special educational needs.

**Ms Lo:** I thank the Minister for his answer. I understand that some schools are a bit reluctant to take on children with SEN so that they will not overstretch their resources. Does the Minister monitor schools on their intake of SEN pupils to ensure that those children get into the schools that they want without facing unreasonable and unnecessary barriers?

**Mr O'Dowd:** I thank the Member for her supplementary question. The Department has statistical information on children with special educational needs at each school and in each sector. We would monitor a school only if it were brought to our attention that the school was being unreasonable by refusing entrance to a child with special educational needs. Indeed,

the Special Educational Needs and Disability Order 2005 (SENDO) gives increased rights to parents to have their children educated in mainstream schools where that is their wish. I assure you that the boards, the Department and the vast majority of schools work with parents to meet the needs of a child with SEN and attempt to facilitate getting the child into the school of their choice, as they should do under legislation and, indeed, in respect of the basic rights of any young person.

**Mr Gardiner:** Will the Minister be committing any specific new funding to any sector while the process of establishing the Education and Skills Authority is under way?

**Mr O'Dowd:** I take it that the Member is referring to funding for special educational needs.

**Mr Gardiner:** I was referring to any schools.

**Mr O'Dowd:** I and my predecessor have ring-fenced special educational needs money in the budget, so it is protected from any savings plans that the Department of Education has to complete. Therefore, that money is secured, and we continually monitor our budgets to see whether we can free up any resources to pump into front line education systems. Last Thursday, I announced that £40 million extra will go into the aggregated schools budget. That money has been secured from within the Department of Education's budget, and my departmental officials are still revising the budget to see whether any further savings are available for front line schools budgets.

**Mr McDevitt:** Will the Minister confirm whether there are, on average, more children stated in integrated sector schools than in controlled or maintained schools? While I am on my feet, can I also ask the Minister what his attitude may be to bringing forward legislation on joint faith schools?

**Mr O'Dowd:** Two for the price of one. It would appear from the available statistics that there are more children with special educational needs in the integrated sector. The rationale for that has not been fully explained, so I do not wish to indulge in guesswork on that. However, that clearly is the case.

With regard to legislation for cross-faith schools, as part of the Programme for Government, I have agreed to bring forward a ministerial-led advisory team to look at the perceived and

real blockages to greater sharing within our education system. That body will come back to me with a report on how we move forward to enhance sharing in education. If that requires further legislation, we will closely examine that. We want to ensure that we have greater sharing in our education system in which all sectors feel comfortable on the way forward.

## Deprivation in Disadvantaged Communities

2. **Mr Molloy** asked the Minister of Education to outline how his Department's policies are helping to combat deprivation in disadvantaged communities. (AQO 794/11-15)

**Mr O'Dowd:** In my recent statement to the Assembly, I emphasised that my clear priority is to create an education service that ensures all our people receive a high quality education that enriches their lives and grows the economy respectively. That builds on the focus, introduced by my predecessor, on children and young people and on promoting equality, fulfilling educational potential and enriching life chances through education.

I want to ensure that children and young people in disadvantaged communities are enabled to reach their full potential and play a full part in the life and economy of the North. I am continuing to implement a suite of policies designed to achieve that aim. Those include school improvement, literacy and numeracy, the entitlement framework, transfer 2011 and beyond, extended and full service schools, free school meals, uniform grants, and the targeting social need element in the common funding formula.

**Mr Molloy:** I thank the Minister for his answer. After explaining the current situation, will the Minister explain what he proposes to do as the next steps?

**Mr O'Dowd:** The next important step will be with regard to the common funding formula. I want to interrogate the common funding formula closely to see how we can direct resources into areas of most need to ensure that young people coming from disadvantaged backgrounds are given the greatest opportunity to move forward through the education system because it has been shown that one of the most successful ways out of poverty is through education.

**Mr Storey:** In the light of a number of reports that the Minister is well aware of, going back as far as his own Department's investigation into underachievement among working class Protestant boys, following on from Dawn Purvis's report and a multitude of other indicators, will he tell the House what specific action he and his Department have taken to intervene and work to ensure that that particular problem is addressed? He also referred to free schools meals. What is being done to ensure that working class Protestant families have access to, and are encouraged to take up, that provision?

**Mr O'Dowd:** There is a responsibility on us all. There is absolutely no stigma attached to any family claiming free school meals. That is their entitlement, and they should claim it as their right. There is no stigma attached to that. Many schools have introduced systems whereby it is impossible to tell which child is on free school meals and which is not. Those sorts of systems are excellent and should be encouraged and facilitated across the education system.

With regard to tackling educational under-attainment, the Member referred to Dawn Purvis's report, and I published a response to that report. I thought it was good piece of work. Many of the policies that the Department has in place will assist either community to come out of deprivation and lack of entitlement to education and other matters.

This is not a case of six of one, half a dozen of the other. I will target educational under-attainment wherever it exists, regardless of creed or colour. We will quite rightly focus on under-attainment by young Protestant boys. However, a higher number of young Catholic boys are leaving school without proper qualifications. That is unacceptable as well, and I have no doubt that the Member would agree with that.

Our policies are focussed on raising educational attainment. When we interrogate the common funding formula and look at directing funding to areas that have most deprivation, we again will be able to put more funding into Protestant areas of deprivation and any other area that is suffering from deprivation.

**Mr McNarry:** The problem is more pronounced and more deeply experienced in Protestant communities. Will the Minister specify whether this problem of educational underachievement

in Protestant communities is under control? Is it decreasing and therefore improving? What level of work still has to be done? Will he quantify what his Department is doing for disadvantaged Protestant communities regarding the work that we are talking about?

**Mr O'Dowd:** I do not wish to get into an argument with Members about which community is suffering the most in respect of educational underachievement. However, I will say this: neither section of the community in its broadest terms is doing well. The problem particularly affects young people in working-class areas and areas of multiple deprivation, regardless of their creed or colour. What affects those young people is their class, and that is what we need to tackle.

My Department, under my predecessors through to myself, has developed a suite of policies that are designed to celebrate success and challenge underachievement. That is what we are doing, and we are seeing an increase in the number of young people from all backgrounds leaving our school system with recognised qualifications; it is up by around 3,000 since 2006. So, our policies are beginning to bite.

Policies on their own, however, will not work. The school system has embraced the need to improve our educational output. Our teachers, our classroom assistants — all the staff in schools — and those who lead our schools, such as our boards of governors, have all embraced that and are moving forward. However, we have to open up all our schools to all our people. In answer to the previous question, we talked much about sharing education. Crossing the barrier of sharing education across the religious divide will be achieved. The difficult issue, which is a challenge that faces us all, is whether we are prepared to address problems in education across the socio-economic divide. That is as much a challenge for the Member's Benches as it for my Benches.

**Mr McNarry:** Are you prepared to do it?

**Mr O'Dowd:** Yes.

**Mr Lyttle:** Will the Minister give his response to allegations that he used the launch of the Programme for Government to effectively bury the publication of a report on literacy and numeracy, which found wide disparity in the attainment of pupils from disadvantaged backgrounds?

**Mr O'Dowd:** No, because I was the person who insisted that we had a launch for the report into numeracy and literacy. I did that because the subject is so important. I could have signed off on that report and dispatched it to the media, the Education Committee and everyone else. I was the one who asked for a public launch. It is unfortunate that the launch clashed with the Programme for Government, but I assure you that there was no conspiracy.

With regard to my Department and my party's history in it, a very defensible set of policies has been put in place, which, as I said to the last Member, is now showing results. For example, 3,000 more young people left school last year with recognised qualifications than in 2006. That is a result. Is it good enough? No, and we intend to continue bearing down on underachievement. As I say, we should celebrate success and challenge underachievement.

There was absolutely no conspiracy in this case. There was no attempt by myself, my Department or anyone else to hide the report. I hope that everyone obtains a copy of the report, reads it and examines it. The report contains challenges for my Department, but it also acknowledges that my predecessors took on board the need to tackle underachievement and implemented policies to do that. So, I have no qualms whatsoever about publishing or defending my Department's role in numeracy and literacy.

### Schools: Child Welfare

3. **Mr Frew** asked the Minister of Education to outline the procedure to be followed when a parent or a teacher considers that a child's welfare and best interests are not being served in a particular school and by a specific member of staff. (AQO 795/11-15)

**Mr O'Dowd:** A parent or teacher who has concerns about a child's welfare can seek support through the school's pastoral care system. If additional support is required, the school can request it through the local education and library board. The nature of the concern will determine who should be approached. For example, a child protection concern should be raised with the designated teacher. If the concern is about learning difficulties, it should be raised with the special educational needs co-ordinator.

### 3.15 pm

Those staff are supported in their work by services in the education and library boards. For example, the child protection support service for schools supports schools and their governors in all aspects of child protection through a programme of training, a helpline and individual casework assistance. Other services that provide support include the education welfare service and the education psychology service.

If parents have a complaint about the way in which their child is being treated at school, they should use the school's parental complaints procedure, where available. If a teacher wishes to make a complaint against another member of staff, he or she should do so to the principal, or to the board of governors if the complaint is against the principal. The principal or board of governors is responsible for deciding on what course of action is to be taken, including any disciplinary action, in line with agreed procedures.

**Mr Frew:** I thank the Minister for his answer. What explanation could there be for parents not being provided with information surrounding any investigations that are carried out into complaints involving their children by the board of governors or the education board?

**Mr O'Dowd:** The complaints procedure in any establishment should be open and transparent. The details of the complaints procedure should be open to parents. I suspect that, as an investigation is ongoing, there would have to be confidentiality, given the legal ramifications of many of the decisions. However, the outcome of an investigation should be made known to the relevant parent and member of staff if that is the case.

**Ms Boyle:** Go raibh maith agat, a LeasCheann Comhairle. What kind of support is readily available in our schools system to protect and support vulnerable children?

