

# Official Report (Hansard)

Tuesday 7 February 2012  
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# Contents

**Executive Committee Business**  
Rates (Amendment) Bill: Final Stage ..... 79

**Private Members' Business**  
Housing: Surety Bonds ..... 86

**Oral Answers to Questions**  
Environment..... 99  
Finance and Personnel ..... 104

**Private Members' Business**  
Housing: Surety Bonds (*continued*) ..... 110  
Human Trafficking..... 114

**Adjournment**  
Millennium Way, Lurgan..... 130

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# Northern Ireland Assembly

Tuesday 7 February 2012

*The Assembly met at 10.30 am (Mr Speaker in the Chair).*

*Members observed two minutes' silence.*

## Executive Committee Business

### **Rates (Amendment) Bill: Final Stage**

**Mr Wilson (The Minister of Finance and Personnel):** I beg to move

*That the Rates (Amendment) Bill [NIA 2/11-15] do now pass.*

Before providing an overview of the Bill's content, I would like to take the opportunity briefly to thank Members for the almost unanimous support shown for the Bill's passage through the Assembly. I would also like to thank, once again, the Finance and Personnel Committee for all the work undertaken to date on the consideration of the underpinning policies. I fully acknowledge that, without that assistance, we would not be where we are today. I also thank the Chair and the members of the Finance and Personnel Committee for their considered evidence taking and detailed scrutiny of the policies underpinning the Bill. The Committee staff also provided an invaluable role in progressing that work and liaising with my officials. I very much hope that what has been a productive working relationship between my Department and the Committee will continue as the associated subordinate legislation progresses through the House.

I also extend my thanks to the Speaker's Office and the Bill Office particularly for the assistance and support provided to my officials. This has all played no small part in the smooth running of all the Bill's stages through the Assembly. It is greatly appreciated by my Department and officials and is to be commended. I also thank the officials in my Department who worked very hard on the Bill. Some comments were made about slow progress. However, given the detail and quality of the work and the effort that went

into the consultation document, even those who were not happy with the content of the document itself did not complain about how thorough the work for it had been. I know that officials worked long hours on this, and I thank them for that.

Subject to continued Assembly support, I hope that we will be in a position to have the package of commercial rating measures in place for April, thereby ensuring that much-needed support can be provided to small businesses. As I said in earlier debates on the Bill, I, along with many other Members, would have preferred it if it had been possible for the Bill to progress by normal means; unfortunately, that would have meant that the support for ratepayers that is to be funded through the large retail levy would not be in place for the new rating year, which begins in April 2012. In ensuring that help can be made available within months rather than at this time next year, I thank Members for the support that has been shown for both the accelerated passage of the Bill and its content.

Although I will not go over the old ground that was covered at Second Stage, suffice it to say that the Executive and I consider that the measures that are being provided for are vital during this period of economic downturn. While many small businesses are struggling, many of our largest retailers showed healthy returns over the Christmas period. The key measures in the Bill will ensure that steps are taken not only to provide support to small businesses but to brighten up and revitalise the core shopping areas in our towns, city centres and out-of-town stores. Let none of us doubt that these are genuine measures that the Executive have brought forward to help out vulnerable small businesses and to breathe life back into our towns and city centres. This is a genuine attempt by the main parties in the Assembly to address the problems that we continue to see day and daily affecting our constituents.

The commercial rating package is also intended to complement and supplement the work that my ministerial colleagues are taking forward. That work is aimed at helping businesses, and it includes the work that DEL and DETI are taking forward on training and employment and DSD is taking forward on regeneration. The Bill and any associated subordinate legislation should not be viewed in isolation; rather, they should be viewed as part of the wider package of measures that the Executive are taking forward.

This is important legislation that goes some way to addressing the imbalance in the commercial rating system at this time of economic downturn. The Bill will ensure that around £5 million is made available through the large retail levy to provide assistance to approximately 8,300 additional small businesses. Both those measures are time-bound to end in March 2015. Through the expansion of the small business rate relief scheme, the Executive hope to further encourage the right conditions for a sustained recovery.

The Bill also contains important measures aimed at improving the run-down and vacant parts of our towns and city centres and shopping areas. Ratepayers will be afforded the opportunity to brighten up window displays of vacant units without incurring full occupied rates. A one-year concession will also be introduced that will afford 50% relief for the first year of occupation of empty retail units that have been vacant for at least a year.

Clauses 4 and 5 make amendments that will take effect during the next revaluation exercise, which is scheduled for 2015. That clarifies the legislation and ensures that it reflects current custom and practice. All other things being equal, that should not adversely affect the amount that ratepayers will otherwise pay.

Those are the main measures being taken forward through the Bill, and I look forward to Members' support in ensuring that it clears its Final Stage. The debates on the Rates (Amendment) Bill have been interesting and constructive, and I hope that there is more of that to come. I commend the Bill to the House.

**Mr D Bradley (The Deputy Chairperson of the Committee for Finance and Personnel):** Go raibh maith agat, a Cheann Comhairle. Ar son an Choiste Airgeadais agus Pearsanra, cuirim fáilte roimh an chuid dheiridh den Bhille Rátaí (Leasú). Aithním go bhfeicfidh imeacht an

Bhille tríd an Tionól na míosúir atá ann a chur i gcrích go tráthúil ar an chéad lá d'Aibreán 2012; agus go rachaidh siad cuid den bhealach leis an ualach ró-mhór rátaí atá ar ghnólachtaí beaga a mhaolú in am seo na géarchéime eacnamaíochta.

On behalf of the Committee for Finance and Personnel, I welcome the Final Stage of the Rates (Amendment) Bill, recognising that its passage will lead to a timely implementation of the measures on 1 April 2012 and will go some way to reducing the disproportionate rating burden on small businesses in this exceptionally difficult economic climate.

The Department of Finance and Personnel originally briefed the Committee on the consultation proposals on the large retail levy on 8 June 2011, advising that it intended to seek accelerated passage for the Rates (Amendment) Bill.

D'aithin an Coiste ón tús an phráinn a bhí le tacaíocht a chur ar fáil do ghnólachtaí beaga. Agus tar éis tréimhse comhairliúcháin agus scrúdain ar na moltaí polasaí, bhí an Coiste sásta tacú leis an Aire agus é ag iarraidh cead ón Tionól dlús a chur le himeacht an Bhille tríd an Tionól. Thuig an Coiste leis gur míosúir ghearr-théarmacha iad seo agus go dtiocfaidh deireadh leo ar 31 Márta 2015.

The Committee recognised from the outset the urgent need for an intervention and, following a period of consultation and scrutiny of the policy proposals, agreed that it was content to support the Minister in seeking approval for the Bill to proceed by accelerated passage. The Committee was also mindful that these are short-term measures that will end on 31 March 2015.

The Chair addressed the detailed provisions of the Bill at Second Stage and Consideration Stage. I will take this opportunity, in his absence, to highlight the key provisions as well as the ongoing work that the Committee will be concerned with as a result of the Bill.

The Committee undertook significant evidence-gathering exercises in relation to the proposals and made recommendations to the Department, the majority of which were accepted. The Committee published those recommendations on 7 December 2011 as part of its report.

The primary purpose of the Bill is to implement a levy on the largest retail premises to fund

an expansion of the small business rate relief scheme. The intention of the scheme is to alleviate the impact of the rates burden on small businesses and, in turn, help to support their growth and sustainability. There was a generally positive response during the consultation to the aim of supporting small businesses through this current downturn, including that from the large retailers. There was widespread recognition of the pressures faced by smaller businesses and the overall contribution that they make to the wider economy.

The implementation of the levy and the targeting of the large retail sector alone was probably the most contentious aspect of the Department's proposals. The Committee heard from large retailers and representative organisations about the negative impact of the levy on their businesses. Following the evidence from stakeholders, the Committee recommended that the funding burden should be spread more equitably and identified options for increasing the number of large business sectors that would fund the expanded rate relief scheme. However, DFP did not favour extending the scope of the levy, arguing that it would create uncertainty and not align well with other important Executive policies.

In addition to the main provisions of the Bill, I note the later ministerial amendments tabled at Consideration Stage and Further Consideration Stage. The Committee was briefed by the Minister on 11 January on a proposed ministerial amendment to provide for a continuation of empty property relief. The Chairperson confirmed the Committee's support for that amendment at Consideration Stage and acknowledged that members supported the measure, which will apply for 2012-13 only and is intended to get empty shops back into use.

#### **10.45 am**

I also note the amendment tabled at Further Consideration Stage to provide clarification on the 50% relief on long-term empty retail premises where the property is first occupied during the 2012-13 rating year. The amendment also seeks to clarify the definition of retail and prevents relief being awarded to properties that were last used for e-commercial distribution. The Committee did not have sight of those amendments when it last met. It has not, therefore, taken a position.

In supporting the implementation of the Bill, the Committee continues to be mindful of the recommendations that it made with regard to the ongoing work to be taken forward by the Department. The Department is to carry out an evaluation of the existing small business rate relief scheme. It will make any necessary changes to the scheme in time for rates bills in 2012-13. Similarly, with regard to ministerial amendments, it will be important that there is an evaluation of the effectiveness of measures relating to empty property relief and an assessment of uptake and the extent of any displacement and of whether the Bill is proving effective in getting empty shops back into business.

The Committee has stated consistently the need to ensure that there should be no delay in implementing the 2015 rate revaluation and that all necessary preparatory work is carried out well in advance. The future work that surrounds the Bill is essential both to provide for the effective implementation of its provisions and to ensure that they will be required on a temporary basis only. The Committee will continue to engage with the Department in monitoring the outcome of that work.

The Committee is grateful for the insights and opinions of those who responded to its evidence-gathering exercise. They were invaluable in informing the recommendations brought forth by the Committee. On behalf of the Committee, I thank DFP officials for their positive engagement and the timely assistance that they provided to the Committee throughout the development of proposals. I also want to acknowledge Committee members for giving their time to consider in detail the policy proposals that lie behind the Bill.

Chomh maith leis sin, a Cheann Comhairle, ba mhaith liom buíochas an Choiste a chur in iúl do Chléireach an Choiste agus dá fhoireann; ba mhór an chabhair a thug siad do bhaill an Choiste agus iad i mbun fiadhnais a bhailiú agus tuairisc ar an Bhille a ullmhú.

I also want to place on record Committee members' thanks for the help, assistance and diligence of the Committee Clerk and his staff in ensuring that all necessary arrangements were made for the hearing of evidence and for their work in preparing the detailed and comprehensive report on the Bill.



A Cheann Comhairle, ar son an Choiste Airgeadais agus Pearsanra, molaim cuid dheiridh an Bhille go foirmiúil.

On behalf of the Committee for Finance and Personnel, I support formally the Bill's Final Stage.

**Mr Girvan:** I thank the Minister for bringing the Bill to its Final Stage. I appreciate that an awful lot of work has gone into it. I do not want to regurgitate absolutely everything that Mr Bradley said because my Irish definitely could not be interpreted. This speech, probably, would have been half as long. However, I want to discuss some aspects of the Bill.

Yesterday evening, I had occasion to speak with a gentleman who retired from owning a small shop. Unfortunately, he has been out of business for just over a year. A small business is now keen on and looking at his shop. That small business indicated to him that what pushed it over the edge to decide to take up his offer is that this legislation will allow it to come in and try the business for a year. Ultimately, it will mean that he will not have to pay a percentage of the rates this year, which is a plus for him. That shop is on a high street in south Antrim. So, I can tell you that that is one thing that I feel will really be of some benefit.

Some of the evidence that was brought forward to the Committee on other aspects of the Bill has been mentioned. The Committee took on board the representations that were made, some of which were on the large retailer levy. There was a step back from the 20% position on that to the 15% position. I welcome that because I appreciate that not all the large retailers make large profits. Some might, but one or two are having difficulty. The Committee took that on board, recognising that there is concern about it.

The extension of rate relief for small businesses with a rate valuation of £5,001 to £10,000 will bring an awful lot more businesses under the umbrella of the 20% reduction. That will be nothing but positive in helping them towards being sustainable. However, I am not talking about those businesses making large profits. Some people out there believe that all these businesses make large profits, but some are actually just washing their face and barely existing. This relief will allow them not only to stay open but to keep more people off the dole queue. That has to be recognised. I appreciate that there is a time factor and that this will be

in place only until 2015, which is when the new rating valuation will have been completed.

I took comfort from the Minister's comments yesterday that he will check and observe how the Bill works through to ensure that it ticks all the boxes and that, if there are areas about which he has concern, he will bring it back. I support the Bill, and I hope and pray that it will go through. The economy deserves it. Small retailers and our town centres will benefit from it. The SMEs that our economy really relies on will take advantage of it, and it will at least help them through what is an extremely difficult economic time.

**Mr Cree:** I welcome the opportunity to speak on the Final Stage of the Rates (Amendment) Bill. The stages of the Bill have come thick and fast due to accelerated passage. However, I am satisfied that I have had some opportunity to highlight points that the Ulster Unionist Party wanted to raise, and I have sought clarification from the Minister on several issues.

The fact that amendments were tabled by the Minister at both Consideration Stage and Further Consideration Stage proves that the Bill was very much a work in progress as it passed through the House. If we are totally honest, we must say that it could have done with the increased scrutiny and timescale afforded to the normal passage of a Bill. However, as has been mentioned, it was necessary to have the Bill completed in time for the incoming financial year. We accepted the accelerated passage of the Bill in the circumstances. Indeed, the Minister informed the Finance Committee of his intentions in person. However, I reiterate that it is not the ideal position to be in. I seek reassurances from the Minister that, in future, he will do all that he can to bring legislation before the House in adequate time for normal passage.

The Ulster Unionist Party is fully behind the rationale for the Bill, and we will support it today. The Bill will have a positive effect on small and medium-sized businesses and will help to rejuvenate town and city centres, which are struggling. However, as I said previously, the Minister needs to consider carefully the power in clause 1 that enables his Department by order subject to affirmative resolution to modify the definitions in paragraph (3). The Ulster Unionist Party believes that that gives the Minister the ability to broaden the levy in the future beyond



the large retail stores to which it solely applies as things stand.

Making the levy applicable to utility companies was considered by the Finance Committee. It is an example of how paragraph (4) could come into play. If there is a way of disallowing utility companies from passing on the cost of the levy to the consumer, it must be explored. That is just one example of what the Ulster Unionist Party thinks that the Minister should look at.

I hope that the Rates (Amendment) Bill will help to rebalance the Northern Ireland economy through the promotion of small and medium-sized businesses. I also stress that it should be considered as a suite of policies to do so.

**Mrs Cochrane:** I welcome the opportunity to speak to the Bill as it reaches its Final Stage. Over the past number of months and, more specifically, within the past several weeks, Members have had the opportunity to inspect and evaluate the principles and practicalities of the Bill. It has been interesting to witness the developments and changes that have been evident in the Bill since its inception in the summer of last year.