**Mr O'Dowd:** Several factors are at work in our schools. The education welfare service is a specialist education support service that seeks to help young people of compulsory school age and their families to get the best out of the education system. Its mission is to promote the participation of children and young people in beneficial education through a partnership and inclusive approach. The education welfare service also undertakes a number of other

important related duties around child protection, child behaviour in schools, suspensions and expulsions, child employment, special educational needs, looked-after children and school-age mothers.

The five boards also have an inter-regional inclusion and diversity service. In addition, they have a specific programme for looked-after children and Traveller children. All of those services are also available to special needs children. Furthermore, ChildLine and the anti-bullying forum also provide a beneficial service to education.

**Mr Cree:** What specific steps has the Minister taken to create structures in the system that will improve relations between parents and schools?

**Mr O'Dowd:** The relationship between parents and schools has to be at ground level. It has to be between the principal, the individual teachers, the parents, with whom they interact daily, and the boards of governors. The board of governors of any school is the management authority of that school. It is responsible for the running of that school, discipline and all staffing matters. We offer support and guidance to boards of governors through the Council for Catholic Maintained Schools, the education and library boards and other governing bodies to assist them with what are sometimes complicated legal matters. The boards of governors are responsible for those relationships.

**Mr Eastwood:** It is clear from the Minister's answers that he values the work of teachers. Therefore, does he support the teachers who will be striking next week against pension cuts?

**Mr O'Dowd:** I support the right of any worker to be balloted for strike action, and, if that ballot goes forward, to take strike action. The majority of our teaching unions have gone through that process. They have balloted their members, and the majority have decided to withdraw their labour. I support their right to do that. However, the pension scheme is the direct responsibility of the British Government.

The Executive were faced with removing £300 million from the Executive programme to deal with the pensions issue. We have said that we agree in principle on the pension issue. I, as Minister, have set forth a pension funding scheme that protects all workers who earn under £32,000 a year. Until you earn £32,000

a year, there will be no changes to your pension whatsoever. That is what I have put on the table for consultation with the unions and the other parties. However, resolution of the dispute does not rest with the Assembly or the Executive. I believe that its resolution rests with Whitehall. Most of our unions are involved in negotiations through their sponsoring bodies in Westminster.

I have done all that I can to help deal with the difficulties facing the Department of Education. I have put a proposal on the table that will protect low-paid workers and medium-earning workers. The unions have decided to go ahead with their strike, and I respect that, but I urge the British Government to bring a resolution to the matter very quickly. I have no doubt that the vast majority of our teachers do not want to be out on strike action but feel that they have been left with no other choice.

## Educational Attainment

4. **Mr McCartney** asked the Minister of Education for his assessment of how his Department's policies have improved educational attainment over recent years. (AQO 796/11-15)

**Mr O'Dowd:** Policies aimed at raising standards include the school improvement policy; the literacy and numeracy strategy; the revised curriculum and entitlement framework; ending selection; and extended and full service schools programmes. As soon as strategies for special educational needs (SEN) and for inclusion and early years are finalised, a coherent set of policies will be in place to improve educational outcomes for young people and to address the root causes of underachievement.

We have made good progress on raising standards. In 2006, 53% of school leavers achieved five or more good GCSEs, including GCSE English and Maths. In 2010, that improved to 59%, which equates to almost 3,000 more young people. Standards have also improved at primary level. However, we remain average by Organization for Economic Co-operation and Development (OECD) standards, and we still have too many young people who do not achieve the expected level in literacy and numeracy. Those skills are vital to their futures and to our economy. Therefore, I am stepping up the pace of implementation and delivery of the policies that deliver our raising standards agenda.

**Mr McCartney:** Gabhaim buíochas leis an Aire as an fhreagra sin. The Minister made a statement in September on the future of education. What impact does he feel that that will have? Will it build on the good work that has already been done on educational attainment?

**Mr O'Dowd:** The focus of my statement in September was about the raising of education standards. The sustainable schools policy does what it says on the tin: it looks at a sustainable way forward for schools so that they are in a place to deliver the curriculum in the future. What we require is a network of schools of a suitable size to deliver the entitlement framework and the requirements of a modern education network. That is central.

I also said in my statement in September that I will progress the development of the Every School a Good School agenda so that once a school goes into a formal intervention process, which happens when a school has been identified as not meeting all the target needs of its pupils, it will undergo an immediate viability audit to see whether it has a future in educating the young people in its charge. It is not the institutions that are important but the young people attending those institutions. They will be the focus of any future policies.

**Mr Givan:** The Minister highlighted children with special educational needs in his statement. What can he do to deal with boards that produce development proposals to close schools — such as Knockmore Primary School in my constituency — that will be to the detriment of children who have special needs?

**Mr O'Dowd:** I understand that the board made no decision at its meeting last Thursday. It felt that further consideration time was required as the consultation had closed only on that day. I do not think that a development proposal has yet been published or that any decision has yet been reached on the matter. However, what we have to focus on in the broader principles of special educational needs is the needs of the child rather than the needs of the institution, as I said previously. That is what we will be focusing on.

Boards and elected representatives will have to make difficult decisions as the process develops. We cannot retain the number of schools that we have in place. However, we are not going through a numbers game. There is a policy in place that will identify those schools

that are under pressure. Once those schools are identified, they will go through further interrogation to gain a sense of their future viability and to determine what plans they have for the young people. If we remain focused on the educational needs of the young person, we will work our way through this.

I appreciate that Members, as locally elected representatives, have every right and should, and will continue to, raise the concerns of parents at a number of schools. However, I ask that, on each occasion, Members ask about the standard of education in those establishments and then move on to the debate.

**Mr Copeland:** I thank the Minister for his answers thus far. Will he please detail what specific initiatives and funding he is deploying, or intends to deploy, in support of early years education, especially those measures aimed at reducing literacy and numeracy problems? Does he agree with me that money invested at the very beginning of the educational process will bring rich rewards at the end for a good deal less money?

**Mr O'Dowd:** Money is the key to many issues with which we involve ourselves daily in the Assembly. It is becoming increasingly difficult to find any spare money in the system. The early years programme has been rolling out since 1997 in preschool education. The percentage of young people who attend preschool education is now in the high 90s. The Programme for Government has made a commitment to make it available to all parents who want their children to attend preschool education, which is a welcome development. The Member is absolutely right: a child's early development years are the most important in building up their ability to absorb and learn further information.

I continually review my budget to see where there is spare cash. Money is very limited, and I wish to direct it to front-line services. I have the consultation responses of the review of the 0-6 early years strategy on my desk. I am going through those with a view to publishing a way forward later on in the year or early in the spring. I have also conducted an internal review of the application process for parents and young children attending preschool education, which I hope to be in a position to publish in the next couple of weeks. All those things are designed to ensure that our early years programme is as effective and efficient as possible.

## **Aghavilly Primary School and Keady Primary School**

5. **Mr Irwin** asked the Minister of Education what action he is taking to ensure that Keady and Aghavilly primary schools will remain open for the foreseeable future to avoid the loss of vital rural education services and community resources. (AQO 797/11-15)

**Mr O'Dowd:** It is the responsibility of the relevant education and library board, in the first instance, to manage provision in the controlled estate. Any significant change to a school, such as closure, requires the publication of a statutory development proposal to support it.

In the case of Keady and Aghavilly primary schools, the Southern Education and Library Board published separate development proposals on 5 September 2011. Those proposed that the schools should close at the end of the current school year. The statutory two-month consultation period following publication has just ended, and my officials are collating information about the proposals. The proposals will be analysed against the Department's policy framework, and I will make my decision on each having considered the factors involved and the comments received. On that basis, it would not be appropriate for me to comment further on those two individual proposals at this stage.

**Mr Irwin:** I thank the Minister for his response. Given the serious concerns and uncertainty in my constituency, will the Minister agree to meet me and a small delegation of principals from my constituency, including the principals of the two schools and the principal of the primary school in Annaghmore, which has just received news that a new nursery unit has not been approved?

**Mr O'Dowd:** With regard to the proposal on the nursery unit, I can meet the Member and the delegation. I believe that we are talking about the same school. The proposal has been finalised, and I have signed off on it.

However, with regard to the two ongoing development proposals, I am involved in a legal process. The two-month statutory consultation process has now closed. I am at the decision-making stage, and, unfortunately, I cannot meet the Member on that matter because to do so would breach a legal precedent.

I am more than happy to meet the Member about the Orchard County Primary School's nursery school proposal.

**Mr D Bradley:** Go raibh maith agat, a LeasCheann Comhairle. Ba mhaith liom a fhiafraí den Aire an aontaíonn sé go bhféadfadh cónaidhmeanna idir scoileanna bheith ina réiteach ar inmharthanacht scoileanna tuaithe. Does the Minister accept that federations between schools could be a real solution for rural areas? Will he positively promote federation?

**Mr O'Dowd:** Federations may be a solution in a number of instances. Whether they are always the ideal solution is open to debate, because each school, community and location throws up its own uniqueness. You have to look at all the available options. I await the proposals from the Council for Catholic Maintained Schools and boards on the future planning of the schools estate. I will look at each proposal and plan on its own merits.

**Mr Deputy Speaker:** That is the end of Question Time. I ask Members to take their ease for a few moments.

3.30 pm

(Mr Deputy Speaker [Mr Dallat] in the Chair)

## Private Members' Business

### Libraries

**Mr Deputy Speaker:** The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer will have 10 minutes to propose the motion and 10 minutes to make a winding-up speech. One amendment has been selected and published on the Marshalled List. The proposer of the amendment will have 10 minutes to propose and five minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

**Mrs McKeivitt:** I beg to move

*That this Assembly expresses great concern about the reduction in the opening hours of small community libraries which will curtail their ability to deliver an efficient and effective service; and calls on the Minister of Culture, Arts and Leisure to take action to ensure that the excellent service provided by these libraries is maintained.*

Over the last year or so, we have come to appreciate exactly what devolution means in a time of austerity. Public-spending cuts are designed in broad strokes by the Treasury in London and handed over to locally elected Ministers for more precise targeting and delivery on the ground. That is why I come to this debate with a certain amount of sympathy for the position of Libraries NI — but only a certain amount.

According to the Minister's website, Libraries NI aims to provide a flexible and responsive library service that provides a dynamic focal point in the community and assists people to fulfil their potential, but you can forget about all that. Libraries NI has really only one job to do at the moment: to deliver £10.8 million in cuts.

The consultation on library opening hours will run until 2 December. Many of us believe that that type of consultation is just a box-ticking exercise dreamed up by consultants long after the real decisions on cuts have been made by civil servants in the Department of Finance and Personnel (DFP). It is billed as a review of opening hours, but we all know that the only

outcome can be a downward review; upward is simply out.

The Minister gave the game away when answering a question from my colleague Dominic Bradley last week. He asked why the figure of 80,000 annual activities was chosen as the benchmark for classification of libraries in bands, and she told him that it was chosen to allow the financial savings required. It is clear from her answers to other questions that all the activities of library branches were not taken into account when arriving at that figure. It is not really a benchmark of library activity at all. It is simply a financial benchmark and a figure plucked out of the air to make the sums work.

It is clear from the consultation literature that the first principle is not to achieve any of the admirable aims of the Libraries NI mission statement but simply that the proposal for revised opening hours must deliver the required level of savings.

They are not revising the opening hours; they are reducing them, so why does the Minister not come out and say that? It is not acceptable that financial savings targets devised by people with no actual knowledge of libraries should be the starting point for discussion on the role of the service. That is where the Minister comes in, or, at least, should come in. We do not need a Minister just to pass on the cuts; that could be done by civil servants or by a computer. It is the job of the Minister to take responsibility for the financial target and for its impact on the area that has been entrusted to her care. Just spreading the saving targets across all libraries will not do it. She is responsible for the delivery of a proper library service, and she must answer the question of whether it be done with this level of cutbacks. We do not think it can. We believe that the cutbacks will curtail the ability to deliver an efficient and effective service.

Local representations have been made to keep certain libraries open or to keep the opening hours for certain libraries, but, as public representatives, we should make sure that we are not playing off against each other. Politics must not always be purely local. We should not simply accept that we can save our library at the cost of someone else's. Therefore, why has nobody questioned the overall social and educational impact of reducing the level of library provision? Why is the Minister not doing that?

**Mr Byrne:** I thank the Member for giving way. Does she accept that branch libraries in small rural towns are crucial for students who are studying at university or further education colleges, and who return home to places such as Castlederg, Newtownstewart and Fintona, and want a library to work in? Also, in Fermanagh, there are two branch libraries in Lisnaskea and Irvinestown, and there is great concern about the downgrading of the opening hours there.

**Mrs McKevitt:** Absolutely. Library access is important for educational development, particularly for imparting literacy. Getting books into the hands of children and making them curious about the whole world of books is the greatest gift we as parents can give them. Schools inspectors tell us that one in five children leaves primary school with poor literacy skills. Where does that finding play in the decision-making process? Contrary to popular impressions, not everyone has home broadband, and some people depend on the local library for internet access. Therefore, many adults need their library even more.

Looking at the wider implications of the cuts is perhaps not a job for Libraries NI, although it seems that those questions probably would have been asked under the old education and library board system. However, surely the Minister has at least had a chat with her party colleague in the Department of Education. I know that joined-up government is too much to hope for under joint Sinn Féin/DUP rule, but surely party colleagues are still able to talk to each other.

Libraries are mainly used by groups such as the young and the elderly, but they are important assets for the whole community. We need to hear from the educationalists about the impact of the cuts, and we need to hear from experts and voluntary bodies concerned with social exclusion. We need to do some serious thinking on the cumulative impact of reducing public service delivery in small communities. We need to think about whether it is genuinely more efficient to concentrate more and more services in ever fewer outlets. We should not allow those services to get picked off one by one until we are left with the gutted shelves of once vibrant village communities. This is the right time to raise the issue of service levels in small communities.

The plans do not make any real long-term sense because library business is booming, and we should be trying to drive it up, not down. In my constituency, the libraries in Warrenpoint and Kilkeel are getting well over 40,000 visitors a year, and the hours in Newcastle library have been cut to 40 hours a week, even though it gets 62,000 visitors a year. We should be revamping the older buildings, making them more child friendly and bringing more people through the doors by making them centres of excellence for accessing information by every means available.

In political debate on cutbacks, the clincher question is often: where do you get the money? We are in grave danger of depleting our cultural and educational capital, and, if we get it wrong, we will pay dearly in the future, and not only in hard financial terms.

Schoolchildren in Kilkeel sent a very clear message to Libraries NI through their local newspaper. Last Saturday, they held a protest where everyone wore purple to support the call. The amount of people who attended that protest speaks for itself. The message that the children were trying to deliver was "hands off our library".

The people cannot be ignored. They have taken part in the consultation process; they have written letters; and they have made banners and stood in the rain to protest. The Minister needs to take action. I commend the motion to the House.

**Mr McMullan:** I beg to move the following amendment: Insert after "Assembly"

*"welcomes the decision by the board of Libraries NI to initiate a review of eight of the 10 rural libraries that were originally earmarked for closure;"*

Go raibh maith agat, a LeasCheann Comhairle. As a result of the comprehensive spending review, Libraries NI has to make savings in the region of £10.3 million by 2015. Since it was established in April 2009, Libraries NI has made savings totalling £2.7 million, mainly through a reduction in posts at managerial and administrative levels and streamlining stock. Unfortunately, savings mean a reduction in services.

When considering the matter, Members can get very emotive. This is the first time that we have had a review of the library provision across the entire library service since 1973, which is 38

years ago. Bear that in mind when we get a wee bit emotive.

The proposed reduction of opening times is listed in the four bands.

**Mr Swann:** Will the Member give way?

**Mr McMullan:** Just a wee minute; I am only getting started. We must remember that libraries are one of the few, if not the last, remaining public services, and we must remember the vital role that they play in the social cohesion of the communities that they are in. Who gains from local libraries? An increasing number of children and young people, along with their parents, see local libraries as a haven and a place of leisure. As was said, the unemployed also use the library, as do jobseekers. The elderly and disabled use it for socialising. Libraries NI has a major role to play in community and social cohesion.

This cannot be a public consultation only. If we are to review the present stock over a two-year period, everyone and everything must be reviewed. When we consider that this is the first opportunity since 1973, as I said, it must be taken. Bear in mind that we have had the promise that no staff will be made redundant. They will be moved or offered voluntary redundancy, or natural wastage will apply. There is a system in place in which staff, if moved to another library, will be reimbursed for travelling, and so on. We must bear that in mind as well.

Libraries NI has an excellent opportunity to bring its library estate up to the present day standard and, at the same time, put in place the modernising structures that will allow it to be the hub of rural community life for everyone. In the two years, it must put in place a strategy that is community-led. That means talking to community groups, councils, schools, social services, and so on. Last week, the draft investment strategy and the draft Programme for Government stated the important role that libraries play in improving literacy and numeracy in the most disadvantaged areas.

Some of the libraries in the review are part of the rural development programme's village renewal measure, where funding is made available on a strict timetable. That must be considered when the review is being evaluated. However, we must remember that the review will take over two years. Instead of sitting back and pointing the finger at everybody, we are where

we are with the review. Ten libraries were due to be closed, but we have managed to keep eight open. We must go out now and make sure that, after two years, those eight libraries are still open.

**Mr D Bradley:** The SDLP will be supporting the Sinn Féin amendment. We, too, welcome the decision by the board of Libraries NI to initiate a review of the eight libraries referred to in the amendment. However, we should not make the mistake of assuming that, because they are being reviewed, those libraries' future is secure.

**Mr McMullan:** I thank the Member for his intervention. I take on board what you say. You are right, and I will deal with that near the end.

What is not said in the consultation, but which must be put out there by Libraries NI, relates to the four league tables that we all know about, and this will go some way towards answering your question. There is nothing in the review to say that library hours cannot be improved if the library comes up to standard or if its standard improves. That is something that Libraries NI should take on board. It would be like a carrot at the end of the stick. It would empower communities to push that bit harder to improve what they have. However, that is my opinion only, and I will be asking Libraries NI to consider it.

### 3.45 pm

I congratulate the members of the new board and its chair in taking on all the fears. When the closure of libraries was looked at, the rurality of things was not considered, and I ask them to take that on board. Thankfully, rurality was included when an assessment of the opening hours was carried out, and the rural aspect came out very much in all the campaigns that were waged. We congratulate everybody concerned with the campaign, including community groups, individuals and schools. In my area, one of the schools composed a song about the significance of its library and why it should be kept open.

**Mr D Bradley:** Will you give us a bar?

**Mr McMullan:** Only in the bath.

That is a sound basis and the foundation of a good cohesive society, and, if people are given the proper help, they will make those libraries work.

I ask Libraries NI to look at the forthcoming rural White Paper, and everybody should bear it in mind. Quite a lot of what is in that paper

will have great significance for services in rural areas, for example, for transport.

**Mr Swann:** I thank the Member for giving way. The importance of libraries in rural communities is vital, and that is what is driving the motion. Mr McMullan said earlier that Libraries NI has not reviewed its strategy for over 30 years. Does he not recall the North Eastern Education and Library Board closing libraries across his geographical area, especially up in Moyle, in 2005 when it took steps to make stringent cuts?

**Mr McMullan:** The Member is quite right. However, if he were to read the information he got, he would see that it is the first time that it has been able to do that without the stranglehold of the education boards. It is there clearly in black and white —

**Mr Swann:** I have just been reading about the education and library boards. They closed them —

**Mr McMullan:** No. I will leave that for you to read again, and I thank you for your intervention — *[Interruption.]*

**Mr Deputy Speaker:** Order, please. Members know from reading their books that they are not to make remarks across the Floor.