As was said, the Bill will primarily provide for extended rate relief for small businesses, which will be achieved through a supplementary regional rate to be levied on selected large retailers. In its motivation, as opposed to its method, we cannot question the intent of the Bill, which is to alleviate economic pressures in a timely manner, hence the added requirement for accelerated passage. Some of the most significant developments to arise from the Bill are the conditions that have been added to the legislation following wider consultation on the proposals and input from the Committee for Finance and Personnel. The addition of the revised rating criteria for unoccupied properties will ensure that vacant properties that wish to use their window displays for non-commercial and non-political purposes can continue to benefit from the 50% reduction in their rates bill. Furthermore, the primary amendment tabled by the Minister last week and subsequently supported by the House will enhance the revised criteria by providing a temporary rate reduction of 50% for new owners of retail premises that were previously unoccupied for one year. It has been particularly encouraging to see the Minister realise just how much those vacant units impact on our

town centre and city centre economies. In that regard, I warmly support the proposals that have been laid out in the legislation, which should serve to stimulate and revive our waning high streets. Although primarily aimed at enticing businesses to fill vacant units, thus creating new jobs and investment opportunities, the additional proposals also give a renewed impetus and incentive to town and city shopping precincts that hope to become more attractive to consumers by promoting civic pride and economic growth.

I am confident that the majority of Members, particularly those who have contributed to the debate over the past number of weeks, will welcome and support the Bill. As was touched on, the overriding principle in all of this should not simply be what is best for our economy but what will help to regenerate our townscapes and cityscapes. It is on those grounds that I lend my support to the Bill in its Final Stage. I appreciate the efforts of the Minister to balance opinion and for his foresight in this instance, and I take comfort in knowing that the provisions will be kept under annual review to ensure that they are as effective as, it is hoped, they might be.

**Mr Givan:** I welcome the opportunity to make a few comments at Final Stage. I commend the Minister for the way in which he has taken the legislation through the House. He encountered some resistance from some of the larger retailers, but he responded. There has been a reflection of that in the final outcome of the levy to be applied. Ultimately, he stayed the course and delivered legislation that will be good for our economy. Credit should go to him for the way in which he has taken it forward.

When I worked for the Federation of Small Businesses (FSB), we campaigned on the extension of the small business rate relief. I recall having meetings with the then Finance Minister, Nigel Dodds, at which we argued for such a scheme to be brought in. At that point, in the previous term of the Assembly, the Executive responded, and a small business rate relief scheme was brought in. It is the envy of those across the water in England.

#### 11.00 am

I know that the Federation of Small Businesses ran a campaign in England using a postcard showing Northern Ireland with the legend "Wish You Were Here" because of the rate relief scheme that this Executive had introduced and

because of the automatic nature of that relief. You do not need to apply for the relief to be granted; it is an automatic reduction. We know that when you need to apply, the uptake is not always the same, and the Executive have taken the approach that it should be an automatic scheme. I think that what we are doing in Northern Ireland is an example that the rest of the United Kingdom can look to as a way of introducing a similar scheme.

A couple of particular points are to be welcomed. In my constituency, and in a number of areas in core urban centres, not just Lisburn, there have been derelict, vacant properties. The 50% reduction in rates for the first year of occupancy, where a property has been vacant for a year, is a very valuable tool for attracting people to come back to our town centres.

**Mr Poots:** I thank the Member for giving way.

Obviously, many constituencies have suffered greatly over the past couple of years with the economic downturn, and what the Minister proposes will be broadly welcomed. Does the Member recognise that, of itself, this is not a solution? It is something that can lead to a solution if others join in. Will he join with me in urging local councils and the local business community to be innovative in getting new businesses started? This measure creates the opportunity: it is a seed that will allow others to germinate.

**Mr Givan:** I thank the Member for that contribution and he makes a valid point. The Executive are taking forward an initiative to rejuvenate our core urban centres, but we appeal to the business community as well. People will come to us and say: "Rates is one issue, but rent is another." Landlords need to be looking at what they charge and come up with different methods for attracting people back into core centres. Local councils can be involved in that as well. They can play their part in providing a stable financial environment when they set rates. I declare an interest: I am pleased that Lisburn Borough Council has struck, for the seventh consecutive year, a rate below the level of inflation. The Executive played their part by freezing the rates last term and they did the same this term, and councils also must keep an eye on the financial burdens that they put on their ratepayers, and particularly on the business community.

The 50% reduction scheme is welcome, and the opportunity for shops to revitalise their front windows without being penalised is also beneficial. Where there are a number of vacant properties, it is not beneficial to those still operating to have the neighbouring ones ending up in a very derelict condition. Therefore, if there are ways to improve the situation without penalising the vacant properties, those are to be welcomed. This initiative, combined with others by councils and the local business community, will be a major step forward in trying to tackle the problems of our core urban centres.

I support the motion.

**Mr Wilson:** I thank all the Members who have taken part in the debate and have been supportive of the Bill, not just in the Final Stage, but throughout the process. We have now reached the end and Final Stage of what will be an important measure.

However, I take the point that the Member for Lagan Valley raised. This is not some kind of panacea for dealing with all the ills that the retail community faces in Northern Ireland. It is one part of what the Executive seek to do to help businesses. As I said in my earlier comments, it is only part of a range of measures that are being carried out by the Department of Enterprise, Trade and Investment (DETI), the Department for Employment and Learning (DEL), the Department for Social Development (DSD) and the Department for Regional Development (DRD). The rating measures add to a lot of the work done by the Executive.

An important point was made by Mr Poots. The Executive cannot carry the whole of the local economy through their actions. Indeed, if our talk of rebalancing the economy is to mean anything, there is a need for those in the public sector, the private sector and particularly those in retail to look for innovative ways of improving footfall in town centres, of attracting people into shops and of being more competitive. There is a big role for the private sector to play, and the attitude that is sometimes abroad in Northern Ireland that the Executive can do something to cure all ills worries me. The Executive cannot do that, and we would not want an economy that is so totally dependent on what government does that the private sector does not carry some of the burden. As I said, if we are to talk about rebalancing the economy, there must be an effort

by, and innovation and new thinking in, the private sector. It must also be prepared to take risks.

I want to turn to what Members said. Mr Bradley spoke on behalf of the Committee, and I thank him for his support. He mentioned a number of issues, including extending the scope of the scheme. I explained in previous debates why some of the Committee's suggestions — its desire to extend the scheme to hotels, banks, utilities and manufacturing businesses — were ruled out. There is no point in the Executive's contradicting one policy with another that does the opposite.

Mr Bradley also talked about the ministerial amendments at Further Consideration Stage. However, as those amendments arose from the Bill's Consideration Stage, there was not time to discuss them with the Committee. They were technical amendments, and I hope that I explained why they were necessary. Mr Bradley also mentioned the revaluation exercise, and I share the Committee's view on that. The scheme is a temporary measure, and I hope that the uneven playing field that was created over the long period in which there was no revaluation in Northern Ireland will be sorted out through the revaluation exercise that should be in place by 2015. Therefore, such temporary measures should no longer be needed to create an even playing field.

Mr Girvan rightly pointed out that we listened to those who expressed views during the consultation. The size of the levy was dropped from 20% to 15%, and we introduced provisions for the dressing of shop windows and for 50% rate relief on empty properties for the first year that they are occupied. That indicates that the consultation process was genuine and that we have listened. As a Member who I know always has his ear to the ground, I am glad that he has reported favourable responses to the provisions in the Bill and has indicated that people are talking about doing what we aimed to achieve through the Bill.

Mr Cree returned to the point that he has made on a number of occasions about accelerated passage and the opportunity to raise points. He has had every opportunity to raise any points that he wanted to raise and did so in an effective manner. He talked about the Bill being a work in progress as it went through the Assembly. However, any Bill is a work in progress, and it does not matter whether

accelerated passage is used or whether it goes through the normal Committee Stage. The point of scrutiny, however it takes place, is to allow for something that is put forward to be reshaped or amended if necessary. The amendments that I tabled during the Bill's accelerated passage were what Members would expect. Indeed, I hope that Mr Cree will accept that I listened during the debates; hence the changes that were made.

Mr Cree said that he would have liked more of an opportunity to raise particular points. However, I note that — I am not too sure which parts of the Bill he found to be unsatisfactory — he did not propose any amendments, as other Members did. The Member for North Antrim took that opportunity, but Mr Cree did not propose any amendments during the passage of the Bill. If he had concerns, he certainly had the opportunity to raise them and to make amendments. The fact that they were not made shows that he was just having a little poke because he did not like the accelerated passage process. I do not think that he can claim that he was, in any way, disadvantaged in raising points or making amendments during the process.

Mr Cree talked about the power in clause 1(4) to broaden the levy and said that he hoped that I would take the opportunity over the coming year to look at broadening it to include other sectors. I want to make it clear that that power does not enable us to broaden the levy to other sectors; that would be ultra vires. It allows us to make changes to the valuation limit, for example, but we cannot broaden the levy to include other sectors that have not been included in the Bill.

Judith Cochrane referred to the significance of the wider provisions of the Bill. She is quite right. The window-dressing measures and the 50% rate relief for the first year of occupation of empty properties will have quite a significant impact on getting a bit of life into shopping areas. Mr Givan mentioned the impact that the Bill would have on his constituency and said that it was not purely an answer in itself. I have accepted that.

We have come to the Final Stage of the Bill. I hope that the Assembly will recognise that it is an important measure, one of many that the Executive are seeking to introduce to deal with the current economic downturn. It has been somewhat controversial. I think that a lot of the froth and bubble that there was around the time

of its introduction will prove to be just that. We will not see massive disinvestment as a result of the Bill. We will not see businesses folding or massive redundancies as a result of it. I believe that most of the large businesses that will be affected by the Bill will be able to absorb the rate increases, and once a revaluation comes out in three years' time, the situation will be regularised once again.

I believe that we have done something in responding to a particular sector of the economy, and I trust that the Assembly will give the Bill its full support.

**Mr Speaker:** Before I proceed to the Question, I advise Members that section 63 of the Northern Ireland Act 1998 applies to the Bill. Therefore, the Bill requires cross-community support.

*Question put and agreed to.*

*Resolved (with cross-community support):*

*That the Rates (Amendment) Bill [NIA 2/11-15] do now pass.*

**11.15 am**

## Private Members' Business

### Housing: Surety Bonds

**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 in which to make a winding-up speech. All other Members who are called to speak will have five minutes to do so.

**Miss M McIlveen:** I beg to move

*That this Assembly notes with concern the number of housing developments where roads and footpaths remain unfinished and sewerage systems have not been completed to a satisfactory standard, despite developers having entered into surety bonds under the Private Streets (Northern Ireland) Order 1980, the Water and Sewerage Services (Northern Ireland) Order 2006 and any preceding legislation; and calls on the Minister for Regional Development to carry out a review of the bond system in relation to roads, footpaths and sewerage systems in new developments and to review when a bond can be invoked by the relevant authority to address this ongoing problem.*

The genesis of the motion lies in complaints that I have received from residents living in new and, in some cases, not-so-new housing developments in my constituency. I have no doubt that those experiences will resonate with other Members. Although some blame for the current situation may lie with the financial crisis, in a number of cases, the developers have been reluctant to complete the work. We need to remember that the purchasers bought houses in good faith and for their value, and they relied on surety bonds in respect of roads, footways and sewerage systems.

Essentially, a surety bond is a guaranteed agreement between the developer and the appropriate statutory body that the developer will build sewers, roads and footways to a specified standard, which that body agrees to adopt. The agreement is guaranteed by a third party, usually a financial institution, for an amount that will cover the cost of the work. Should the developer not carry out the work, the statutory body has the power to enforce the bond, carry out the works to provide roads, footways and/or sewerage systems and recover



the costs from the surety. That system means that money is available for the developers to carry out the work, and the public end up with roads maintained out of the public purse.

The agreement for a drainage system to be adopted by a future date is made under article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006. Its roads and footways counterpart is made under the Private Streets (Northern Ireland) Order 1980. Those agreements are registered in the statutory charges register at the Land Registry and not removed from it until the statutory body has issued the relevant final certificate.

I will not go into the detail of the process of reductions in bond surety and the technicalities required because my time is limited. However, having read the developers' packs and other guidance issued by the relevant bodies, I am clear that, throughout the respective processes, the onus is on the developer to keep things moving. The Minister acknowledged that fact in answers to my questions for written answer about the adoption of sewerage systems. Fundamentally, that is where the problem lies, and a greater role should be given to other key parties, such as the statutory agencies and residents.

In the Strangford constituency alone, 63 road bonds are in place for houses that have been occupied for more than a year. I will give a few examples along with the dates of the bonds: for Teal Rocks in Newtownards, the dates are 1995, 1996, 1998 and 2003; for Lansdowne Road in Newtownards, 1998 and 2001; and for Bramble Wood on Old Shore Road, Newtownards, the bond dates from 1992, which is some 20 years ago. For Castle Lane in Comber, the bond is from 2002; Spinners Court in Comber, 2001; Bartleys Wood in Ballywalter, 1995 and 2005; and the bond for Briar Park, Ballywalter dates from 1996. Bonds for Portview Heights, Portavogie are dated 1993 and 1997; and Long Island Drive, Kircubbin has bonds from 1996, 1998 and 2002.

You will recall, Mr Speaker, that a road cannot be adopted until the sewerage system has been adopted, so some of those may be due to problems in complying with those bonds. It simply cannot be acceptable to have to wait 20 years with no road adoption, and I am sure that that is reflected across Northern Ireland.

Unfortunately, the information provided by the Minister, which he obtained from Northern Ireland Water, was not as detailed. I was informed that 322 agreements were in place throughout Northern Ireland, but the figures for Strangford alone could not be provided. I was disturbed that the Minister could not tell me which bonds had been in place for more than one year, three years and five years. Surely, such figures should be easily at hand to ensure the proper management of the system. A resolution needs to be found for those many householders who wait endlessly for action.

Although there are enforcement powers in the respective legislation, there is an apparent reluctance to use them, perhaps for fear of the damage that it would do to developers' credit ratings or possibly because of the absence of information on what bonds exist.

**Mr D Bradley:** Will the Member give way?

**Miss M McIlveen:** I really do not have a lot of time.

A number of possibilities could be considered: the introduction of a mechanism by residents to mandate the statutory authorities to act; a more tightly regulated system to ensure that residents' rights are more highly respected; and notification to Roads Service and Northern Ireland Water when a request to open insolvency proceedings is lodged against developers or when an order is made against them.