**Mr McMullan:** I congratulate everybody here. I think that my amendment to the motion will unite the Assembly. We all want to see this working and the libraries being kept open. Councils have a big role to play. There is an onus on the eight libraries that have been left open to go into partnership or find some other way to come up with innovative ideas to prove that they can carry on, and the onus is on us to put that message out there. I do not believe that there can be any excuse.

The Member who proposed the motion said that Libraries NI has only one job at the minute. I do not believe that. As I said earlier, we cannot have a public consultation and just leave it like that. Libraries NI have to go out and work on a strategy and come back and tell us how it will take the libraries on. It cannot leave it in abeyance for two years, with people wondering whether they will be all right in two years. It must put a strategy in place. In other words, those libraries must be shown the bar that they have to work to in order to improve and remain open.

**Miss M McIlveen (The Chairperson of the Committee for Culture, Arts and Leisure):** As Chair of the Culture, Arts and Leisure

Committee, I welcome the opportunity to speak in this debate. I want to outline briefly some of the discussions that the Committee has had with Libraries NI in recent months on the proposed closure of some libraries and the proposal to reduce the opening hours of many others.

The amendment acknowledges that there has been, at least, a temporary reprieve from closure for some libraries. The Committee welcomed last month's announcement by Libraries NI that eight of the 10 libraries that had initially been earmarked for closure will remain open, albeit subject to further review. The Committee was also pleased that, in coming to that decision, Libraries NI took on board the views of the Committee and of relevant communities. As a Member for Strangford, I am absolutely delighted that Killyleagh library has been given such a reprieve. Getting back to my role as Chair of the Committee, the Committee urges Libraries NI to work closely with communities in those areas to ensure that those libraries receive all the support that they need to meet the conditions of the review.

**Mr McCarthy:** I fully support the Member's congratulations for the retention of Killyleagh library. Does the Member agree that had it not been for a concerted campaign from local residents and users that might not have been the case?

**Miss M McIlveen:** I accept the Member's comments and I thank him for them. A job of work still needs to be done and support needs to be given to communities. Killyleagh is one such community.

We also must call on Libraries NI to work with the communities in the remaining two localities, Moy and Moneymore, where libraries are due to close. Libraries NI must identify an alternative, workable library solution for people in those areas. Children, older people, people with disabilities and those with dependents have the most to lose from local libraries closing, and Libraries NI and the Minister must ensure that everything is done to minimise the impact of library closures on those communities.

I want to move on to the motion itself, which relates to the proposal to reduce opening hours for some libraries. During our briefing from Libraries NI on 6 October, the Committee heard that, as a result of the Budget process, Libraries NI must save £10.2 million during the current comprehensive spending review period.

The Committee fully appreciates that Libraries NI faces difficult and challenging decisions to achieve that level of savings, and that a reduction in opening hours has been identified as a way of achieving significant savings. We are aware that Libraries NI is involved in a two-part consultation process on the proposals. The first part is due to end on 2 December, and it concerns the proposed four bands of opening hours. The Committee will receive a further briefing from Libraries NI in early December on that consultation. We urge it and the Minister to listen to communities about the impact of such reductions and, in coming to any decision, to ensure that future library services will properly meet the needs of communities. The second part of the consultation is scheduled to begin in the new year, and it will involve engagement with customers at an individual library level to establish the best pattern of opening hours to meet local needs.

The Committee is fully aware of how pivotal library services are to library users and to their communities. In many cases, libraries are focal points of communities and offer shared community spaces, help to stimulate learning and contribute to social cohesion. Libraries are not just about lending books: they offer many benefits, including rhythm and rhyme sessions and places where a community can meet, learn and interact. The Committee recognises the very positive contribution that our libraries continue to make to communities, which is why the Committee is concerned about reduced opening hours. We have sought assurances that, when taking its tough decisions, Libraries NI ensures that local users' decisions are paramount.

The Committee is also concerned about the reduction of staff hours. Hours are due to be cut by approximately 1,200 hours a week, which is the equivalent of some 33 full-time posts; such cuts will be a blow to our front line library service. Libraries NI hopes to achieve those savings through voluntary redundancies, but there are no guarantees that that will be the case. Therefore the Committee looks forward to a further update from Libraries NI on the impact of cuts on staff and services.

In conclusion, the Committee is also pleased that the Minister has agreed to review her Department's strategy, *Delivering Tomorrow's Libraries*, to ensure that it is fit for purpose. The Committee will be fully engaged in that review and in the review of mobile libraries that

is scheduled for next year. Library services will remain a priority for the Committee, which will uphold its scrutiny and consultative role and continue to hold Libraries NI and the Minister to account over these issues.

**Mr Swann:** I support the motion and the amendment. I was initially confused by the amendment because I thought that it contradicted the motion. However, I then realised that that was of the same standing as what Libraries NI did, because it ran two consultations simultaneously, one on closures and the other on reduced hours. When the consultation for reduced hours came out, it included libraries that were due for closure. So, when those libraries saw the second consultation, they thought that they had been saved but with reduced hours. I understand now how the amendment fits with the motion, and I thank Mr McMullan for that.

The issue of opening hours, as well as that of closures, will have local communities up in anger. They are emotive subjects about which communities are passionate. Mr McMullan asked us earlier — I think that he referred to Mrs McKeivitt — not to get emotional about this, but then he went on to tell us how one of his local communities commissioned a song because they felt so passionately about it. We have to apply the same standards. Libraries are an emotive issue in our rural communities. I know that through experience in my village of Kells and Connor, where our library was one of those under threat.

**Mr Weir:** I thank the Member for giving way. Does he agree with me that, although libraries are an important issue in rural communities, it is not restricted to just the rural community? The confusion and lack of joined-up thinking that has been produced by the libraries authority is shown, for example, in my constituency. Notwithstanding the loss of hours at Donaghadee and Holywood, Bangor library — in which there has been massive investment in the past few years and which has the second highest number of active users — faces the biggest single drop in opening hours in band one. Therefore, confusion seems to run throughout libraries, whether rural, urban or suburban.

**Mr Swann:** I thank the Member for his intervention, although I was always led to believe that they were meant to be brief. I agree

that rural and urban libraries are under the same threat when we look at the reduced hours that are being put forward. It is important to note concerns about the effect that a reduction in hours will have on communities. The Member referred to his constituency, before he walks out the door. I will stay here and talk about mine. In North Antrim, for example, we are down to six libraries. Of those, two will face reduced hours: Ballycastle, a 35% reduction and Ballymoney, a 30% reduction. Three are already down to the bare minimum of 18 hours: Kells and Connor, Portglenone and Broughshane.

Honestly, I am not picking on you, but, Mr McMullan, a large number of libraries were closed when the North Eastern Education and Library Board took a decision in 2005 that many other education and library boards did not. This is the first time that there has been a consultation without the education and library boards having a stranglehold on Libraries NI, because Libraries NI only came into being in April 2009. It was not there in 2005.

I can give the House a few quotes to illustrate the effect that libraries have in our communities and the richness and value that they give. In regard to the economic downturn, an unemployed single mother said:

*"I'm glad we have the library on our doorstep because I can now look for jobs online. My son is going into P7 in September. Schools nowadays use computers and the internet a lot. I cannot afford to have a computer in my house."*

[*Interruption.*] You can laugh, Mr Dunne, but these are true facts and statements that I got while we worked on the consultation regarding the closure of the library in Kells.

On young people and literacy, set as clear targets in the Programme for Government:

*"We always take the playgroup to the library every week. It helps them, introduces them to reading, which helps the children to begin to learn to write. It also gets them interested in books, which is good for their concentration and listening skills."*

That comment was from a playgroup employee in Kells.

With a reduced number of libraries open for reduced hours in rural communities, if those reduced hours are not managed right, so that libraries are available to people when they are needed, they cannot access libraries.

*"We can't afford to travel to the main towns either by bus or taxi. When the library closes in our village or reduces its hours, we won't be able to access its facilities."*

That comment was from a father of three.

#### 4.00 pm

This is not a new thing. Minister, the motion calls on you to take action. I realise that Libraries NI is an arm's-length body, but I draw your attention to its targets, which are set out in 'Delivering Tomorrow's Libraries'. It says that 85% of households should have access to a library service within 2 miles. The current result is 84% achieved in Northern Ireland. Everybody automatically thinks that that is fantastic. However, if you remove Belfast's statistics — I am not creating an urban/rural divide — only 60% of households in North Antrim, my constituency, reach that target.

A third consultation is due, on mobile provision. There will be further worry about reduction. Mrs McKeivitt said that this was about cost savings and cutbacks. There is a third consultation coming, and that will be about possible reductions in mobile provision. The same target in 'Delivering Tomorrow's Libraries' says that every mobile stop that is accessible should be available for at least half an hour every two weeks. Of the 978 mobile stops across Northern Ireland, only 27.9% meet that target. That means that 72.1% do not.

In conclusion —

**Mr Deputy Speaker:** Will the Member bring his remarks to a close?

**Mr Swann:** Thank you very much, Mr Deputy Speaker. We have to acknowledge that the libraries that have received a temporary stay of closure —

**Mr Deputy Speaker:** Your time is up.

**Mr Swann:** We encourage them to stay open, congratulate the volunteers who have done Libraries NI's job for it in many cases and ask the Minister now to do her bit.

**Ms Lo:** I welcome the motion, which highlights a genuine concern facing the future of our community libraries. While I welcome the motion, I must say how saddened I am that we once again have to defend our community libraries from drastic cutbacks that will undermine their sustainability and have a

serious impact on the services and programmes that they are able to offer. We are a society that boasts of Brian Friel, Seamus Heaney and C S Lewis, but we yet again have to defend the vital services that our community libraries provide. In Northern Ireland, we have fewer libraries per person than anywhere else in the United Kingdom. With the proposed cuts in library opening hours, that disparity looks set to continue.

Although I acknowledge that we are working within the framework of cuts to services throughout all Departments in Northern Ireland, local libraries offer an opportunity to combine vital services in order to prevent further blows to our already suffering communities. The Alliance Party advocates the co-location of other community services, such as health and education, in order to ensure the sustainability of their provision. For example, in my constituency, Belvoir has seen several damaging closures, with the result that the two buildings that housed Belvoir clinic and Belvoir library have closed their doors to the public. I advocate examining the situation to see if one of the buildings could be opened to combine modified versions of library and clinic facilities, including a dedicated area for Sure Start.

Libraries are not simply about books. Co-location with other services would undoubtedly lead to increased usage and, therefore, increased provision of programmes offered by community libraries. In relation to library usage, we have an opportunity to provide leadership and focus our efforts on engaging local communities so that they are aware of the excellent service that libraries offer. Libraries provide an opportunity to tackle social deprivation and encourage social inclusion, as others have said. It must be pointed out that reducing opening hours is certainly not the way to achieve that. The Alliance Party met Irene Knox of Libraries NI to raise its concerns regarding the proposed reduction in hours of the Cregagh library by 25%. On Thursday, I will attend Cregagh library with my colleagues for the open day, which is part of our drive to encourage library use. I take the opportunity to invite those who live in Cregagh to come along between 1.00 pm and 8.00 pm to explore the excellent resources that the library offers.

The Alliance Party argues that reducing the opening hours of all community libraries, not just small community libraries, threatens their

sustainability and their ability to provide vital services and programmes that benefit a wide range of sectors in our community. We note with particular concern the potential negative impact that reducing opening hours will have on working families.

Although we welcome the potential for any library to remain open and acknowledge the important role that rural libraries play, I believe that the amendment glosses over the important fact that community libraries across the board are under threat due to the reduction in opening hours. That part of the motion will be completely lost if the amendment is made. Therefore, we will have difficulty supporting the amendment. We do not wish to split the House, so we will wait and see what happens.

**Mr Irwin:** I thank the Members for bringing the motion to the House. As someone who was heavily involved in a local campaign to keep an important facility open in Richhill, I know at first hand that the subsequent threat placed on such facilities by the Minister has seen local communities galvanised in opposition. There has been a surge in the use of such facilities, which is good news for libraries. They are important facilities for any village or town, and I am grateful that Richhill library has been spared the axe for the time being and will be permitted to continue offering its vital service to the local community. However, as the local campaign manager in Richhill, Myles McCormick, who lead a marvellous campaign and to whom the residents owe a great debt, pointed out, the issue of reduced opening hours remains at large despite our facility in Richhill being given a lifeline for the next two years. In my constituency, Armagh, Tandragee, Bessbrook and Crossmaglen libraries are under the microscope as regards opening hours, with proposals to reduce them in each facility. That has alarmed local people.

**Mr D Bradley:** I thank the Member for giving way. He mentioned the libraries in Newry and Armagh. Indeed, all band 4 libraries were subject to a criterion of 80,000 activities. Does the Member agree that that placed those libraries, which are open fewer than 30 hours a week, at a severe disadvantage from the outset? It is a situation in which they will find it difficult to compete with larger libraries. Does he agree that the 80,000 activities threshold is unfair and inequitable to smaller libraries?

**Mr Deputy Speaker:** The Member has an extra minute.

**Mr Irwin:** I thank the Member for his intervention. I agree that this has caused alarm among local people and users of the services. Libraries are useful resources, especially for pupils and students, and every effort must be made to resist reducing their operating times, which will prevent those who need the services from accessing them.

**Mr Moutray:** I thank my colleague for giving way. Does he agree that libraries are now used for providing many more diverse services than they once did? I think of my own library in Lurgan, which already this year has hosted the launch of a children's book, a historical photograph exhibition and, only two weeks ago, the Hugo Duncan roadshow.

**Mr Irwin:** I thank the Member for his intervention. He has highlighted a number of issues relating to libraries.

There is no doubt that, with the advance of technologies such as the internet, online bookstores, Kindles etc, libraries are battling for their place in today's society. However, they still occupy an important place in community cohesion. They are useful resources for students and schoolchildren, and I feel strongly that they must be retained at their current capacity. In my constituency, the four libraries whose opening hours are under review must be permitted to continue providing their services at a suitable level for the benefit of their communities. I will continue my lobbying of Libraries NI and, indeed, the Minister to ensure that she is fully aware of the depth of feeling in the community about the importance of local library provision. I support the motion.

**Ms Ruane:** Cuirim fáilte roimh an díos póireacht seo, nó ceapaim go bhfuil sé an-tábhachtach go mbeadh leabharlanna sármhaithe againn — leabharlanna le hacmhainní suimiúla agus leis na teicneolaíochtaí is déanaí.

I welcome the debate; it is important that we are having it. It is also important that we make sure that we have the best-stocked libraries while taking new technology into account.

I note that the consultation has not been completed. I will not take the same cynical view as Ms Karen McKeivitt. I am happy to debate the issue. However, we should not politicise it,

and I think that, in many ways, we are having a premature debate, although it is always good to have a debate. In many ways, however, it might have been more useful to have this debate after the consultation.

Most Members, I have to say, engaged in a very mature debate. The Chair of the Committee expressed not only her concerns but her support for work that the Minister and her local library have done. We need to give credit where credit is due, and we need to give credit whenever extra money is found. It is difficult to find money in these times, and everyone in the House voted for the Programmes for Government. Some parties, particularly those to my left, like to think that they are in opposition. *[Interruption.]* Karen McKeivitt attacked Minister Ní Chuilín, who is here, as well as the Minister of Education, who is not even in the House.

We need to have a good and fair debate, and we need to make the most of our opportunity to create a world-class library service right across the North while taking account of the changes in our society. Our society is in a very different space from where it was 10 or 20 years ago. Technology is moving so fast. Twenty, 30 or 40 years ago many women were in the home full time; they want different and more flexible opening hours now that they, and men, work outside the home — those who are fortunate enough to have work outside the home.

The job of a Minister is to make sure that decisions are made objectively and fairly, openly and transparently. They must take their equality duties and rurality into account. I believe that this Minister and Libraries NI are doing their very best to do that, and we should give them a bit of credit. Eight libraries will open that would not have opened were it not for the good work not only of local campaigners but of this Minister and Libraries NI, who are both listening.

I agree absolutely with my colleague Oliver McMullan about the importance of links with the community. Whenever we look at the statistics and at the numbers using particular libraries, we will see that we need to ensure that more people are aware of what is in their local library and that they work in consultation with their schools and community centres so that we can use our public resources widely.

Tá freagracht orainn mar ionadaithe poiblí agus mar Chomhaltaí den Tionól seo tacaíocht a thabhairt donár leabharlanna.

In Ireland, we have many writers. We have a great number of people who have won the Nobel prize for literature. I celebrate that, and we need to continue with that tradition. My colleague Anna Lo mentioned people such as CS Lewis; Brian Friel and Seamus Heaney were also mentioned. Irish writers are known all over the world. It is good to see that, and I welcome it.

#### 4.15 pm

I have no doubt that the Minister and Libraries NI will do everything they can to create a world-class library system. The Chair of the Committee asked the Minister to listen. I have no doubt that she will continue to listen, as she has done in the past. I ask Members not to politicise the issue. Let us do everything we can to make sure that we get the resources needed and use them in the best possible way. As my colleague Oliver McMullan mentioned, I welcome the fact that Libraries NI is doing everything it can to avoid compulsory redundancies. I have no doubt that workers in the library service welcome that. Cuirim fáilte roimh an díospóireacht seo, táim fíorbhuíoch de gach duine as ton na díospóireachta, agus tá súil agam go mbeidh toradh maith againn uirthi. Go raibh maith agaibh.

**Mrs McKevitt:** On a point of order, Mr Deputy Speaker. I would like to put it on record that I have never attacked anybody in my life.

**Mr Deputy Speaker:** That is not a point of order, but you have managed to put it on record.

**Mr Hilditch:** Considering the timing of the consultation, it is appropriate that we debate the issue, and I welcome the opportunity to do so today. The delivery of library services has been under close scrutiny in recent times, with reviews of not only urban and rural branches for potential closure but opening hours and, of course, the future scrutiny of mobile services. So there is quite a lot going on in the organisation; some might say, "Too much". That has led to a certain amount of confusion and fear in the service and among the public, who see the overlapping of those reviews as a tactic to, perhaps, dilute front line services. At times, it appears to a lay person that it is a case of, "If we do not get you one way, we will get you another". That said, the reprieve that many local libraries received is welcome, although, again, I understand that some are conditional on circumstances being improved through repairs, renovations and even new premises,

with partner agencies required to allow their continued existence.

**Mr Swann:** We continually refer to the eight libraries that have been saved. However, it would be remiss of the House not to take into consideration the two libraries that face closure. The Minister should take them into consideration when considering mobile library provision in the future consultation.

**Mr Hilditch:** Thanks for the intervention. I certainly agree that they should be taken into consideration.

**Mr I McCrea:** I thank the Member for giving way. As Mr Swann said, two libraries face closure, one of which is in my constituency. Does the Member agree that the provision of a mobile library is not always the answer and that, had Libraries NI looked at alternative premises to address some of the foreseen problems, it would indeed have dealt with some of them?

**Mr Hilditch:** I certainly agree that mobile libraries are not the answer, and I appeal to the board to look at alternative facilities.

Having survived one review, many libraries have been suddenly and quickly thrown into another; this time, a review of opening hours. That is disappointing to say the least, and, as a result, worries and concerns have resurfaced very quickly. The communities that rallied round in support of their local service a few weeks ago must do so again in a short space of time with no respite. Having had their fears dealt with previously, staff face uncertainty again. Although many of us recognise that Libraries NI's actions are a reaction to budgetary matters and the comprehensive spending review, we ask what measures or efficiencies were progressed in the service before it was agreed to go for front line services as a way of making efficiencies and savings. What other detail is available from the board, through its management structure from the top down, to show that maximum opportunities have been taken to ensure that front line services are the very last thing to be hit in its attempt to achieve those targets? It is a shame that many communities whose library has been under threat, having developed a range of opportunities, such as reading programmes, writing groups, language classes, internet access, family learning activities and much more, are once again threatened with a reduction in opening hours of up to 50% in some cases. Surely those facilities must be given the

time to develop and the opportunity to prove themselves and their worth to each community.