Section 180 of the Planning and Development Act, 2000 in the Irish Republic empowers residents to compel the local authority to adopt where that has not happened after seven years. Such a change would have assisted enormously my constituents in New Court, Portavogie. Built 13 years ago, and despite surety bonds, that development's roads, footways, sewers and pumping station are yet to be adopted. There is a problem, in that the longer the bond lies, the less it meets the value of work needed to make the roads, footways and sewerage systems of adoptable standard. That is not the fault of purchasers of such properties, who buy them on the strength of the bonds being in place. Giving that power to residents is appropriate. A period of five or seven years is not an unreasonable length of time to give a developer to complete the appropriate phase of work to which the bonds apply. It is sometimes suggested that purchasing solicitors should retain a portion of the purchase price until the adoption process is complete. However, not all have done or will

do that. In any event, that would be a belt-and-braces approach to what is currently the Department's responsibility. The Department is a party to the agreement, not the purchasers or their solicitors.

That leads me to my second suggestion: a more tightly regulated system. To introduce that, however, resources would need to be put in place. It was evident from the answers to my questions to the Minister that there is a paucity of information, particularly on sewerage systems, and that considerable work that must be paid for is needed in that area. However, such information is vital to ensure the smooth running of the service. The lack of information is what prevents proper regulation of the process, and it should not simply be developer-driven. A review could and should assess and address weaknesses in the current system and, hopefully, create a focus on ensuring that the work is carried out.

The third suggested change relates to developers who have been or are in the process of entering receivership, administration or, in the case of individuals or partnerships, bankruptcy. At present, there is no requirement to inform Roads Service or Northern Ireland Water of that, and there may be a considerable delay before those bodies are made aware of such proceedings. Again, a minor amendment to legislation might resolve that. As I said, bond agreements are registered on the statutory charges register and are therefore available to anyone who would properly have carried out the appropriate search prior to bringing insolvency proceedings. To require notification would not impose any unreasonable burden but would assist the statutory bodies and, in turn, the residents.

There may be other suggestions. I would be grateful if, in carrying out any review as requested by the motion, the Minister consider what I propose. Although I appreciate that tighter regulation may require the injection of resources, which may not, in the short term, be something that the Minister considers a budgetary priority, proposals that give residents the right to mandate the relevant statutory agencies to enforce the bonds, and their seeking legislative changes in respect of notifying bond-holding bodies of insolvency proceedings or decisions, are reasonable. Confidence needs to be re-established in the system. Residents who are suffering from a flawed system need protection. As more

problems are exposed, a do-nothing approach is not appropriate. The whole system does not have to be dismantled, but changes are needed to make it fitter for purpose.

That concludes my remarks on the motion. However, I put on record that I understand that I understand that the Regional Development Committee is launching an inquiry into the issue. I look forward to its findings and to contributing to the debate.

**Mr Spratt (The Chairperson of the Committee for Regional Development):** I welcome the opportunity to speak today as Chair of the Committee for Regional Development, both to advise the House of the Committee's inquiry into the matter and to express my, and the Committee's, deep concern at the number of housing developments in which roads, footpaths and sewerage systems have not been completed to a satisfactory level. Although we empathise with the developers who have found themselves victims of the current economic climate; as a Committee we deplore those who do not give an undertaking in the form of a secured surety bond to ensure that such amenities are fit for purpose.

I advise the House that the Committee for Regional Development takes the matter very seriously, and has, just this week, begun an inquiry into unadopted roads in Northern Ireland. For the purposes of the inquiry, we have defined an unadopted road as one in which a street planning function has been exercised, a bond has been placed under the Private Streets (Northern Ireland) Order 1980 and the Department is not satisfied that the street has been sewered, levelled, paved, channelled, made good and lighted to a satisfactory level.

In order to ensure that the roads are not left in a substandard condition and to protect purchasers of properties in such developments, developers are legally obliged to provide a security bond before work commences on a development. In the event that such roads are not completed, the Department has the power to call upon the bond in order to bring them up to an adoptable level. However, with the number of roads currently unadopted in Northern Ireland, the Committee is extremely concerned that the legislative processes are not being implemented effectively in order to eradicate the problem.

**Mr D Bradley:** Will the Member give way?

**Mr Spratt:** I have not really got time to give way. I apologise to the Member.

An added difficulty is that the security for those bonds has, in many cases, reverted to the National Asset Management Agency (NAMA), making the process of exercising security against them even more difficult.

In addition, the Committee recently heard of a case in Northern Ireland in which a development was completed without a fit-for-purpose sewerage system. After Roads Service officials refused to accept the road and system on to the network, residents discovered that the developer did not have a security bond in place, and, furthermore, that the acting solicitor had failed to inform purchasers of the roads issue and the fact that a bond was not in place, thus leaving residents with the bill for bringing the system up to an adoptable standard. I hope that that case is an exception to the rule. However, it highlights weaknesses in the system, which, the Committee is adamant, should be uncovered and resolved. Those are major breaches of regulation, and the House must do all that it can to ensure that regulations are in place to ensure that such occurrences are avoided.

The main aims of the inquiry are to identify the extent of the problem and the costs associated with bringing such roads up to standard, and to bring a clearer definition to the process required to have a road adopted by Roads Service. The Committee seeks to identify all stakeholders in the process who have a statutory duty to inform homeowners of the situation around unadopted roads in their development. Furthermore, the Committee's report seeks to review the current legislative processes in place in Northern Ireland to ensure that they meet all EU and other jurisdictions' standards and policy requirements and to benchmark the Northern Ireland legislative processes against those currently in place in the UK.

In effect, security bonds exist as a means of financing the completion of a road or sewerage system where a building contractor has failed in his or her duty to bring it to an adoptable standard. There are too many cases of roads being left in a state of disrepair, and the issue needs to be addressed as a matter of urgency. The Committee for Regional Development is willing to take the lead on the matter, and I hope that the Minister, in supporting the motion —

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

**Mr Spratt:** — will take heed of the inquiry and allow the Committee to first report its findings to the House. The Committee for Regional Development supports the motion.

**11.30 am**

**Mr Lynch:** Go raibh maith agat, a Cheann Comhairle. I support the motion on behalf of my party. I thank the Member, Miss McIlveen, for bringing this important issue to the House. As the Chair of the Committee said, and as I know as a member of the Committee, it is an important and serious issue.

Like other Members, I can cite examples in my constituency and town where residents live in developments that are often more like building sites than places of which a resident community can be proud. This is not a recent problem associated with the collapse of the property boom, although the major contraction in the housing market has adversely affected the completion of housing developments. However, the Assembly's Research and Information Service information pack references a report carried out in England and Wales in 1972 that showed that the problem was as bad then as it is now.

Many of the people who bought new houses in these developments were young people buying their first home. We all know how excited one can get in looking forward to moving in and making a house your own place, and so on, but in many cases, purchasers overlooked issues such as roadways, footpaths and other facilities. I suppose all of this got lost in the boom years when builders constructed and sold houses as quickly as people could buy them, often without proper bonds being in place. Legal people and estate agents got on the train — I suppose you could call it the gravy train — without fully checking products out for their clients.

To go some way to resolving the problem, buyers must become aware of all aspects of buying a house in a new development. Solicitors and estate agents must act responsibly, and, at the very least, ensure that a surety bond is in place to guarantee that work will be finished. If no bond exists, they should outline to their clients the potential pitfalls of going ahead with a purchase.

A number of weeks ago, NILGA made a presentation to the Committee for Regional Development, and, as the Chair said, the Committee agreed to hold an inquiry into



unadopted sites. Indeed, there was a notice in 'The Irish News' yesterday asking the public to make submissions to the inquiry, and I welcome the Committee's swift response to this serious issue. The inquiry should be robust and call as many stakeholders as needs be. We need a long-term solution to resolve the problem for the future.

The issue is not as straightforward as NILGA's presentation highlighted. There are two issues: dealing with current developments that are not finished and are unadopted by local authorities; and ensuring that future developments are finished to the required standards. That will mean that the authorities, including the Planning Service and Roads Service, must monitor housing developments to ensure that they are covered by an up-to-date bond for satisfactory completion of essential services and amenities.

In recognising the difficulties in raising bond-type sureties, it might be an idea to consider the range of available mechanisms, such as cash deposits, to ensure that the problem does not happen in the future. As Members said, the Minister has an important role to play in the process. I ask the House to support the motion.

**Mr Beggs:** I welcome the debate and the Committee for Regional Development's inquiry. For most people, including me, a house purchase is the biggest investment that they will make in their lives. For many of us, buying a new house will be a one-off experience. You may move home a number of times, not always to a new house, so to a certain extent, purchasers can be vulnerable.

I suggest that people take one piece of guidance, which is to ensure that they have good legal advice with reference to the difficulties that have been experienced with unconnected sewers. If a solicitor had not pointed out such a problem to me, I would find out what liability he or she held and would advise constituents to chase up such an issue with the Law Society, because someone should have been aware of it.

In a normal market, most developers are helpful to their purchasers. They want to have a good name and to have repeat purchasers in the future. Indeed, shortly after I got married, I bought a new house and found the developer to be very helpful. However, there are some rogue developers who scrimp and cut corners and avoid finishing roads. I suggest that the

Department needs to intervene earlier when things start to go wrong to ensure that bonds are drawn down earlier.

There is a particular problem at the moment with the decline in the housing market and the fact that fewer houses are being built, which means that there is an extended period before a site is completed. There is the added problem of builders going into receivership and questions about who owns properties, and it appears that that is lengthening the time before bonds can be brought down.

Many issues flow from unadopted roads. Sewers may not be properly designed or connected, but who is responsible if there are problems? There is the issue of the roads, footpaths, finished surfaces and street lighting, which everyone would wish to have finished off. There is also the issue of councils being unable to clean streets because of rough surfaces. There is the risk of car damage, and there can be difficulties collecting bins. I have also come across the issue of it not being possible to connect new public transport routes because sizeable spine roads are incomplete. Therefore, there is a wider interest in trying to improve the situation.

In the early 2000s, I was involved in getting the Prospect area of Carrickfergus adopted, as homes were completed there several decades ago but the area was unadopted. It took me two years of lobbying before we managed, with help from Roads Service, to move the thing forward and draw down some £48,000 that was sitting in bonds to upgrade the sewers and make the necessary adjustments. Risks occur the longer time goes on, and, in that instance, there was a difficulty as some people had built walls, which affected sightlines. If the matter had been completed sooner, that problem would not have manifested itself to the same extent. In that instance, there were also issues of unadopted sewers, and sewers were flooding because there was a need for larger capacity. That happened in private property, and it was a complete nightmare for the people who lived in the area. Thankfully, the issue was resolved, but it was very stressful.

I turn now to Larne west. Hundreds of homes have been built there, yet the link road is incomplete, which means that the connection to the A2 is not there. Other pressure exists on a number of other routes. The Linn Road and Donaghy's Lane, in particular, service that

large area, and the vision of green corridors, play areas and cycle networks has not been developed. Therefore, we need to look more closely at what needs to be developed following impressions given in area plans etc.

In Carrickfergus, there is also difficulty with a new spine road. I am thinking specifically of the St Andrew's Link into the Woodburn area. Ultimately, the area plan will have shown a link to Slow Field, but, again, that has not been completed. The planners allowed much development to occur. A section was developed late. One of the most concerning aspects of that road is that it is to be developer led, but some of the spine road is not included in the area plan and, therefore, cannot be developer led. Therefore, we are allowing hundreds or even thousands of houses to be built without the spine road being completed. That is an area involving planning, and it needs to be addressed.

**Mr Byrne:** I, like others, welcome the debate and congratulate the proposer for bringing the issue to the House. It is fair to say that it has vexed many residents and district councils for a long time, and they have felt powerless to deal with the issue.

The Planning Service grants planning permission for developments, but other statutory agencies, such as Roads Service, street lighting and the water service, also have responsibility and input into the services on those sites.

The road bonds, however, should provide the safety net in trying to resolve the problem. The sad reality is that over 3,000 unadopted roads in Northern Ireland had surety bonds in place. There is something wrong if Roads Service does not feel fit to trigger the bonds or try to get remedial action.

**Mr D Bradley:** Will the Member give way?

**Mr Byrne:** Yes. I will let you in on your third attempt.

**Mr D Bradley:** As they say, Mr Speaker, third time lucky, and persistence sometimes pays off. I thank the Member for giving way. He will probably notice from the research that there are about 174 unadopted roads in the constituency of Newry and Armagh, which, of course, the Minister shares with me. Such a situation leads to problems with road safety, street cleaning, refuse collection, lack of grit boxes, etc. Does the Member agree that one of the problems is

that the Department for Regional Development (DRD) does not have sufficient staff to enforce the existing regulations and that, if there were an increased number of staff, a lot of those issues could be dealt with, and dealt with more speedily?

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

**Mr Byrne:** I cannot comment directly on the number of staff that Roads Service has in relation to the issue. All I can say is that I know Roads Service staff in Omagh, and they are very good at liaising with developers and residents. The problem is the lack of joined-up legislation. The result is that, very often, Roads Service has to wait for quite a time before it can invoke or trigger the bond. There seems to be a disconnect between the roles of the local authority, Roads Service and the Water Service, and that causes massive frustration to residents. As other Members said, many residents have been living in estates for 10 or 20 years, but neither the roads nor sewers have been adopted. It is a chicken-and-egg situation, and it is completely unsatisfactory.

Mr Jimmy Spratt, the Chairman of the Committee, very much led the way in our seeking a Committee inquiry. For the first time, a concerted effort is being made to try to tackle the problem: the Committee will take evidence, hear what the stakeholders are saying and see what can be resolved.

I pay tribute to the Northern Ireland Local Government Association (NILGA), which has carried out a lot of work on the issue, made a number of presentations to the Committee and produced an authoritative report. It is obvious that councillors are getting an earful from residents. They bring the issue to their local authority — the district council — but it is powerless to do anything about it. The only thing that residents feel very angry about, however, is the fact that, once they have been in a house in a development for only about a month, the first bill to arrive on their doorstep is the rates bill. They say, "Here I am living in a private estate, and I purchased the house in good faith. I have no adopted roads or sewers, but the first bill is from the local authority."

The Planning Service has to have a role. If it issues planning permission for a development, it has to have a follow-on role. I hope that the Minister for Regional Development, who, I think, cannot provide all of the solutions, will, perhaps,

help to co-ordinate with other Departments and the district councils to make sure that we have better joined-up legislation. We may have reached the stage where the gaps in the legislation are the problem. That is where the Committee inquiry will, I hope, help to inform the Assembly and all of the stakeholders of the best way forward towards having a co-ordinated and concerted effort.

I want to refer to another group of roads. Many residents have lived for many years in estates and on roadways for which a surety bond has never been put in place. One such place is Nancys Lane in Strabane. My colleague Michaela Boyle will be aware of it. No one developer built all of the 22 houses on that road. Some were built by people who purchased an individual site.

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

**Mr Byrne:** The time has flown. I mention that example, because many residents on that road are victims of circumstances. They did not buy a particular house from a particular developer; they may have bought an individual house from someone who built a single dwelling. There is also a terrace of four houses, which was built about 50 years ago. I see a real problem for those houses or estates for which no surety bond has ever been put in place. I support the motion and the sentiments involved.