Many villages and towns across the Province are undergoing the master plan process. The Minister will know that, for some of those villages and towns, that process is well developed, with plans published and actions under way. All our Departments and agencies are being brought into the plans and are intent on delivering for communities. One example is Whitehead, which is a rural community in my constituency. Surely in a case such as Whitehead, with a newly refurbished facility, it is premature to consider a substantial reduction in opening hours while all agencies in that area are deliberating on how they can deliver a sustainable community infrastructure for the town. It is clearly the wrong message to send out to residents and other agencies that may use the facilities in that town for the delivery of services outside the box. Whitehead is only one example of that type of community planning, which is also ongoing in other areas of the Province, and I appeal that, in these circumstances, reviews are halted and community plans are allowed to develop. I urge the Minister to take appropriate action to ensure that the facilities and services of all our local libraries are sustained with as little disruption as possible.

**Mr McGimpsey:** I thank the proposer and seconder of the motion. It is apposite and important that we discuss this issue and, indeed, the amendment today.

Ms Ruane suggested that this is perhaps a premature debate. I do not believe that it is, and I base that on what happened in Belfast last year, when 14 libraries were looked at and 10 were shut, some of which were in the most disadvantaged communities in Belfast such as Sandy Row, Andersonstown, Whitewell, the Braniel and the Belvoir estate. Therefore, it is very important that the House marks and puts its view forward.

Libraries are an important community resource in a number of ways, not least because the original design was to make books available to the population. Books are expensive, and disadvantaged communities and those facing poverty are not able to afford books in the household. Libraries provide that access. That was understood 100 years ago, and, at that time, the construction of the Carnegie libraries

played a huge part in ensuring the literacy of our population. Those libraries have continued to deliver that service ever since. It remains an important factor that households that do not have the disposable income readily to buy books, which are expensive, have access through libraries.

It is not simply about books; it is also about new technologies. A number of homes do not have computers for their children as they grow up, and those children are, therefore, at a disadvantage vis-à-vis those in more fortunate households. There is also an issue with the age of the population in the Belvoir estate, where the library was shut last year. Its population has a high proportion of elderly people who used the library and the books. However, they were also able to access computers — the so-called silver surfers — and the internet and avail themselves of the advantages of that resource. There are issues in a number of areas where libraries continue to provide an important service. They are not something of the past but are very much of the present and the future.

I can go only by our experience in Belfast in places such as Sandy Row, where the library hours were reduced to save money, the visits were reduced to match the library hours, the library hours and staff numbers were reduced to match the opening hours and it became a self-fulfilling prophecy. That is what happened in Belvoir, Sandy Row and other libraries.

I realise that there is a different regime in DCAL, and I see that, of the 10 libraries under threat, eight are under review. I welcome that, and I acknowledge the Minister's role. She is bound to have had a role in that, bearing in mind that libraries and Libraries NI are 100% funded by the Department. However, I have a concern that, as we look to keep libraries open, that is not the whole story. We need opening hours that are adequate to deliver the service to ensure that visitor numbers stay up and the local community is properly served. I am not a particular fan of mobile libraries, and I have noticed that, although Belfast gets mobile libraries a couple of hours a week or a fortnight to try to plug the gap, the local community has difficulty accessing them. I do not believe that they are in any way, shape or form a proper substitute for a library in position.

I realise that we are in challenging budgetary times, and that is why my party and I voted

against the Budget. You are now looking at the consequences of the Budget that was voted through. There is not enough money to run the service and the system, and we are into prioritisation. On the issue of an urban/rural divide, closing 10 out of 14 libraries in Belfast and saving eight out of 10 in rural areas —

**Mr Deputy Speaker:** Bring your remarks to a close, please.

**Mr McGimpsey:** That appears to be something of a rural/urban divide. I am not for a second arguing that any library should close in a rural area. In fact, we should look to keep as much as possible of our resources together and functioning.

**Mr Dunne:** I welcome the opportunity to speak on this important matter. It is an issue of direct concern to people in my constituency. Libraries play a vital role in our communities, provide an excellent service throughout the country and offer much more than just lending books. Today, libraries are often the social centre of our communities, providing a resource for all, from children and young people through to elderly people and the most vulnerable members of our society.

**Mr D Bradley:** I thank the Member for giving way on that point. Does he agree that it is strange that no statistics regarding, for example, levels of class visits, children's activities or cultural and heritage activities were taken into account in the consultation? Furthermore, does he agree that those activities are at the core of the modern library service, as described by Libraries Northern Ireland itself?

**Mr Dunne:** I concur fully with those points. They are well made.

We all recognise that, regrettably, libraries cannot be immune from budget cuts. Many areas across Departments have been subject to budget cuts. However, despite the pressures on budgets, it is vital that, with any changes, the level of service is maintained. Libraries currently provide an excellent service to the people of Northern Ireland, and that level of service must be maintained.

Under the planned reduction of opening hours, the people of north Down are set to lose 31.5 hours of library service provision between the three libraries in Bangor, Hollywood and Donaghadee. That is a significant reduction for

the people I represent and will result in libraries having to, as the motion states:

*“curtail their ability to deliver an efficient and effective service”.*

Bangor, as the main town in the constituency, has a relatively new flagship library, which, over many years, was campaigned for with the South Eastern Education and Library Board. It is a modern building that complements the old Carnegie library and is situated in a prime town centre location within walking distance of several main schools in Bangor as well as the local regional college. That resource is used extensively by schoolchildren and young people, and is one of the best used in Northern Ireland. To have its opening time reduced by eight hours is of great concern.

Hollywood's recently updated and developed library is another excellent popular town centre resource. It has broadened its appeal in recent years and is well used by the local community. Hollywood library is among the hardest hit by reduced opening hours, with a reduction of 13.5 hours a week. Donaghadee is also set to be a victim of the cutbacks, with a reduction of 10 hours in its opening time over the week. The library in Donaghadee is another well-used and popular service that is at the backbone of the local community.

The benefits that libraries bring to the local community are vast, and it would be tragic if many of those benefits were reduced or even scrapped due to funding issues. It is especially an area of concern because those who rely most on a library service are often the very young and the older population.

#### 4.30 pm

Libraries promote invaluable literacy and lifelong learning to those who otherwise would not be able to learn. They provide collections of the rich cultural history of our land. They also provide a meeting point for local communities and groups to enjoy educational and social activities. They are at the heart of the local community, with readily available resources such as IT systems, newspapers and books for those who may not otherwise be able to access such valuable resources.

We need to do all that we can to ensure that the level of service is maintained. It is imperative that today's libraries can meet the needs

of the local community. I join the Assembly in expressing my great concern about the reduction in opening hours of our community libraries. I support the motion.

**Mr D McIlveen:** I, too, welcome the motion. The importance of the debate to our constituents cannot and should not be underestimated. Local communities are finding the loss of local services to be increasingly common. We are hearing about many community centres, post offices and local shops disappearing from towns and villages. Now, with libraries facing reduced opening hours, and some even closing, there is a risk that the sense of community, which we as elected representatives should be doing everything to promote, could be perceived as being eroded.

I certainly support the motion and encourage the Minister to act accordingly in the light of the debate. There is the rural/urban debate, which we have already had today. The libraries in my North Antrim constituency are highly valued, as Mr Swann spoke about at length. Many of the libraries are rural and will be most affected by a reduction in opening hours. For people in those areas, accessing libraries, especially in the evening, will become increasingly difficult.

The library space is important to those communities in so many ways. In times of high unemployment, a library provides an important resource for people looking for work. In a time when some of the most socially disadvantaged find academic success increasingly difficult to achieve, libraries provide a vital tool for studying and learning before and after school.

Therefore, at a time when we are losing a lot of our public services, we have to draw a line somewhere and acknowledge the significant role that libraries play in our communities. Ultimately, this goes to the heart of the question about what sort of a Northern Ireland we really want to live in, because one very important function of our libraries is to promote learning. Statistics show that over a quarter of people visiting libraries cited that their reason for visiting was to accompany their children. That should be actively encouraged, especially when research shows that parental engagement with children improves performance significantly, no matter what the child's socio-economic background is.

One recent statistic that comes to mind is that 15-year-old students whose parents often read books with them during their first year of primary

school show markedly higher scores in tests than students whose parents read with them infrequently or not at all. Therefore, we have to think very carefully before denying those people that free access to our libraries.

Everybody in the House can see that Libraries NI is —

**Mr Weir:** I thank the Member for giving way. The Member mentioned the significance of parental involvement with children. In an age when a lot of children's social activities are increasingly dominated by the Xbox and other video games, the opportunity for them to embrace learning through reading is also vital. We are in danger of creating a society of children with the best developed thumbs in Western Europe but with minds that may be lagging a little bit behind. That is one of the key reasons that we need to protect our libraries.

**Mr D McIlveen:** I thank the Member for his intervention and commend him on his skilful approach to his place. I could not agree more. We are not down on Xboxes or modern technology, but statistics prove that there is no replacement for a good book. Free access is what it is all about. I encourage the Minister to look at that. I understand why, fiscally, this is an obvious target, given that there is a £31.5 million budget in Libraries NI. However, we have to be careful not to take a short-sighted view.

In conclusion, I was fascinated by Ms Ruane's comments about women and changing life patterns. I want to bring it to her attention that 80% of library workers are women, so the reductions will have a huge impact on the working lives and independence of employees in the library system. Even if it is for no other reason than that, the Minister should think very carefully about these plans.

**Mr Deputy Speaker:** That certainly added a new dimension to an intervention.

**Mr Allister:** Libraries are wonderful places. Reference has been made to the fantastic contribution of the Carnegie libraries. They have contributed more to this society than many other much more vaunted institutions. Therefore, when we see the libraries in our community being put under threat, each one of us should be particularly exercised.

I also have a particular soft spot for libraries — maybe I should declare an interest — because

it was in the Queen's University library that I first asked my wife to go out with me. That is enough sentiment.

**Mr McGlone:** Was she a librarian, Jim?

**Mr Allister:** She did end up as a librarian. *[Laughter.]* She was a student at that time. Enough sentiment.

Ms Ruane's contribution was interesting. She told us that we should not politicise the issue of libraries. Coming from the Minister who probably did more to politicise a Department than any Minister we have ever had the misfortune to have in this country, that was pretty rich. Someone who turned schoolchildren into political footballs and allowed their transfer procedure to be kicked up and down this Province should not be lecturing anyone about politicising these matters.

**Mr McMullan:** On a point of order, Mr Speaker. We have gone away from the debate altogether.

**Mr Deputy Speaker:** The Member will confine himself to the subject of the motion.

**Mr Allister:** The point that I am making is that how we deal with libraries is, of course, a political issue, because at the base of this is the question of cuts. Perhaps that is why there is some Sinn Féin sensitivity about the issue. Today, Sinn Féin is in the business of having to defend £10.2 million of cuts. Of course, if there were a parallel situation in the Irish Republic with cuts to libraries, which there may be, Sinn Féin would be at the exact opposite end of the argument. The expediency of the moment requires Sinn Féin to defend these cuts, but in another place it would be the most vehement attacker of them.

My real concern for the libraries that will suffer a reduction in hours is that, ultimately, that should not be a means of bringing about their closure. There comes a point of viability at which, if you squeeze a library and its facilities to below a level that is survivable, you make the continuance of that library questionable. I fear that there could be a stratagem to ease, by a thousand cuts as it were, the eventual demise of some libraries. We all have to be particularly vigilant to ensure that the resource that we should value in our communities — be it in my local village of Kells or elsewhere — is defended. "What we have, we hold" is a phrase that comes to mind. That is and was the resolve

of many of the marvellous campaigners who secured such attainment in the library campaign against the closure of the 10 libraries that were earmarked to go. I salute them in that regard.

The Minister is prepared to squander money on far less deserving causes. The libraries have suffered enough from reductions; they need the protection that the essential funding gives them. We cannot push libraries further than 18 hours. Indeed, I fear for some that have been pushed so low. In north Antrim, we have already been through this with the North Eastern Education and Library Board's swingeing cuts in 2005. Happily, we saw off the most recent attempt to go even further. However, one has to be ever vigilant in that regard.

**Mr D Bradley:** Does the Member agree that the pledge regarding consideration being given to increasing opening hours should money become available is of little consolation and that consideration is no substitute for a real commitment? Does he also agree that reduced opening hours may, in fact, never be increased in future and that it may sound the death knell for many smaller libraries? Go raibh maith agat.

**Mr Allister:** The honourable Member has been around for long enough to know that he should take the assurances that we have been given with a huge pinch of salt. When you hear talk about consideration being given to increasing library hours, we all know that that is but a comfort blanket wrapped around a proposal of cuts and diminution in service. I trust that no one will be too much deceived by that.

Libraries are worth keeping and are worth fighting for. Of course, the Minister's IRA thought that it was right in 1993 to bomb the Linen Hall Library. I trust that she will take the opportunity today to condemn that wanton act —

**Mr Deputy Speaker:** Order, please. I remind the Member that he must be extremely careful about his remarks in the Chamber.

**Mr Allister:** I have finished. Thank you.

**Mr Deputy Speaker:** I call the Minister, who, I am sure, is delighted that romance can kindle in libraries.

**Ms Ní Chuilín (The Minister of Culture, Arts and Leisure):** Thank you, a LeasCheann Comhairle. Not only am I impressed with that, I was impressed with the way in which Peter Weir jumped from his seat to his feet

for an intervention and back again. I was very impressed with his agility.

**Mr Weir:** I was trying to demonstrate to the Minister a full grasp of the culture, arts and leisure side of things: not only do I have the cultural bit, I am obviously embracing the sporting element of DCAL as well.

**Ms Ní Chuilín:** I am sure that the 50-metre pool in your constituency will get great use.

I thank the Members who brought forward the motion and the amendment. The people who raise this issue do so because of their genuine concern for libraries; some sit on the Committee for Culture, Arts and Leisure. It is right that these debates are used to highlight concerns about the future direction of the library service. That library service will and should help to build a more educated society, a more skilled society and a stronger society. That was raised during the debate. I also believe in the value of the public library service. I am committed to ensuring that Libraries NI provides a comprehensive and efficient library service in accordance with the legislation and in line with what we can afford.

DCAL's ambition for the library service is set out in the 'Delivering Tomorrow's Libraries' policy, as people also mentioned. It was published in July 2006 and will be reviewed early in the new year. One of the central tenets of the policy remains relevant, particularly to the debate; it talks about the continued development of public library services. Indeed, some Members will know of the work that reinvestment has seen through capital funding, for example, in the Whiterock, Falls, Shankill and — David is not here — Carrickfergus areas. Work is ongoing in Dungannon library.

I think that everybody is aware of the challenges that face each Department. Certainly, nothing is rosy in the garden in respect of DCAL's budget. The recent budget settlements have meant that all our public services will face difficult challenges, and we will have to make very difficult decisions.

Libraries NI is no different: it has to live within its budget under these difficult circumstances. The Committee has met representatives of Libraries NI. They are good and genuine people, and I do not think the first thing on their minds was to reduce libraries' hours straight away.

#### 4.45 pm

Every one of the 13 or 14 Members who has spoken said that the consultation is ongoing. It will end on 2 December. Members mentioned their local libraries, but I cannot go into detail on specifics. However, I am sure that every Member will know of the proposed reductions in their constituencies.

I do not believe in consultation for consultation's sake. That is one point that Karen McKeivitt made that I disagree with. During the previous consultation on proposed closures, there were campaigns in constituencies and communities. Those successful campaigns, which were driven mostly by communities, led to eight libraries being reprieved. Those eight, as others have pointed out, will survive when action plans, issues and challenges are addressed in order to make their libraries more sustainable. I believe that that was the result of a very strong consultation process.

Some very good points have been raised, and I urge those who made them to take part in the consultation. You cannot make a change unless you take part. When people have taken part in consultations involving Libraries NI, that body has made a difference, and it has listened. The four parties here — Sinn Féin, the DUP, Ulster Unionist Party and the SDLP — have members on the board; it has non-councillor members as well. I am sure that the people sitting on that board are hearing exactly the same things. It is not the case that these debates happen and have no impact.

Some points that have been mentioned have real relevance. David Hilditch was not the only Member to make the point that running a series of consultations has potential to cause confusion. I accept that. People who want to save and protect front line public services in the community no sooner finish one set of consultations than they begin another, and then another. That is very taxing on people who are trying to save what they regard as a valuable and valued service.

I feel for the staff in these circumstances. I have met staff representatives, I have met Libraries NI, and I know that staff have been consulted throughout the process.

Some issues that have been raised are ideal for consultation, for example rurality. Michael McGimpsey spoke about closures in Belfast.

It is not as if that happened when any of us were asleep. However, the closures happened very quickly and the consultations had been and gone by the time people were aware of the impact. This is slightly different. I do not want to contradict myself; I appreciate that there has been plenty of consultations, but I would rather look at consultation than look for it. We should do anything that we can as elected representatives to assist people. However, issues such as rurality and equality impact assessments are key. A full equality impact assessment will be carried out at the end of the consultation period. The issues that have been raised are central, and will be focused on throughout.

I will take some points that have been raised, such as what happens if the proposals to reduce library services are upheld. Does that mean that there will be a viability implication? These questions need to be fed into the consultation. We have to focus on the needs of communities. Libraries are not just about borrowing books; we have heard that throughout the debate. They are also about internet access for younger and older people.

Robin Swann quoted a parent who could not afford to buy a computer and used the library to access the internet and help with homework.

People use libraries when searching for jobs. Libraries, particularly in areas which are very deprived, are sometimes the only way that people have access to getting beyond their circumstances or moving on.

Many Members have paid tribute to the staff. I think that that goes without saying, but I am sure that staff who read the Hansard report will be heartened to see the support that they have. The Committee Chair mentioned, as did other members, that the Committee will be meeting Libraries NI and have been meeting them throughout these consultations. I think it really is important. In these debates, you can make all sorts of points or whatever; I am not even going to get into them. I take people at face value: they do not want to see a reduction in the opening hours, even though they understand the implications it that has for the budget. However, here is the issue: if more money were made available, Libraries NI has already made it known that that would probably assist in a decision to reverse the reduction in opening hours, but that money will have to come from

somewhere else in my Department and, when that happens, we will be back here again for another debate.

So we need to look at where we can take the money from; where will those potential reductions be made? Obviously, I have no doubt that I and other Ministers will be here again over other issues as the months roll on. That is a decision that I need to make. It is not fair that I should throw out a comment like that and say, "There you go, that is the challenge that we have to meet".

**Mr I McCrea:** Will the Minister give way?

**Ms Ní Chuilín:** I will surely.

**Mr I McCrea:** I have no desire to make a political point whatsoever. I understand that, in any of these departmental budgetary issues, you have to take money from somewhere to pay for things. However, would the Minister not agree that, as important a resource as libraries are, there is an opportunity to work with other agencies, local councils and community groups to try to find other means of funding to ensure that the very thing that she refers to does not happen?

**Ms Ní Chuilín:** I thank the Member for his intervention. He has almost anticipated what I will say. It is not that I want to pass my responsibility — or our responsibility — on to other agencies, but eight libraries have been given a bit of a reprieve. Here is an example of where you can use a joined-up approach, for example, in your constituency in Cookstown, to provide community and library services. Anna Lo made the point with reference to her own constituency. There are many other examples where people work together, predict what the needs will be in the community and try to provide an almost holistic approach.

Having said all that, I will always bid for more money where it is available. I value libraries; I value every aspect of my Department and will always make a bid.