**Mr Dickson:** I, too, thank the proposer of the motion for the opportunity to debate what remains a very difficult situation, which is well known to many of us who were councillors.

#### 11.45 am

Substandard and unadopted roads, footpaths and sewerage systems are an increasing problem for residents across Northern Ireland. Recently, the news media drew our attention to a new development in which the sewers were not connected and the bond was not in place. In addition to new housing developments across Northern Ireland, there are historical unadopted roads across Northern Ireland, whether from the west of Larne, as Mr Beggs referenced, to an old development in Whitehead called McCrea's Brae, to a new development in Greenisland called Farm Lodge Stables and to older developments in the upper part of Jordanstown and Newtownabbey, all of which pose their own unique problems. That leads to a wide range of

problems, including devaluation, hazardous road surfaces and environmental health issues.

A thorough investigation is required to evaluate the exact cost, the consequences and the scale of the problem. We know that there are 2,700 unadopted roads in Northern Ireland, but even that figure is in doubt. We do not actually know the scale of the problem.

**Mr Spratt:** During discussions in Committee, we learned that only 44 surety bonds are being discussed by the Department. Does the Member agree that that is a cause of concern?

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

**Mr Dickson:** Thank you. Indeed, I agree with Mr Spratt. That gives the Committee great cause for concern. Clearly, there is a disparity between local knowledge and what the Department is telling us.

Those who live in affected housing developments are all too aware of the consequences, as they have to put up with substandard surfaces and are forced to drag bins to the nearest public road simply to get them emptied. As the Chair of the Committee said; as we discussed the issue, it became clear that a thorough review of the adoption process is needed. I am pleased that the Committee has called for an inquiry and that we are now putting that in place.

A number of key points need to be considered. First, there has to be an examination of the role of the key stakeholders in the adoption process. We are told that developers are required to consult Roads Service prior to building and to provide a guarantee bond, but that does not happen in many cases. This suggests a breakdown in communication between different agencies; therefore, it would be prudent to examine that area and look at the possibility of introducing protocols outlining the role of each agency in the adoption process and how they are to engage with one another.

Another concern is that local councils do not hold information on property management companies that are no longer in operation. It may be some months before officials become aware that an individual or company has gone into insolvency. Perhaps we need a mechanism in place to compel companies or administrators to inform local councils immediately upon insolvency.

We also need to look at our legislation. It appears that we are somewhat ahead of our counterparts in the rest of the United Kingdom. However, as the proposer said, we are behind the Republic of Ireland, which has statutory provisions in place empowering residents to compel a local authority to adopt a road. That raises the question of who has the power to compel Roads Service to invoke the bond. I understand that there is no mechanism to do so, and that needs to be looked at. We also need to examine the time frame for such an evocation to ensure that developments are not left in the same state for years and years and to allow for flexibility, pragmatism and common sense. For example, we would not want to see bonds invoked for half-completed developments, only to see construction resumed at a later date and road surfaces damaged.

A document that Road Service provided to the Committee stated that the underlying principle is that a sufficient bond must at all times be made available to cover the cost of outstanding works. With that rationale, the money should always be there, yet we know that it is not. Obviously, that is not the case. We need to look again at how the value of the bond is determined. Currently, it is done by the relevant authority and is based on the costs it would incur to complete the work. As noted in our discussions in Committee, costs may increase significantly in a case where the road sits uncompleted for several years.

Finally, we need to heighten awareness among buyers of the issues around adoption, as Mr Beggs suggested. Solicitors have a duty to make sure that their clients are aware of those issues. It is imperative that buyers know their responsibilities.

Unadopted roads, footpaths and sewers are another example of the continuing economic crisis we face. It is an issue that we must tackle head on, and that is why I welcome and support the motion.

I would like to take my last moments to ask the Minister to ensure that, while the Committee is conducting its inquiry, the Department will not take its foot off the pedal when dealing with these matters. This is not an excuse for the Department to do nothing.

**Mr Moutray:** This is an issue that I have been extremely exercised about recently, and one that has become more prevalent, particularly owing

to the adverse effects of the economic downturn on the construction industry. Many developers have, unfortunately, gone into liquidation, causing major problems with developments that have been built but not finished to the required standard. Today's debate, which I welcome, draws to Members' attention the growing problem of unadopted roads and footpaths and unfinished sewerage systems in developments throughout Northern Ireland.

In the Upper Bann constituency, we are plagued with this problem, with scores of sites remaining unfinished. My office has been inundated with complaints regarding this. Although Roads Service's southern division is active and helpful in endeavouring to complete the works by issuing article 11s as a last resort, it is an extremely slow process, and the required financial amount to complete a site is often not covered by the surety bond paid initially by the developer. Indeed, in some instances, no surety bond has been paid prior to the commencement of the development. The inconvenience caused to residents is significant, with uneven road surfaces, raised manholes, no surface for emptying bins, no grit boxes, often no street lights and, in some cases, poor sewerage systems. That is totally unacceptable to the residents, who bought their homes in good faith and, quite often, at a high price, on the understanding —

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

**Mr Moutray:** I will.

**Mr Beggs:** Does the Member agree that solicitors who were involved in such transactions without bonds in place have a responsibility, and that those who may have purchased in that situation should pursue the matter?

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

**Mr Moutray:** I do indeed agree with the sentiments expressed by the Member.

A case in Lurgan was raised with me recently in which a constituent fell over a raised manhole and sustained a break, for which he had to receive hospital treatment. In today's society, that is unacceptable. I firmly believe that this is an issue that needs to be addressed urgently. Therefore, I agree with the motion, which:

*"calls on the Minister ... to carry out a review of the bond system in relation to roads, footpaths and sewerage systems in new developments".*



Furthermore, I believe that that should be done with a view to implementing more stringent and sensible rates on surety bonds prior to developers commencing a development. Continued monitoring of the situation should be carried out, with revised bond figures issued yearly, given the fluctuation in prices.

Craigavon currently sits in the top four council areas affected by this blight. Unfortunately, the invoking of a bond at present is the last resort by statutory authorities. Although I understand that a reasonable time must be given to developers, I believe that five or six years of unfinished roads, sometimes longer, is unacceptable.

In days gone by, residents were able to obtain a rates reduction. However, that was abolished some time ago. Therefore, residents are paying for services that they are, quite simply, not getting: for example, no street lighting or having to take bins to the end of the development because a bin lorry will not enter the development due to the health and safety risk. The local authorities will protect themselves, but there is no such option for the residents who have to use the development roads every day. There have been complaints about car damage because of the roads and raised manholes, all of which is an additional expense on the residents in the development, which, quite frankly, they do not need.

Ultimately, there is a wide debate to be had on whether or not the public purse should or can bear the costs of completing developments that are found to be in this situation. I believe that there is an additional need for more stringent rules and regulations to be in place to start with, and that there should be closer collaboration between the Planning Service and Roads Service in this regard, particularly when planning applications have been approved. Unfortunately, in the past, a percentage of developers have just proceeded without adhering to the law and submitting a bond to DRD. If planning and DRD were to collaborate, that would assist in preventing such happenings and would create a joined-up approach.

In conclusion, I believe that there is a need for a standardised agreement and wording for bonds and a more consistent charging mechanism. DRD, therefore, has a duty to look at this with haste. I welcome the Committee's inquiry into

this important issue, and I look forward to having an input to it.

**Mr Ó hOisín:** Go raibh míle maith agat, a LeasCheann Comhairle. Beidh mé ag labhairt ar son an rúin seo inniu. I speak in favour of the motion. As elected Members, we are all acutely aware of the unadopted roads and unfinished developments in our own constituencies. Indeed, all who have spoken today have listed those. I could do the same and spend the next five or even 10 minutes listing the 150 or so examples from my constituency, but I will resist the temptation to do so.

I welcome the motion moved here today. Its remit could have been wider, but that may be covered by the inquiry in due course. Incomplete developments and ghost estates are symptomatic of the malaise in the wider economy. Many who purchased dwellings in the first phase of development, and, occasionally, in the subsequent phases, must rue their decision and must be disillusioned that something so bright and promising has turned out to be a serious disappointment. Furthermore, there is no prospect of moving elsewhere; falling house prices and negative equity have left many trapped in these situations.

Give the demographic of numerous of the new developments — many of the houses have been purchased or rented by young families — the lack of open spaces and the unfinished roadways and pavements cause their own problems. In some cases, developers have been required by law to install traffic-calming measures, but, in some areas, that simply has not happened. Children are playing on uneven and unfinished surfaces with no traffic-calming measures in place — you can make up your own mind about that. Street lights, sewerage and water services are not always up to standard in some areas. That is indeed an intolerable situation.

Damage to vehicles has been mentioned, and there have been personal injuries. Of course, local authorities cannot access developments for the purposes of street cleaning or refuse collection, causing further hardship for people there. I am thinking of a young mother who, every fortnight, has to take two bins some 700 metres up a steep incline for collection. Damage to vehicles on adopted roads due to delays in the maintenance programme or problems such as raised ironwork is another issue that

Roads Service should address, although it is not relevant to the motion. The onus should not be on the injured party to follow up on that.

The motion calls for a review of the bonds system, and a review will, hopefully, relieve the situation that currently pertains in over 2,700 cases. The principle of caveat emptor is simply not good enough for people who have purchased a finished product in an unfinished environment and who have to wait many years for that to be addressed. There has been some suggestion that five to seven years would be a reasonable period, but I am not so sure about that.

It is incumbent on us to ensure that the upcoming inquiry brings together all the relevant stakeholders: the local community; residents; the development and management companies; the banks; NAMA; local authorities; DRD and other Departments; and housing associations, etc. In the short term, we want to look after the safety and security of construction sites. That should be a paramount concern. Other issues are the ongoing provision of bonds and securities for the completion of projects and, of course, engagement with local authorities. In the medium term, all access concerning roads, footways, pathways, etc, should be investigated. There must also be provision of water and sewerage services, fire hydrants and amenities such as open spaces and playgrounds. There is a need for long-term planning, and developers and others must realise that properties no longer have the value that they once had, are not selling and may need to be reconfigured.

There are design issues. Site resolution plans, or SRPs, by developers and the financial sector are essential for the satisfactory completion of outstanding works and must be encouraged and developed. Monitoring of unfinished developments must also be a priority, and it is essential that Planning Service and Roads Service are aware of the bonds, etc, that are in place and that they adequately cover the outstanding works.

I concur with the motion. I look forward to the Regional Development Committee's inquiry, and I urge all those who have an interest in the issue to make submissions to the inquiry. I support the motion.

## 12.00 noon

**Mr Irwin:** I welcome the opportunity to comment in the debate. I thank my two colleagues for

bringing the motion to the Floor. It comes at an opportune time, given the very challenging housing market that we are experiencing.

The condition of many partially completed developments across the Province, including those in my constituency, remains a source of constant concern for residents, which is a point that other Members have referred to. In most towns in my constituency of Newry and Armagh, there are problems with developments that are either half-finished or only partially commenced. The problems range from those directly referred to in the motion, such as raised manhole covers, inadequate or non-existent street lighting and sewerage network inefficiencies, to growing problems with the way in which sites are left dormant, such as security fencing that is either missing, toppled or bent beyond use, topsoil heaped against residents' fences, large excavated holes filled with rainwater — I could go on.

Residents have the right to feel aggrieved at the situation, especially when we look at the circumstances in which they find themselves. Many bought properties in the developments at a premium as prices simply kept creeping up, and, with that in mind, developers were taking their time to finish developments, given the week-on-week rise in prices at that time. The bubble has burst, and many residents now live in a development where their property is finished but a decaying building site lies a few metres away and poses a hazard to young children. I know that to be the case, because I have visited a number of them and have listened to the concerns of residents who are, indeed, right to complain bitterly about the situation.

With many buyers obviously still reluctant to enter the market, I believe that we could be looking at the problem for some months ahead, especially since many of the original developers have gone bankrupt. However, there is an increasing responsibility on Roads Service to address the outstanding issues and to ensure that residents have a safe environment in which to live. The situation at a number of locations across Newry and Armagh is far from ideal. I have been in contact with Roads Service regarding the issue of utilising road bonds in order to have works, such as street lighting installation, completed and roadways finished.

The situation is not improving with the passage of time. I have a major concern about the speed at which existing bonds and arrangements can

be invoked. It seems to take for ever to get work completed when invoking a road bond. Given the economic circumstances and the large number of developments where problems exist, I fully support the motion in calling for the Regional Development Minister to look at the matter.

The Health and Safety Executive has a greater role to play. It should play a more proactive role by visiting the sites affected and ensuring that site security is maintained. There are too many half-finished developments around the Province where access is wide open, which is a huge safety concern for parents with young children. There is much room for improvement. I would welcome the Minister's views, and I would particularly like to hear how he intends to address the matter. I support the motion.

**Mr Kinahan:** Given that I am the Minister's Assembly Private Secretary, I am not going to speak on roads issues but on something that is very pertinent to the debate, namely environmental issues, which one or two Members touched on. I know of three areas in south Antrim that have major problems because of unfinished roads. In every case, the issue is with private roads, which I will go into in more detail in a second.

I congratulate the Members who tabled the motion and, in particular, the Committee on its inquiry. As we heard from everyone today, it is essential that we resolve the matter as quickly and as thoroughly as we can.

When I explored the problem at Bush Manor in Antrim, I, as ever, went round and round in circles before it was eventually explained to me that the developer and the planning authority had agreed to shared private roads, where there were sometimes three houses and sometimes eight houses. Those roads are not built to Roads Service standards; they do not necessarily have the right widths, depths or even drainage, and they are not covered by bonds. However, because they are outside the Roads Service design and standards, they are not a Roads Service issue. As I said, they were agreed by the planners with the developers. Therefore, the onus falls on the Minister of the Environment, who is responsible for planning, and, to some extent, the Justice Minister.

There is no means of forcing the finishing of a development when a developer has gone bust, as the next developer who takes on a different patch will not finish private roads somewhere

else. The administrator in the Bush Manor case was not interested in anything other than getting another patch finished and sold for whatever price they could get.

In Bush Manor, 349 smart and well-to-do houses were to be built, but only about 180 were finished. There were 11 private roads built to the wrong standards — 11 private but shared drives left with rough edges and holes and falling apart. There was no means for people living off those roads of getting them finished.

**Mr Beggs:** Does the Member accept that, as well as getting them finished, the issue of who will maintain them arises? That may become an even bigger problem, as difficulties may arise over decades.

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

**Mr Kinahan:** Thank you very much. Certainly, there is a difficulty with getting them finished and deciding whose role it is to maintain them. I was going to touch on that when I spoke about the legal issues and the lawyers. I will deal with that now. If the road had been finished to the right standard, most of the people living off it would have been happy to look after it. However, the road never got to the point of being finished, and the lawyers had not pointed that out to the families affected. So those people were left with an unfinished road and a much bigger bill for getting it finished as well as legal fees.

There is another downside in all these cases: the management companies were not set up until the roads were finished. In many cases, there were people with a good house on the main adopted roads that had been finished who could not sell their house because the whole development had not been finished. As the pressure due to the economic climate grew, more and more people wanted to either let or sell their house. Those people found it hard to do either, and we have been left with a major problem that we need to resolve. They also could not sublet their house, and things have got worse and worse for them. So I am pleased to see the Committee taking the issue on board.

We really need to find a system in which it is easy to pull a group of solicitors together and get them to take a case forward. That is important because, on a road with nine houses, the owners of which can all have different solicitors dealing with the matter, the cost of getting those solicitors to talk to one other, resolve the way forward



and agree on finishing the road is extremely high. I ask the Minister to speak to the Justice Minister to try to find a way forward in addition to speaking to the Environment Minister.

I thank the Committee for tabling the motion. The Ulster Unionist Party fully supports it.

**Mr Molloy:** A Cheann Comhairle, go raibh maith agat. This is a very important and timely debate. I thank the proposer of the motion.

The economic decline has been one of the big causes of ghost estates, but the problem of roads being left unfinished and not being adopted by Roads Service has been a major one over the years. The reluctance of Roads Service to lift bonds has also been an ongoing problem. For instance, I have a letter from the Minister saying that a bond would be invoked on 1 December 2011 in Ballyronan. However, the local division of Roads Service said that it would not invoke the bond until April because the contractor would be busy with end-of-budget wind-ups until the end of March. Therefore, the residents affected have been left without a proper road surface. Who is the boss in that situation? We have had that problem with Roads Service over the years.

I will mention one particular estate, as other have done: Gortview in Coalisland. We saw on television recently that sewers there had not been connected to any main sewer. They had simply been run out of the houses and into a manhole in a field, and the raw sewage was flowing down the field with no control. The developer then went bankrupt, and the residents are now left in a dilemma, wondering who will make the situation right. The receiver is in place but is saying that the houses are sold and are not their problem. Again, Roads Service and the Departments are not willing, at this point in time, to lift bonds to complete the work.

This is also a cross-departmental issue, because various Departments are responsible. Roads Service may be responsible for roads, water and sewerage, but the Department of the Environment and local government enforce the rules and make sure that all actions are taken to get a development correct from the start. So, it is important that the different Departments are brought in, and I welcome the DRD inquiry into the issue. However, it is also important that the inquiry is cross-departmental, as that will make sure that other aspects of building control and environmental health are covered.

**Mr Boylan:** I support the motion, and I think that there have been some good contributions to the debate. However, surely the Member agrees that the bonds should be enacted on a phase-by-phase basis so that the developments are finished on a phase-by-phase basis, especially the sewerage and water elements. Also, a building control officer could play a role in the environmental elements of the developments.

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

**Mr Molloy:** I thank the Member for his contribution. That is a very important point, and building control has a key role. My understanding is that building control is notified by the developer at the start of work on the development. After that, however, building control basically has to be invited in to ensure that the property is developed properly. I would like to see building control have the authority and power to go in and inspect.

In the case of Gortview in Coalisland, the sewers are connected to the houses, but it is not certain whether they are correct. However, they run out of the houses and into a manhole. Nobody is taking responsibility after that stage, and building control has no responsibility for that next stage of a development. Environmental health and the Environment Agency have a responsibility to ensure that proper discharge content is in place. It is not in place, yet no one seems to be willing to take action to make sure that it is.

We need a collective view from building control, environmental health, Roads Service and the various agencies. Local government has an important role to play, but it needs to have the power to invoke surety bonds and to make sure that all the connections and elements are in place.

A simple example is the energy certificate. They are advertised for homes that have very high energy efficiency rates and tick all the boxes. However, no one ever inspected the houses to make sure that that energy certificate is correct. People need to know such information before they buy houses. Mr Beggs raised the issue of good, proper legal advice. That seems to be difficult to find. There seems to be a situation in which one party's solicitor will sign up on the promise of getting the other solicitor to forward the final building control certificate to them. That may not be in place, and I cannot understand how anyone can sign up to a mortgage or how a mortgage can be

given without the final certificate being in place, especially as it ensures that a house has passed building control and is eligible to be lived in. So, we have a question about the legal people and how they can sign up to a mortgage and a contract or instruct a resident to buy a house and sign a contract that leaves them not knowing whether they have a main sewer or a certificate. There is also a question mark over how people do not have a final building control certificate that ensures that the house is up to standard and can be lived in, which is the situation in this case. Building control identified 38 faults in one house, some of which were important and related to health and safety issues connected to the heating, oil and insulation.

It is important that the DRD inquiry goes across the broader stream and brings in local government, environmental health, building control and the other agencies that are involved.

### 12.15 pm

**Mrs D Kelly:** I, too, support the motion and congratulate Miss McIlveen on bringing it to the attention of the House. As can be noted from the contributions so far, it is a concern throughout all constituencies and council areas.

Mr Moutray commented on Upper Bann and highlighted specific areas of concern. I am grateful to the Assembly's research officers, who have been able to distil for us what that means for Upper Bann. In Craigavon, there are 141 unadopted roads, which is one of the highest numbers in any council area. Banbridge has 50 unadopted roads. In the Craigavon Borough Council area, 14 housing developments have gone into liquidation or administration. There are two such developments in Banbridge. As many Members noted, the fact that many developments remain unfinished is not just a result of the boom-and-bust years; it was always the case that some developers were most reluctant to live up to their obligations to homeowners and, indeed, to the Department with regard to finishing roads, lighting and sewers to adopted standards.

At this stage in the contributions, it is difficult to say something new or different because concerns and problems are common throughout constituencies. I know, for example, that, in Kiln Lodge in Lurgan, there has been an issue with open trenches. Cables for electric wires were still exposed. As elected representatives, my council colleagues and I have had to fight for

a long time with developers and, indeed, with Roads Service for any enforcement action to be taken. Although we know that enforcement action is a last resort, I must say that, in many instances, Roads Service is most reluctant, for whatever reason, to take that action.

**Mr McCarthy:** I am grateful to the Member for giving way. Would she consider inviting the Minister down to see a particular area? The former Minister, Conor Murphy, visited Kircubbin in my constituency. In no time at all, a problem there was solved. That is an invitation to the current Minister. Hopefully, he can come up to the mark.

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

**Mrs D Kelly:** I thank the Member for that useful information. The challenge has now been thrown out to the Minister, who, I am certain, will receive numerous invitations from every council area. He may bring a few magic wands with him on his travels.

I note from the reply to AQW 3903/11 from Mr Roy Beggs that open space actually falls within the remit of Roads Service with regard to certain surety bonds. I found that interesting because it has been an ongoing problem in some parts of the central Craigavon area that developers have used open spaces as parking lots for their mobiles, workers and, indeed, construction materials. They have failed to finish off those open spaces. I want to learn more from the Minister on developers' responsibilities with regard to the establishment and ongoing maintenance of open spaces. We have difficulties with that issue. In Bells Row Court in Lurgan, for example, there is an issue with the maintenance of the grass area, which has become unsightly. It is a matter of great debate between Craigavon Borough Council and Roads Service. I am grateful to the council because it actually maintained the area last year, albeit for a short period. Lawyers who advise councils are most reluctant to tell them to pick up what they perceive to be Roads Service's responsibility. There is a great need for greater co-ordination across councils. Some Members suggested that a task force be employed. Mr Dominic Bradley, for example, has said in the past that building control, the Health and Safety Executive and Roads Service section engineers should work together with council officials on those matters.

I do not want to say much more. A lot of ground has been covered. I certainly endorse Members' contributions to the debate.

**Mr Speaker:** Order. The debate will continue after Question Time at 3.00 pm, when the Minister will respond. The Business Committee has arranged to meet upon the lunchtime suspension. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm, when the first item of business will be Question Time.

*The debate stood suspended.*

*The sitting was suspended at 12.19 pm.*

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

**2.00 pm**

## Oral Answers to Questions

### Environment

**Mr Principal Deputy Speaker:** Questions 3, 8 and 9 have been withdrawn and will require written answers.

### Motor Insurance

1. **Mr P Maskey** asked the Minister of the Environment what action his Department is taking to ensure fair rates of motor insurance for drivers. (AQO 1240/11-15)

**Mr Attwood (The Minister of the Environment):**

I thank the Member for his question, which is very relevant, given that we need to bear down on living expenses in a time of need. Government really needs to jump over some fences to bring that about. I take a twin-track approach to the matter. On the one hand, as Members will be aware, the Executive have already agreed to a road safety Bill. By improving road safety, you may improve the situation with insurance premiums. Beyond what the Executive have already endorsed, a series of further proposals will be brought forward over the next number of weeks.

The twin track is that, three weeks ago, I met the Association of British Insurers in London, and I challenged its chief executive about the higher premiums in the North, especially in rural areas. The association agreed to work with me over the next five months. I hope that the Law Society of Northern Ireland and the Consumer Council will also work with me over the next five months to identify all possible measures that can bear down on insurance premiums in the North so that a more equitable outcome can be created, especially for our rural dwellers.

**Mr P Maskey:** Go raibh maith agaibh, a LeasCheann Comhairle agus a Aire. I thank the Minister for his response. It is a massive issue, especially for young drivers who have recently passed their test. Even in our constituencies, some people may pay £1,000 or £1,500 more for premiums than those in a neighbouring area

with a different postcode. So, it is a massive issue, and I appreciate the work that is being done. Has there been any talk about younger drivers, especially young female drivers, who seem to be particularly disenfranchised by the costs that some insurance companies charge?

**Mr Attwood:** I acknowledge the point about young drivers. I express my appreciation to the families and young people who participated in the recent series of 'Crashed Lives' advertisements on the TV. Those are very powerful. I was at the launch, and it was a privilege to hear their stories, traumatic though they were, given the serious injuries and deaths suffered by young people and the impacts that families suffered as a consequence. Those messages will be a material factor in furthering the strategy to reduce road deaths and serious injuries, which has been successful, especially in the past two or three years.

In my work with the various partners, including the Association of British Insurers, we will interrogate the 17-to-25 age category in particular. On the one hand, that is where the highest premiums are, but, on the other, it is where the highest risk is. It is a proven fact that 20% of newly qualified drivers will have an accident within two years of qualification. We need to identify what can be done on road training, road safety and driver licensing to impact on that and to create an argument with the insurers that they should drive down cost. However, the insurers have a responsibility too. There should be more competition and more insurance companies in the North. The insurance companies should have to justify much more robustly why the premiums are as they are. That is the purpose of the intense work that is being done with them and others over the next five months. Arising from that, I hope to come back to the House with hard outcomes that will drive down the high cost of the premiums.

**Ms Lo:** The PSNI estimates that there are 35,000 uninsured drivers here. We are all paying for them, yet we still do not have an integrated computer system in Northern Ireland that links driving licences and insurance. The other parts of the UK all have that computer system. Would the Minister consider making such an improvement?

**Mr Attwood:** Nobody will deny the value of continuous insurance enforcement, as they have in Britain at the moment. We have the legislative

cover to do that. We have it as an aspiration in our road safety strategy. However, there is a consequence of going in that direction: it is most likely to happen as a requirement of the integration with Swansea of services provided to car owners in the North. There are issues around that. I met Mike Penning, the Parliamentary Under-Secretary of State for Transport, in London three weeks ago, and I outlined to him very firmly my concerns about an ongoing review of the potential for the integration of services in the North. It may, on one hand, deliver better services and continuous insurance enforcement; on the other hand, however, it could have consequences for jobs in the North of Ireland, including Coleraine. I made my concerns very clear to him and outlined my proposals for how we could provide services in the North beyond what we already do. Let us have continuous insurance enforcement, but there are job risks around it.

**Mr Campbell:** Further to the Minister's previous answer, will he assure those who work in County Hall in Coleraine, who have the capacity and skills to deal with motor licensing issues, many of which arise as a result of accidents and injuries, that they will be at the forefront of his mind?

**Mr Attwood:** I very much give that reassurance. That is why, as soon as I came into this job, I met Mike Penning in London. I have been in correspondence with him since, and, as I said, I met him again three weeks ago. He has made a decision that will see the potential loss of 1,000 jobs in parts of Britain because of the integration of services in Swansea. I wanted him to understand that I was opposed to those job losses and that there were services that our workforce in Coleraine and elsewhere could provide. Part of that work responsibility could include the difficult job that we will have in 2014 of managing foreign road haulage lorries and other vehicles coming into the North across the border. I made the case that the jobs were needed now and in the future and that I would not tolerate the short-termism of the British Government, which sees integration as a mechanism to reduce costs irrespective of the jobs outcome.

**Mr Kinahan:** Are the data on the scale of insurance payouts and a breakdown of what is in those payouts widely available, or are we putting something in place to make sure that they become widely available?



**Mr Attwood:** That is a matter more particularly for the Minister of Justice, and I will raise it with him. The debate in the Chamber yesterday produced a wiser outcome than might initially have been the intention behind the motion. There are issues around the number and value of claims in the North. Insurers say that those and other factors lead to increased premiums. We need to reduce the number of accidents that give rise to claims, and that is what we are doing. We also need appropriate measures rather than reckless ones that jeopardise the welfare of people who claim compensation arising from accidents. We need proper, proportionate measures to manage the claims system in the North. That is something that the Assembly and the Minister of Justice will look at. I have written to the Minister in that regard.

### Planning: Councillors

2. **Mr Irwin** asked the Minister of the Environment to outline the role of a councillor in the decision-making process when Planning Service powers are transferred to local councils.

(AQO 1241/11-15)

**Mr Attwood:** I thank the Member for the question. As I have indicated to the House, this is a critical matter. Given that we are now moving to implement RPA and that the single biggest transfer of function will be on the planning side, we need to ensure that, come 2015, the planning system that has been devolved to local councils is fully fit for purpose. In particular, we need to move from a situation where, historically and legitimately, councillors have made planning representations, to one where councillors become the planning authority. That cultural, structural and systems change will be very important. In the near future, I will outline how we will work with local councils and councillors to build up the capacity on both management and elected sides to ensure that the role of the council as a planning authority matures.

The role of the councillor in the decision-making process will be vital. Councillors will make key decisions in local development plans, be heavily involved in the new community planning function, receive recommendations and decide the vast majority of planning applications. A small number of decisions will be taken centrally for strategic and economic reasons. Councillors will also have a range of other functions in respect of conservation areas, enforcement, tree preservation and so on and so

forth. Given the scale of those responsibilities, the ethical regime that I intend to put in place will legislate against abuse and wrong practice and encourage best standards.

**Mr Irwin:** I thank the Minister for his response. Given the proposed new role for councillors, does the Minister accept that councillors need special training to deal with that situation?