Let me thank everyone who has commented in the debate. The remarks made here will be made on the board, in the communities and in many other places. I urge people to feed into the consultation, and I assure them that it has been rural-proofed. I understand the master plan process and the ongoing rural development process, and that should also feed into the

consultation vis-à-vis the equality impact assessment at the end of it.

I thank everyone who has spoken. On behalf of the Committee Chair, I have absolutely no doubt that the Culture, Arts and Leisure Committee will keep this issue very firmly in focus, because libraries — particularly but not exclusively for rural areas — are at the heart of the community. Any erosion of, or impact on, them is not only an unpopular political decision to make but has the potential to make a big impact. People should use the consultation to outline those impacts. I thank everyone for their contributions and support thus far.

**Mr Ó hOisín:** Go raibh míle, a LeasCheann Comhairle. Beidh mé ag labhairt i bhfabhar an leasaithe anseo inniu. I thank the Minister for her input. The Committee will certainly discuss this with Libraries NI again; we have done so in the past. Libraries NI has listened to the representations made by elected members, the community and their own staff. How we deal with the staff is certainly a concern of mine. There is a degree of uncertainty among staff members, because there will be no renewal of temporary contracts from 31 March 2012. There is no security of tenure for existing staff, regardless of their length of service. All of that means that there can be no guarantee that there will be no ad hoc closures due to staff shortages.

What strikes me about the proposals is the inconsistency. The opening hours of Dungannon library have been rightly increased by five and a half hours. However, in my constituency and yours, Mr Deputy Speaker, the hours of Limavady library and Coleraine library will be cut by one third; that concerns me.

There seemed to be a degree of unanimity among Members. One thing that we are sure of is that people are passionate about libraries. Indeed, Jim Allister might be passionate in libraries, but that is another story. *[Laughter.]* I think that he is really an old romantic at the bottom of it all. Libraries have been an integral part of life for many of us. In my working life, I have been lucky enough to work in buildings that also housed libraries. As you know, Mr Deputy Speaker, Limavady Borough Council's offices are based in the same building as Limavady library. I also worked in the Workhouse Museum in Derry, where a library is based. I know quite a number of members of staff in those libraries, and I

know the passion that they bring to their job in dealing with people and the community.

Oliver McMullan, the proposer of the amendment, rightly pointed out elements of the rural development programme, which, hopefully, will bring saviour to Carnlough library, for which he has campaigned very hard. Robin Swann is legendary for his campaigning on Kells and Connor library. I am sure that he was very relieved at the announcement that it will not close immediately, given that that was one of his manifesto promises.

Caitríona Ruane spoke of our national celebration of writers. We are very proud that such a small island has produced so many world-class writers. She said that women want to use libraries at times when they are not open; that was a useful point well made. Likewise, the Chair of the Committee for Culture, Arts and Leisure touched on libraries' opening hours and on mobile library provision and the related consultation.

David Hilditch rightly talked about the development of community plans. William Irwin talked about the change in libraries' uses. Michael McGimpsey summed up the concern that there must be adequate opening hours to deliver the service. David McIlveen bemoaned the loss of public services. He pointed out that 80% of the library workers are women and outlined the effect that that might have.

It has been a very worthwhile debate, and I do not believe that it is premature. I have encouraged as many people as possible to take part in the consultation, and I continue to do so. I believe that Libraries NI will listen to us. I have talked to its interim chairman and to Irene Knox, and they are passionate about what they do and the service that they deliver. I hope that we will come to a suitable and acceptable resolution on the issue.

**Mr Deputy Speaker:** Draw your remarks to a close, please.

**Mr Ó hOisín:** I beg support for the amendment. Let us continue to provide the same level of service and usage of libraries.

**Mr D Bradley:** Go raibh míle maith agat, a LeasCheann Comhairle. Tá áthas orm achoimriú a dhéanamh ar an rún. I am pleased to wind on the motion. As I said earlier, the SDLP is happy to accept the amendment.

**5.00 pm**

The library in my native place is at the centre of the village. It is widely used and is popular with all sections of the community and with surrounding rural communities. It has strong community partnerships with organisations such as Sure Start and with local primary schools. There is even an active heritage group attached to the library. It is a family-friendly place and is used particularly well by families whose children enjoy the frequent children's activities there.

Although the library is open only 24 hours a week, there is an exceptionally high level of community involvement. By analysing the actual number of transactions performed, indications are that the library is very busy. In the event that the proposed reductions in hours are implemented, the building will still stand there, will still be fully stocked, and the utility bills will still be paid.

As the library is currently staffed only around 50 hours a week, no significant savings will be made in staff reductions. In the overall library budget, the savings will probably not even register on the financial Richter scale, yet the impact on the community there will be widely felt, and the years of work spent in making the library so popular and so well used will be seriously undermined. The people who have used the library for many years will receive a diminished service and limited access, and community activities there will be diminished, if not ended.

At a time when money is tight with so many people, the library should be available to everyone, with the same level of service enjoyed by all users, not just those who are lucky enough to live beside bigger libraries. I would argue that retaining opening hours and staffing levels of libraries, such as the one that I described, would be a better use of public money than reducing hours to save a minimal amount of money and having an excellent facility standing unused for most of the week.

Statistics show that libraries that are open 18 hours a week have substantially fewer issues than libraries that are open 24 or more hours a week. The highest annual issues for a library that is open 18 hours a week is around 18,000, while a library that is open around 24 hours a week has annual issues of around 30,000. Therein lies the difference.

No staffing hours were published, but if staffing hours are reduced as well as opening hours, we can expect a corresponding decline in the level of customer service that can be delivered by such a library. Users will have less access to library services, and it is possible that some users will be deprived of the service altogether. The levels of community involvement will also be impacted on, and Libraries NI, as I mentioned earlier, has a vision of modern libraries being at the centre of the community, assisting people to attain their full potential. It is highly unlikely that that will be the case if a library's opening hours are reduced to 18 hours a week. In fact, there is a strong likelihood that those reductions will result in a two-tier delivery of library services.

Smaller libraries will struggle to deliver a basic library service with minimal community involvement, while libraries with longer opening hours will have the time and the staff to deliver a far superior service with no restrictions in the level of service to which their users have access. Eventually, users of smaller libraries will migrate to the nearest larger library, and that may be the unforeseen effect of the reduction in opening hours, probably resulting in the eventual closure of many smaller libraries.

It is my opinion that the criteria used to make decisions on the reduction of opening hours were neither fair nor equitable. At best, they were confusing, and, at worst, they were deceiving to library users who were willing to take part in the consultation process.

As I said, the 80,000 threshold of annual activities places libraries that were open for less than 80 hours a week at a severe disadvantage from the outset. It would be impossible for even the busiest libraries to attain that level of activity within limitations of annual visits, annual issues, use of public access terminals and active borrowers.

The annual count was taken over only one week, and the methodology varied between libraries, with bigger libraries using an electronic counter and smaller libraries doing a manual count. Many of the libraries that had been allocated 30 hours a week were dependent on visitor numbers, not actual customer transactions, to achieve those hours. There is no evidence that all visitors to a library were there specifically to use the library facilities. In fact, closer scrutiny of visitor figures compared with levels of issues, public access terminal use and active borrower

numbers would, in some cases, leave visitor numbers very much open to debate.

It was only after the matter was raised by public representatives that the number of public access terminals in each library was made available. Although the library service is keen to promote library involvement in the community, no statistics regarding the level of class visits, children's activities, or cultural or heritage activities are published. Those activities, as I said, are at the core of the modern library service, so it is extremely odd that they were not taken into consideration in the criteria used in the consultation.

The consultation document was worded in a manner that confused many of those who responded. The statement regarding bigger libraries having more hours because they are busier is very misleading. Many smaller libraries are just as busy. Take the case of the library in my native place, which I mentioned earlier: it is currently open 24 hours a week, and it has six terminals. Last year, there were nearly 30,000 issues and 4,646 annual public access terminal sessions. It has 1,582 active borrowers. Had Libraries Northern Ireland provided further analysis of those statistics, it would have revealed that the library issued 23 items every opening hour last year and that the public access terminal (PAT) statistics revealed an uptake of PAT use of 62% of the total hours available.

The nearest big library issued 27 items an hour, and the PAT statistics reveal that 44% of the total hours available were utilised. Total issues were 75,000, and there were 37,000 public access terminal sessions. At the time, there were 30 public access terminals in that library. Active borrowers in the larger library were 5,700, and the library was open 55 hours a week, which is more than twice the weekly opening hours of the smaller library. Conclusively, the smaller library is comparatively as busy as the larger library. As we mentioned earlier, the pledge offering increased opening hours, should money become available, holds little substance.

From what I have said, it appears that the process used to collect and analyse data was flawed and very much skewed against the smaller libraries. As a result, we can conclude that Libraries NI's proposals for a reduction in hours in smaller libraries are unfair and inequitable and need to be revisited.

**Mr Deputy Speaker:** Will the Member bring his remarks to a close?

**Mr D Bradley:** Thank you very much, Mr Deputy Speaker. They need to be revisited with a view to producing a fairer and more equitable outcome for the smaller libraries.

*Question, That the amendment be made, put and agreed to.*

*Main Question, as amended, put and agreed to.*

*Resolved:*

*That this Assembly welcomes the decision by the board of Libraries NI to initiate a review of eight of the 10 rural libraries that were originally earmarked for closure; expresses great concern about the reduction in the opening hours of small community libraries which will curtail their ability to deliver an efficient and effective service; and calls on the Minister of Culture, Arts and Leisure to take action to ensure that the excellent service provided by these libraries is maintained.*

*Adjourned at 5.10 pm.*







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Belfast: The Stationery Office

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ISSN 1463-7162

Daily Editions: Single copies £5, Annual subscriptions £325

Bound Volumes of Debates are issued periodically during the session: Single copies: £90

Printed in Northern Ireland by The Stationery Office Limited

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ISBN 978-0-339-50512-4



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