**Mr Attwood:** There is a deeper principle in Mr Irwin's question. Given the complexity around RPA and the issues therein, including the functions that will be transferred, I am minded to provide training not just to councillors but to management. I am also minded to deploy a wide range of pilot schemes to test, in real time, the functions that will be transferred to councils in order to ensure that, when the councils are reorganised — I have a view on that that has not prevailed — they deliver efficiency, effectiveness and value for money and live up to the expectations of the ratepayers. Critical to that will be training for councillors. Although the Executive have decided — I agree — that there will be no contribution to RPA costs from central government, there will be contributions in kind, including through councillor training.

**Mr McGlone:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for his answers until now. When will the Minister be in a position to give us the timetables for the detailed outline of the review of the planning reform process? When will he be in a position to outline the checks and balances that will be built into that planning process and are key, integral and important in it?

**Mr Attwood:** I thank the Member for that question. Let me first confirm that, as Members are aware, the Executive have endorsed my proposal to bring forward certain elements of reform in the Planning Act 2011 into the life of the planning system in advance of RPA. Consequently, the planning system will be remodelled in respect of a number of critical areas — appeals, enforcement and timeliness — in the current period to ensure that it becomes more fit for purpose and that which is then transferred to the councils is proven to work.

Let me also confirm that there will not, however, be transfer of planning functions until 2015, when the councils go live. Part of the reason for that is that, given the profile of planning and the potential of issues around it, I need to ensure

that there is an ethical framework of councillor standards and that all the other systems of checks and balances, including proportionality when it comes to elected positions within the council, committee memberships and call-in procedures, are in place. Consequently, there will be no transfer of planning powers until those systems and structures are in place. That will give everyone — in particular, minorities — confidence that, when councils make decisions, whatever those might be and including planning, they are in the public interest and not in any partial interest.

### 2.15 pm

**Mr Dickson:** In making the change towards planning decisions by local authorities and councillors and given the previous mistrust of councillors in making planning decisions and the fact that councillors are often vocal critics of the Planning Service without accountability, has the Minister considered the introduction of third-party right of appeal?

**Mr Attwood:** I thank the Member for that question; he captures some of the sensitivities and risks about the transfer of planning powers. Councillors will have to learn what Ministers are learning now. There is a difference between being in government, be it local or regional, and being in power. The more the Assembly and the Executive are in power and the more councillors demonstrate the wise use of power in their current and future functions, the better served our communities will be. Having the power to make development plans, to have community planning and to make decisions in the vast majority of planning applications really will test the mettle of councillors. I agree with the broad thrust of that.

**Mr Principal Deputy Speaker:** Question 3 has been withdrawn.

### Illegal Dumping

4. **Mr Wells** asked the Minister of the Environment to outline his Department's powers to require the removal of waste which has been illegally dumped on agricultural land. (AQO 1243/11-15)

**Mr Attwood:** I thank the Member for his question. I can confirm that the current powers that fall to central and local government are captured in the Waste and Contaminated Land (Northern Ireland) Order 1997. The order provides for the powers on waste that the DOE has centrally and

the local councils have locally. Article 28 of the order gives limited powers to councils, and much more extensive powers are provided under article 29, whereby one or the other can direct keepers of waste to take it to a location. That power is not often used, but that is the power. I look forward to the Member's supplementary question.

**Mr Wells:** The Minister is aware of a disgraceful case of illegal dumping in the Downpatrick area. It led to a prosecution just before Christmas, and those who were responsible were fined a total of £21,500. The Minister could send out a clear message to those involved in that irresponsible activity and demand that they take every brick, stone, piece of concrete and oil barrel out of the ground and process that waste through a licensed waste disposal site. That will send a clear message to the community that we will no longer tolerate this irresponsible activity.

**Mr Attwood:** I am aware of the case, as other Members will be. It was a very serious offence. Some 9,000 tonnes of illegal waste were dumped, some of which came from the demolition of Downe Hospital. There was a very substantial fine, but the Member is right: it is only part of the picture and half of the equation. There is a responsibility to clean up the wrong and the crime that was committed. Discussions are ongoing between the local council and the NIEA about how the situation will be rectified. When those conversations have concluded, I will advise Members of the outcome.

It is a difficult matter. The irresponsible and criminal behaviour of an individual — we must remember that the haulier was also convicted — saw that waste being dumped near a watercourse and a lough. Therefore, given what may be in the ground and the fact that there may be oil contamination, a very vigilant and precautionary approach has to be deployed to ensure that waste is disposed of appropriately. However, the Member is right: if those who are involved in the illegal dumping of waste look on a criminal penalty from the court as merely a business cost rather than a deterrent — there are examples beyond this case involving illegal dumping connected, in particular, to fuel laundering — government will be failing the community and endangering the environment.

**Mr Boylan:** Go raibh maith agat, Mr Principal Deputy Speaker. What enforcement actions have the Minister and his Department taken

that resulted in successful prosecutions? What new measures does he propose to introduce, besides the protocol that he has put forward, to ensure that local landowners and local authorities do not foot the bill in the future?

**Mr Principal Deputy Speaker:** I remind other Members that they may put only one question to the Minister.

**Mr Attwood:** I do not mind answering all those questions, Mr Deputy Speaker.

I gave evidence two weeks ago to the Northern Ireland Affairs Committee on that very issue and made those points. That Committee is conducting an inquiry into, more particularly, the fuel laundering side of illegal waste, rather than taking a broader approach. My environmental crime unit, which, as I have said before, carries out a very difficult task at some risk and is trained to police standards, now attends live investigations when HMRC, which takes the lead on many of these matters, and the police attend to an alleged incident. It has strategically — rightly, in my view — changed its emphasis when going after illegal waste dumping. It now targets the godfathers of illegal waste rather than the second and third rank of those who are involved. As I said to the Northern Ireland Affairs Committee, without going into any detail, there are four serious live investigations of those involved in serious illegal waste offences, including fuel laundering. If we are able to pursue and prosecute those cases and if the courts measure up by imposing deterrent penalties, the better it will be for us.

Half an hour ago, I was on the front steps of the Assembly, where we launched an initiative to encourage those who are aware of illegal dumping, be it fuel laundering in particular or other, to report it to Crimestoppers. I welcome the fact that evidence is emerging that people who are aware of illegality are beginning, on a confidential basis, to make that known to the appropriate authorities, including my environmental crime unit. The purpose of the initiative launched today is to encourage people to provide the information in order to allow government, HMRC, the Department of the Environment and the police to bear down on those who are involved in crime.

**Mr Agnew:** I want to turn to smaller-scale illegal dumping, which is prevalent in my constituency. Will the Minister advise what legislation is in place and what powers his Department has to

deal with all-but-abandoned plots of land that are not taken care of by their landlord and on which there has been illegal dumping, with the accompanying environmental and health risks?

**Mr Attwood:** I thank the Member for that question. It is very timely, given that the Irish Open will take place at Royal Portrush and the dilapidation and dereliction that exist in Portstewart, Bushmills and Portrush itself. We need to interrogate further the issue of development sites or other properties falling into decay because of illegal dumping. That is why, last autumn, I ran a blight summit in Portstewart to try to identify measures that might be taken by central and local government to deal with the issue.

The powers of central government are quite limited, although, arising from legislation passed last year, powers will be shared more between central and local government when it comes to dealing with dereliction, dilapidation and people failing to secure or develop their sites with all sorts of health and safety initiatives. I acknowledge what Belfast City Council has done. It has published, in my view, the most coherent approach to what the powers of councils might be in that regard. The Member may want to look at that approach when considering the situation in North Down. At the end of the day, councils should deploy the legal weapons that they have in their armoury, and, on occasion, government should give them some encouragement and financial cover to do so. People may be aware of some recent developments on that in Derry. Unless that happens and unless there are the resources, both in central and local government, to deploy those weapons, there will be people who will think that they can get away with it and that the penalties that courts impose are business costs. They will conclude that government is not serious. Given the scale of our built heritage and the wonder that that is, that is not good enough.

### **Planning: Renewable Energy**

5. **Mr Flanagan** asked the Minister of the Environment for his assessment of the restrictions that current planning policy might place on the potential for reaching the 2020 renewable energy targets. (AQO 1244/11-15)

**Mr Attwood:** I thank the Member for his question. Renewable energy is arguably the single biggest economic opportunity that the North has. We



have the potential, in a relatively short space of time, to be energy self-sufficient on the one hand and an energy exporter on the other. In my view, there will not be any impediment on the planning side to achieving the renewables target of 40% by 2020. The planning applications for renewables are primarily for wind farms, but, hopefully in the near future, they will be for more anaerobic digesters and more individual wind turbines. If you were to look at those applications, you would see that, of those who have received wind farm planning permission, so far only 65% have built. If those who receive planning permission were all to build or if the applications in the system were to be approved, you would be able to surpass the renewables target, which is over 1,400 megawatts by 2020. The issue is not the planning system; it is whether the national grid, which is a matter for DETI and NIE, will be expansive and extensive enough to accommodate that scale of renewable construction and development going forward. If we can resolve that issue, we will achieve the renewable target of 40% by 2020, and, in the decades to come, we will well surpass it.

**Mr Flanagan:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra úsáideach sin. I follow on from the Minister's answer and his assertion that there are no problems in the planning policy. In light of a recent report that the Fermanagh Trust launched in my constituency on the deficits to the community of wind farms and in the community ownership of wind farms, does he plan to make any amendments to current planning policy statements to ensure that communities get a fair return from the benefits and profits of wind farms?

**Mr Attwood:** I did not say that there were no issues in the planning system. There are always issues in the planning system; that seems to be its character. For example, we have deployed training across the divisional planning offices to ensure that people have the knowledge and capacity in local offices to manage individual wind turbines. There are 700 currently in the system. Similarly, we are about to bring in the major agents for those who are bringing forward anaerobic digester proposals, of which 70 are now in the system, to ensure that the capacity, skills and scientific knowledge are in the planning system and elsewhere so that those that should get over the line do so and quickly. There are issues, but my point was that,

on the basis of the approval rate to date, if the management of the approvals to date and the scale of applications that are in the system mature, we will reach the target of 40% by 2020, given sufficient capacity in the national grid.

The Member's point is valid. Given the better experience in Scotland, where, as you will be aware, there are greater community benefits from wind farms, for example, as far as the scale of financial contributions from the renewable industry is concerned, it seems to me that we might be able to do more in community benefit from renewable approvals. That is why I have asked for further information from officials to see whether we can model our approach in the image of what happens in Scotland, which, in my view, is ahead of the pack on renewables generally.

2.30 pm

## Finance and Personnel

**Mr Principal Deputy Speaker:** Questions 4, 12 and 13 have been withdrawn and require written answers.

### Civil Service: Equal Pay

1. **Ms Ruane** asked the Minister of Finance and Personnel for an update on any outstanding issues arising from the Civil Service equal pay settlement. (AQO 1255/11-15)

**Mr Wilson (The Minister of Finance and Personnel):** The Northern Ireland Civil Service equal pay settlement has been implemented in line with the terms agreed with the trade union — the Northern Ireland Public Service Alliance (NIPSA) — and approved by the Northern Ireland Executive. Although concern about exclusion from the settlement has been raised on behalf of the NIO, the PSNI and former staff, I have no plans to extend the agreement to include groups of staff who have no entitlement under the terms of the settlement.

**Ms Ruane:** Go raibh maith agat as an fhreagra sin. Does the Minister agree with me that the recent decision of the High Court in London in the Abdulla ruling, which affirmed the entitlement to proceed to court for adjudication on outstanding equal pay claims, is significant and will have a bearing on this case, where not covered in the recent settlement here?

**Mr Wilson:** I have lost my bet with my colleague. I bet him that the supplementary would be about PSNI staff, but, clearly, that is not the case. Maybe I should have anticipated that. Under the equal pay legislation, former employees have six months to lodge an equal pay claim. The retirees, to whom the Member referred, had left more than six months before the claims were lodged. Therefore, they were excluded from the settlement. Indeed, in early 2011, the cases were tested by two former staff at tribunals. Those staff had retired before August 2008, and the claims were rejected by the tribunals as out of time. *Abdulla versus Birmingham City Council* was taken as a breach of contract case, on which it was ruled that the time limit was six years rather than six months. However, that is not binding on courts or tribunals in Northern Ireland. Therefore, although we are considering the implications of that ruling, it is my view that the only legal obligation and ruling that we had — and in respect of paying out public money we can only abide by the law as it exists at present — was that claims had to be lodged within six months of leaving.

**Mr D Bradley:** Go raibh maith agat, a Cheann Comhairle. What does the Minister hope to do to resolve the anomaly of overlapping pay scales at levels EO1 and EO11 in the Civil Service?

**Mr Wilson:** When I announced the equal pay claim, I said that we were reviewing the overlap that there was, particularly at AO and EO11 level. That work is ongoing, and the trade unions are working with my Department on what is an essential part of the equal pay settlement, so we are not going to hang back on that. However, extensive work has yet to be done. My officials and the trade union representatives are working through that at present. I cannot give the Member a timescale for when we will have the final report, but I hope that it will be by the middle of this year. I cannot be definite on that because a lot of complex work has to be done.

**Mr Hilditch:** To avoid confusion and to help the lay person to understand the situation, will the Minister tell us why PSNI staff are still excluded from the settlement?

**Mr Wilson:** PSNI staff were not included in the Northern Ireland Civil Service settlement because pay delegation had been made to the old NIO, at that stage. Therefore, any pay arrangements had to be between the staff and their employer,

which, at that time, would have been the NIO or the Police Authority for Northern Ireland.

It is up to the PSNI to show that there is an equal pay liability. We believe that there is not an equal pay liability, certainly not under the Civil Service scheme that there was. I think that there is to be a tribunal case on that later this month. When NIPSA was negotiating the equal pay arrangements with the Department this time last year, it accepted that it would only cover Northern Ireland Civil Service staff because pay had been delegated to the then Police Authority when the staff were transferred. We argue that there is no claim under the arrangements that we negotiated with the trade unions in respect of Civil Service staff.

## Rates: Businesses

2. **Mr Girvan** asked the Minister of Finance and Personnel how many businesses will benefit from the proposed increases in rates stipulated in the Rates (Amendment) Bill. (AQO 1256/11-15)

**Mr Wilson:** The Assembly has today approved the legislation that will raise almost £6 million a year, which is required to fund the extension of the small business rate relief scheme. That will enable 8,300 business ratepayers to benefit from the expanded scheme over the next three years. The relief will be 20% of the rates for properties with a net annual value (NAV) of between £10,000 and £5,001. The amount of relief under the main scheme will be broadly doubled, which will increase the number receiving help by around 50%. The average award will be in the region of £740 a year.

It should also be noted that to preserve the scheme's automatic nature, it will apply to all non-domestic ratepayers with small premises at or below the £10,000 net annual value but will exclude businesses with more than three premises. Some types of property are excluded as well, such as car parks, advertising hoardings and telecommunications masts.

**Mr Girvan:** I thank the Minister for his answer. Can Land and Property Services easily identify those businesses that occupy three or more properties?

**Mr Wilson:** We cannot easily identify them. In fact, we had to undertake a manual exercise. Following representations from the Committee for Finance and Personnel and others, we decided that large businesses that owned a

large number of small premises should not be included in the scheme. We have undertaken a manual exercise, and we believe that we have been able to exclude all those businesses that have multiple premises. Of course, there may be some that we have failed to identify, and there may be difficulties in identifying those. Obviously, as time goes on, some will be drawn to our attention that may have to be taken off the list.

### Social Clauses

3. **Mrs McKeivitt** asked the Minister of Finance and Personnel to outline the benefits of having social clauses in contracts. (AQO 1257/11-15)

**Mr Wilson:** Social clauses can deliver significant social and economic benefits in the performance of contracts for the supply of goods, services or works. They have been successfully used within the construction industry, first of all, to get people who are economically inactive back into work through the provision of training and help with skills development and, secondly, to provide opportunities for apprenticeships and placements for students on construction-related courses.

I will illustrate to the Member the extent of that even within my Department. In my Department, the firm that was awarded the properties management framework will deliver 14 opportunities for unemployed people and 35 apprenticeships over the four-year life of the contract. With the Civil Service cleaning contract, there will be 40 work placement opportunities through the Department for Employment and Learning's Steps to Work programme. Other benefits of social clauses are improved health and safety performance for companies and improved opportunities for equality.

**Mrs McKeivitt:** Thank you, Minister, for your detailed answer. Are there any centres of procurement expertise (COPEs) that have not included social clauses, and, if so, what will the Minister do to ensure that they will have?

**Mr Wilson:** First of all, we have set a target in the Programme for Government. There is guidance stating that when public contracts are being awarded, we expect social clauses to be included. Central Procurement Directorate (CPD), of course, does not award every contract in Northern Ireland. Some arm's-length bodies may well not be including some of the social clauses in their contracts, so that will again

be up to Members through Committees to scrutinise. That is the scrutiny work that Members ought to be doing.

**Mr Humphrey:** What progress has the Minister's Department made in the implementation of social clauses across government?

**Mr Wilson:** The Department has standard contract documents that are given to all COPEs, which is also relevant to the previous question. Those were amended in 2011 to include an obligation on the contractor to provide detailed monthly progress in their sustainability report as to what they have done with social contracts. The reports can also be captured on the new key performance indicator database, which is now available through CPD to all COPEs. We give guidance in the contract documentation and require reports, and we then publish the progress that there has been. Hopefully, all those measures will help to ensure compliance.

**Mr Principal Deputy Speaker:** Question 4 has been withdrawn.

### HM Treasury: Ministerial Contacts

5. **Mrs Hale** asked the Minister of Finance and Personnel to outline the issues that he has raised with the Chancellor and Treasury Ministers since May 2011. (AQO 1259/11-15)

**Mr Wilson:** I raised a number of important economic and financial issues with the Chancellor and other Treasury Ministers over the past six months. The issues raised have been wide-ranging. The main ones include corporation tax; air passenger duty; the aggregate levy credit scheme; carbon price floor; bank lending; enterprise zones; the Budget exchange scheme; and Barnett consequentials associated with the Olympics.

I am pleased to say that as a result of the engagement on those issues, we now have the ability to carry money over from one year to the next. Over £60 million has been carried over to deal with pressures next year, which is something that we did not have available to us this time last year. The Olympics funding issue has been resolved and there was a Barnett consequential from that, as there was for Wales and Scotland. The Government are now working on the devolution of air passenger duty for direct haul flights from Northern Ireland, which, of course, will have considerable bearing on our ability to attract inward investment.

**Mrs Hale:** I thank the Minister for his answer. What representations have been made to the Chancellor in respect of firms that have had difficulties paying their tax liabilities to Her Majesty's Revenue and Customs (HMRC)?

**Mr Wilson:** This issue has come to prominence more in recent months, and having met a number of business organisations and insolvency practitioners, I am concerned about the way in which HMRC is dealing with some of these cases. For example, this year to date, there have been 268 individual bankruptcies resulting from HMRC petitions and 122 company liquidations. This is a worrying trend at a time when businesses are finding their cash flow squeezed because banks are not prepared to lend them money and by creditors shortening credit periods. I spoke to the Treasury Minister, as did the First Minister, and I am hoping to meet a representative of HMRC — Mr Graham Brammer — around the middle of February as a result of those conversations.

**Mr Kinahan:** With respect to the Minister's work with the Chancellor and the Treasury Ministers, will he update the House on the current discussions with the EU Commission to reduce the risk of a legal challenge should corporation tax be devolved?

**Mr Wilson:** We spoke with the EU regarding the possibility of a legal challenge at an early stage. Provided that we abide by the Azores ruling, which is that the cost of the devolution of corporation tax must be passed on to the Executive, there should not be a problem with the EU. The question is what exactly is the cost? There have been wide and varied estimates of the amount of corporation tax that is collected in Northern Ireland. If you take an average historically, what period do you take it over and what kind of things do you include? Also, we checked with the EU that if the Chancellor should decide to write off against corporation tax other increases in tax revenues that result from new investment, would that fall foul of EU regulations, and the answer was no.

## 2.45 pm

**Mr P Maskey:** Has the Minister had any further discussions on additional fiscal powers coming to the Assembly, bar those on corporation tax that he just outlined? I think that it would be more beneficial for us if we had some sort of response.

**Mr Wilson:** First, we discussed a wide range of taxation issues. I do not want the devolution of a huge amount of taxation to Northern Ireland for two reasons. First, I am a unionist, and I do not want Northern Ireland to be separate from the rest of the United Kingdom. Scottish and Irish nationalists might want that, but as a democratic unionist, I do not. Secondly, there are very good economic reasons for not seeking that kind of devolution. Do not forget that the devolution of tax-raising powers would lumber Northern Ireland with all the uncertainty of that tax revenue. If things go well, we benefit from increased tax revenues, but if things go badly, we suffer from a reduction in tax revenues. If we were trying to plan any kind of public spending programme, having that kind of uncertainty built in would make life very difficult. That is one of the reasons why it is important not to build in that uncertainty through the mass devolution of a whole range of taxes to Northern Ireland.

**Mr Durkan:** Go raibh maith agat, a Phríomh-Leas Cheann Comhairle. It seems that the Minister has had a wide range of discussions with the Chancellor and Treasury Ministers. Has he discussed with them the fact that welfare reform will take hundreds of millions of pounds out of the Northern Ireland economy and the effect that that will have here? Has he explored measures to mitigate the impact of those draconian cuts on our society?

**Mr Wilson:** First, I and my colleague the Minister for Social Development had such discussions with the Government at Westminster. Figures on the impact of welfare reform on Northern Ireland are being thrown around as far as. The first myth is that, somehow or other, we will end up with less money than we have at present. That is not correct. If he had bothered to check with his representative on the Welfare Reform Group, the Environment Minister, he would be aware that figures given to that group just yesterday show that welfare spending will continue to increase, not decrease. *[Interruption.]*

I see the Member pointing downwards. He is the economic guru who does not rely on any figures. I have gone through long Budget debates during which one figure after another just tumbled down as he got it wrong, and he has got it wrong on this issue. There will be a slower increase in the amount of money spent on welfare — there will not be a decrease. Indeed, by the end of the period, we will be getting hundreds of millions



of pounds more in welfare spending here in Northern Ireland.

The second thing that I want to say is that many of the aims of welfare reform were supported by the party opposite when it supported the Programme for Government.

**Mr Principal Deputy Speaker:** Time is up, Minister.

**Mr Wilson:** One of the aims is to get people off welfare dependency and back into work. We have raised particular measures, of course, and we will continue to raise them.

**Mr Principal Deputy Speaker:** Time is up, Minister.

## Corporation Tax

**Mr McCarthy:** Go raibh maith agat, a LeasCheann Comhairle. Ceist a sé. Thank you very much, Mr Deputy Speaker. Question 6.

6. **Mr McCarthy** asked the Minister of Finance and Personnel for an update on the devolution of corporation tax powers. (AQO 1260/11-15)

**Mr Wilson:** I see it is wearing off on the Member. It is spreading round the Benches; next we will have the Member for North Antrim speaking Irish, if we are not very careful.

The ministerial working group on the devolution of corporation tax and the rebalancing work held its first meeting on 15 December. We set up terms of reference and there were six work programmes that officials had to undertake. We will have a progress meeting on that on 7 March.

**Mr McCarthy:** Go raibh maith agat. Given what the Minister said in an earlier response, all that has been spoken about corporation tax and the concerns expressed about it, will the Minister tell the House, honestly, if he is in favour of corporation tax powers being transferred to Northern Ireland? If so, will he go for the full hog — 12.5% — as it is across the border?

**Mr Wilson:** I think my position on corporation tax is very clear. I have responded to debates and answered questions in the House. In fact, the Executive position is no different from my position: we wish to seek the devolution of corporation tax powers, but it must be at a price that is affordable and does not do short-term damage to spending in Northern Ireland or to our ability to undertake programmes of work that we already have. Furthermore, as far as its implementation is concerned, given the work

that has to be done and the fact that there will be a lead-in period, we will need to make preparations in the next Budget period, not this one.

**Mr McQuillan:** What measures, other than corporation tax, would make Northern Ireland a more attractive location for investment?

**Mr Wilson:** Many of the things that the Executive have in the Programme for Government will do that. Through the Department for Employment and Learning, for instance, we hope to prepare 114,000 people to enter the world of work. Over the next period, we hope that 210,000 qualifications at levels 2, 3 and 4 will be gained by people, which will upskill the workforce. The Department of Enterprise, Trade and Investment is working on attracting inward investment and, of course, as I have, the Minister of Enterprise, Trade and Investment has spoken to the Chancellor about what kind of tax credits there might be for such things as investment, research or the training of workers.

**Mr Cree:** Treasury figures for the amount of corporation tax collected in Northern Ireland are very vague. We are told that that is because of the registered addresses of companies and other factors. What work is being done to correct that apparent lack of information so that we will know the cost to the Northern Ireland economy?

**Mr Wilson:** That is exactly one of the things that officials are working on at present and one of the six work streams on which we will receive a report on 7 March. There are a lot of reasons for the vagueness. The Member has given the first reason, which relates to where companies might have their tax registered, which tax office they are using and what address they are using. What year do you use? If you go back four years, for example, when banks were making huge profits and probably accounting for about 40% of profit, our corporation tax would be inflated. However, with write-offs and whatnot, banks anticipate that they will not be making any payments for the next 10 years. That is the kind of work that needs to be done. *[Interruption.]*

**Mr Principal Deputy Speaker:** That was the Chancellor calling.

## Cost of Division

7. **Ms Lo** asked the Minister of Finance and Personnel what further action his Department

will consider in future Budget discussions to address the cost of division within our society.  
(AQO 1261/11-15)

**Mr Wilson:** The Budget review announced in January as part of my monitoring statement is not a fundamental review of budget allocations. Indeed, it will consider departmental budgets at the margins and will be based on an assessment of underspends in the current financial year. There will be an opportunity for my Executive colleagues to register key financial pressures as part of that exercise. If, as part of the review process, individual Ministers identify further savings by addressing costs associated with division, that would be welcomed by the Executive.

**Ms Lo:** I thank the Minister for his response. Segregation in housing and education is a big factor in maintaining division in our society. As the economic guru in the House, will he consider, during the monitoring rounds or whenever, investing more in promoting more shared neighbourhoods and mixed housing, and increasing the capacity for integrated education?

**Mr Wilson:** I appreciate the title that has been conferred on me: economic guru. I do not know whether I merit it. However, it will be used in my election material, believe you me. The Alliance Party has dubbed me the economic guru of the Assembly. That should go down a treat in East Antrim.

A lot of the costs of division that have been identified are simply social costs rather than the costs of division. We are asking Ministers to look at how they spend their money, where there is duplication and where there is unnecessary spend to see whether it is possible to bring forward programmes. Education is a good example. The First Minister, my party leader, identified that. In a period of rationalisation, that is one way to meet the objectives to which the honourable lady referred. However, in meeting our obligations and making the best use of the capital that we have, we ought to be looking at how we can have fewer providers of education in Northern Ireland. It makes good sense socially and economically.

**Mr Spratt:** Why does the Minister think that there is a need to revise the Budget allocations less than a year into the four-year Budget term?

**Mr Wilson:** The key reason is the amount of reduced requirements from Departments in what was meant to be one of the toughest years

of the Budget. This time last year, all Ministers told me that we did not have enough money and that some of their Departments were going to collapse, and so on, yet we had substantial returns in that year. It makes sense to look at the position at the beginning of the year and at the end of the year to see whether we can make adjustments at the margins. As I said, as we look forward, if Ministers can identify where they have been able to reduce pressures, let us identify those at an early stage so that we can better plan how that money is spent. That is just good budgeting. When money was plentiful, perhaps we did not need to do that. However, now that money is much scarcer, it makes sense to do it.

**Mr McDevitt:** Mr Principal Deputy Speaker, on the guru question, the Minister can call me it all that he likes, but I am not taking any responsibility for anything that he does. I just want to make that clear.

Will he tell the House how much division costs in this region? Does he have a figure and, if so, how much is it?

**Mr Wilson:** No, I do not have a figure. Figures have been bandied around. As I said earlier, many of the costs identified are not necessarily costs of division but may be attributable to social factors. I do not have a figure for that. However, I am more interested in how Departments and Ministers can tell me that the budget that I have allocated could be used better, or if I had some additional allocation, I could make longer-term savings through avoiding duplication or the provision of services twice when that is not necessary.

### 3.00 pm

**Mr Principal Deputy Speaker:** That concludes questions to the Minister of Finance and Personnel. I ask the House to take its ease for a couple of minutes.

(*Mr Speaker in the Chair.*)

## Private Members' Business

### Housing: Surety Bonds

*Debate resumed on motion:*

*That this Assembly notes with concern the number of housing developments where roads and footpaths remain unfinished and sewerage systems have not been completed to a satisfactory standard, despite developers having entered into surety bonds under the Private Streets (Northern Ireland) Order 1980, the Water and Sewerage Services (Northern Ireland) Order 2006 and any preceding legislation; and calls on the Minister for Regional Development to carry out a review of the bond system in relation to roads, footpaths and sewerage systems in new developments and to review when a bond can be invoked by the relevant authority to address this ongoing problem. — [Miss M McIlveen.]*

**Mr Kennedy (The Minister for Regional Development):** I welcome the opportunity to resume the debate that we began earlier and I thank all Members who contributed to it. I thought that it was a very well-thought-out debate; the arguments were interesting and something that we can all work on. I, therefore, pay tribute to the Members who brought forward the debate: the lady Member for Strangford, and the Member for Mid Ulster. I have noted the comments and concerns expressed by Members and welcome the opportunity to respond to the debate on surety bonds that guarantee the provision of completed roads for new housing developments.

Given that this is the 200th anniversary of the birth of Charles Dickens, Members may have great expectations about my response. It is a far, far better thing that I do now — I will leave it at that.

At the outset, I would like to make clear the distinction between unadopted private roads and unfinished streets and roads in new housing developments. The motion, and thus the debate, is restricted to the latter. I remind Members that the key existing legislation that govern the planning and eventual adoption of new roads in housing developments are the Private Streets (Northern Ireland) Order 1980 and the Private Streets (Amendment) (Northern Ireland) Order 1992. The original intention of

the private streets legislation was to reassure homeowners that the streets serving their new homes would be built to appropriate standards and to ensure that they could be adopted into the public road network when they were completed. To that end, the legislation requires developers to make provision for the cost of street works and to secure that by means of a bond. For the private streets legislation to work as intended, it is essential that all parties play their part and carry out their responsibilities. That includes Roads Service, developers, planners, bond providers and conveyancing solicitors.

In the main, the current private streets legislation has served its original purpose quite well. That is evidenced by the fact that, over the years, the majority of roads in new housing developments have been properly planned, approved and constructed. In due course, those roads have been adopted by Roads Service and become part of the public road network. However, there have been exceptions, and there is no doubt that the economic pressures of recent years have increased the number of housing developments that have run into difficulties. That is where the legislation and the procedures for completing and adopting the affected roads have been tested.

The types of problems that would typically be encountered include developers proceeding without agreement or a bond; roads not completed in compliance with the determination; issues with sewers and drains; road construction not keeping pace with development; and developers ceasing work on site or, indeed, going into liquidation.

On the question of surety bonds, I can say that the private streets legislation already in place requires developers to enter into a formal agreement for the construction and subsequent adoption of new streets in housing developments. Developers must make prior provision to meet street works expenses for their developments, and they are required by law to:

*“secure the due performance of the agreement by means of a guarantee bond”.*

Those bonds are legally binding agreements and are typically provided by banks, insurance companies and the National House-Building Council. In the event of the developer not completing the bonded roads as agreed, Roads Service can initiate proceedings to access the bond moneys, arrange for completion of all



required street works and then adopt the roads into public ownership.

When housing developments have run into difficulties, the challenge for Roads Service has been to work through those difficulties with the developer or, in some cases, the administrator or liquidator to try to negotiate the best outcome. It is often in the best interests of the parties if, rather than going down the enforcement route too quickly, an agreed outcome can be negotiated. It should also be noted that moving to enforce a bond too soon can have unwelcome consequences. For example, developers would be less likely to complete work themselves, and bonds could become more expensive and, therefore, harder to get.

However, in cases in which the construction of a private street is not progressing satisfactorily, Roads Service can issue a notice under article 11 of the Private Streets (Northern Ireland) Order 1980:

*“requiring the execution of all works which are reasonably necessary to bring the street into conformity with regulations”.*

That would typically be within one year from the date on which the buildings are first occupied, but it could be a longer period, if reasonable. Ultimately, where the requirements of an article 11 notice are not complied with, Roads Service can proceed to carry out the works using its own contractors, recover the costs of the work and the expenses from the bond, and work closely with NI Water to bring the sewerage system up to an adoptable standard.

It is important to know that the private streets function, from application through to determination of the street layout and finally to adoption, is conducted within a prescribed statutory arrangement that includes opportunity for a developer to appeal the Department's notices. In other words, the process takes time to implement and there are no shortcuts. Roads Service must also notify a developer at each stage of enforcement proceedings, and that often prompts a developer to carry out the necessary remedial works.

I recognise that many homebuyers have experienced unexpected and unwelcome delays in getting the roads in their developments completed. I want to assure Members that Roads Service is making use of the current private streets legislation and procedures in

order to address the problems as quickly as possible. In the past three financial years, Roads Service has served 227 article 11 notices, of which 71 led to enforcement action. I believe that the current legal provisions for surety bonds for new housing developments are broadly adequate, if all parties comply with their responsibilities.

The adoption of sewers in new housing developments is processed by Northern Ireland Water under articles 161 to 163 of the Water and Sewerage Services (Northern Ireland) Order 2006. The order provides for NI Water to enter into an agreement with any person constructing or proposing to construct development sewers and for the adoption of those development sewers at a future date, provided that they are constructed to the specified standard in accordance with the terms of the agreement.

In completing the adoption agreement, the developer is required to provide such security as NI Water may reasonably require for the discharge of obligations imposed on the other party to the agreement. That is the sewer bond, which may be used in the event of the other party defaulting on its responsibilities and failing to complete the construction of the sewers to the specific standard.

Under current procedures, responsibility remains with the developer for the construction and maintenance of the sewers in a development until a final adoption of completion certificate is issued by NI Water. It is possible that a developer could have maintenance responsibility for the sewers in his development for several years. That is dependent on the sale of dwellings in the development, which could take between two years and five years or more to complete. Where a sewerage system in a new development has not been adopted and a developer ceases to trade, NI Water will consider the use of enforcement procedures to adopt the sewers. That is a prolonged process involving much preparation before the final notice of intention to complete the works and recover the costs can be issued. For straightforward cases, the process can take a few months, but for more complex situations, it can run for up to two years.

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

**Mr Kennedy:** I am sorry; I have to make progress. Thank you.

Since the establishment of NI Water on 1 April 2007, six referrals have been made to it for sewer-only bond developments where the developer is reported to be no longer trading. Those have been received in the past few months, and NI Water is in the early stages of the process to apply the terms of the adoption agreement. The initial work includes setting up communication channels with the developer, or, where possible, his agent, and his successor or assignee and the bondsman. In parallel with that, the status and condition of the on-site sewers have to be established, and an estimate of costs has to be prepared for the remedial works required to bring the sewers up to an adoptable standard.

Application of enforcement procedures is, of course, dependent on the developer having entered into an adoption agreement with NI Water for the adoption of sewers at a future date and the adequate bond security being in place. If that is not the case, NI Water has no power to take any action, and the sewerage systems in such developments will remain private and be the responsibility of the developer and his successors and assignees.

The administration and recovery of sewer bonds for adoption agreements authorised prior to 1 April 2007 by NI Water's predecessor, Water Service, are administered by Roads Service under a joint sewer/street bond. In the past three years, NI Water has resolved and adopted sewers in 110 sites across Northern Ireland. NI Water and Roads Service work closely under the private streets/sewer adoptions joint working group to take forward the adoption of streets and sewers where the developer is no longer trading.

I am aware that the Committee for Regional Development has established an inquiry into unadopted roads and that the inquiry will include a review of the bond system and how it works. I welcome the fact that Members raised the example of how the process works in the Republic of Ireland and other jurisdictions, and I suggest that that should be included in the Committee's inquiry. I also recognise the roles of others in any such investigation, such as the Department of the Environment, the Department of Justice, local councils and their representative bodies, including the Northern Ireland Local Government Association.

In conclusion, I do not intend to carry out a separate review of bonds before the Committee

inquiry has been completed. However, as the Minister for roads and water policy, I will ensure that my officials are available to the Committee in the process of the inquiry. I assure Members that Roads Service and NI Water will continue to enforce legislation in order to offer as much certainty as possible to new homeowners who find themselves in such situations.

Throughout the debate, a number of Members mentioned locations and particular developments. For the sake of expediency, I ask that Members with particular concerns in relation to housing developments or other cases write to me or e-mail me, so that I can investigate those concerns and bring forward a response.

At one point in the debate, the question, "Who is in charge?" was asked. I am in charge, and I am ready and open to make any necessary improvements. The inquiry established by the Committee affords me that opportunity. By working together, we can improve the system, not only to the benefit of Roads Service and NI Water but, most importantly, to the benefit of those who are directly affected — the homeowners of Northern Ireland.

### 3.15 pm

**Mr I McCrea:** I thank everyone for attending and contributing to the debate. I also thank the Minister for responding. It was good to see him in his place.

The Minister opened his response to the debate by referring to Dickens. I hope that, as a result of the debate, he will not be a Scrooge and we will see a change in how the Department carries this forward. It is worth noting that many Members used the debate as an opportunity to highlight the local issues in their constituencies. I have no doubt that we will see an increase in statements to the local press. Mind you, I do not think that I will miss that opportunity myself. Nonetheless, as someone who sits on the Regional Development Committee, I think that the debate has been a good opportunity to hear some of the issues from local constituencies, which will be an important part of the inquiry.

As mentioned by the mover of the motion, my colleague Michelle McIlveen, and the Chair of the Regional Development Committee, Jimmy Spratt, the Committee will be undertaking an investigation into surety bonds. The Minister, in closing, stated that he has no intention of carrying out a review at the same time, but I

accept that he is taking the matter seriously. I hope that he keeps it at the top of his agenda and keeps on top of how the Committee deals with the review.

The examples given this morning are clear evidence that there is a problem that needs to be addressed. In her speech, Michelle McIlveen identified three areas where she felt that change could be made: a means by which residents could mandate the statutory agencies to carry out work; greater proactivity by the statutory agencies to protect residents; and ensuring notification of insolvency proceedings and orders. The motion is about protecting innocent purchasers and enhancing residents' rights. That is exactly the kind of matter that the Assembly should be debating and taking action on.

I do not intend to go through the contributions of all the Members who spoke; if they really want to know what they said, the Hansard report will be available later. Each Member went through the issues, and everyone made a relevant contribution to the debate.

There are certainly many areas affected by this problem: I could name many in my constituency, but I will not bore Members who have no interest in Mid Ulster. However, as we heard in the debate, it is something that every constituency has a problem with. I accept the Minister's desire to hear from as many people as see fit the need to bring the problem to his attention.

If the offer is there, I will ask the Minister to visit my constituency. A Member for Upper Bann referred to a magic wand. If the Minister wants to bring that with him, he can feel free to do so, given that he is the top dog. I genuinely mean that: if we cannot resolve some of the issues locally, I will make no apology about contacting you, Minister, and inviting you down.

This is about trying to ensure that the people whom we represent and the residents in these developments have an equal right to, if nothing else, having their bins collected outside their homes and have a level of equality comparable to that of those who have gone before and the people who live in adjoining developments. As a member of a local council, I am more than aware of the difficulties to which Members referred of bins not being collected and gaining access to those developments, so I will not reiterate them.

This has been a good debate. On many occasions, Members are blamed for not debating issues that matter to people often enough. Many people across Northern Ireland have had problems with this issue. I commend my colleague for bringing the motion to the Floor of the House and thank everybody for supporting it.

*Question put and agreed to.*

*Resolved:*

*That this Assembly notes with concern the number of housing developments where roads and footpaths remain unfinished and sewerage systems have not been completed to a satisfactory standard, despite developers having entered into surety bonds under the Private Streets (Northern Ireland) Order 1980, the Water and Sewerage Services (Northern Ireland) Order 2006 and any preceding legislation; and calls on the Minister for Regional Development to carry out a review of the bond system in relation to roads, footpaths and sewerage systems in new developments and to review when a bond can be invoked by the relevant authority to address this ongoing problem.*

## Human Trafficking

**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 in which 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 will have 10 minutes in which to propose the amendment and five minutes in which to make a winding-up speech. All other Members who are called to speak will have five minutes.

**Ms Ruane:** I beg to move

*That this Assembly expresses concern at the increase in human trafficking where people are brought in illegally and forced into a life of sexual exploitation, forced labour or domestic servitude; or are transported onward to other jurisdictions for similar purposes; and calls on the Executive to use all their powers to raise public awareness of this crime to ensure that the perpetrators are brought to justice and that victims are given the support and help they need.*

Go raibh maith agat, a Cheann Comhairle. Tá méadú ag teacht ar mhinicíocht na gainneála ar dhaoine fásta agus ar pháistí.

The incidence of trafficking of adults and children has been on the increase. Between 2009 and 2011, 73 victims were rescued by the PSNI. That is, by even the PSNI's own admission at a recent Policing Board meeting, the tip of the iceberg.

Many find it difficult to admit that the crime of trafficking exists in Ireland. It is a crime that, without doubt, uses the border for its own insidious purposes. Recent investigations estimated that £500,000 is spent every week in the North on prostitution. The PSNI estimates that there are 88 brothels in operation across the North. Trafficking for the purposes of sexual exploitation does exist in our communities. It exists in our cities, towns and villages. It may be concentrated in cities, but let us be under no illusion: it happens right across our rural and urban communities.

Trafficking is a crime that exists on our doorsteps, and yet it is a crime that many find hard to see. The victims of human trafficking have no voice. They cannot afford that we avert our eyes from such a disturbing and horrific crime. It is an essential first step rescuing the victims of trafficking and bringing its perpetrators to

justice that agencies and the public accept that it does happen on the island of Ireland in 2012.

We need an all-Ireland sex offenders' register, which we still do not have. We also need North/South co-operation at every level and a public awareness campaign aimed not only at professionals but at communities in order to raise awareness so that they can recognise risk factors and see what may be on their doorstep.

By and large, women and children are victims of trafficking. However, there are also male victims, and we must do everything that we can to expose that. I pay particular tribute to groups such as Women's Aid and other far-sighted organisations that were alerting us to the issue when many others, including our police services, were turning a blind eye. Many years ago, I attended a conference in Newry organised by women's groups from across the island of Ireland at which the issue was highlighted, and those groups spoke out about the trafficking of women.

Trafficking is not only about sexual exploitation but about forced labour and domestic servitude. Those aspects of trafficking are just as hidden and just as repulsive. Any campaign must address all aspects of trafficking in a holistic manner. In the North, one of the first confirmed cases of child trafficking was for forced labour, which remains a real concern. We already know that that can be concentrated in particular industries. Raising awareness among workers and employers in those industries of the risk that some people who work in them may be trafficked is critical. There must be zero tolerance of human trafficking.

As a member of the Policing Board, I remain particularly concerned about the lack of prosecutions for trafficking. The PSNI has clearly indicated that the crime that it has uncovered to date is the tip of the iceberg. The police need to do much more to develop their response. The role of the Public Prosecution Service (PPS) and the judiciary is also critical. I call on the Minister of Justice to consider the need for an inquiry into the lack of prosecutions and for a more focused piece of work on how organisations might work together to ensure that offenders are brought to justice. I also call on him to ensure that there is an all-Ireland sex offenders' register.

Human trafficking is a crime to which we cannot close our eyes. The evidence is that the number of people who are trafficked is growing. That



means that victims — women, children and men — are suffering unnecessarily. It is critical that the Assembly respond. Is coir í seo, agus ní féidir linn ligint orainn féin nach bhfeicimid í, nó tá fianaise ann go bhfuil líon íobartaigh na coire seo — idir mhná, pháistí agus fhir — ag fás i rith an ama. Go raibh maith agat.

**Ms Lo:** I beg to move the following amendment:  
At end insert

*“regardless of whether they are co-operating with the law enforcement authorities; and further calls on the Executive to meet the obligations set out by the Council of Europe convention (2005) and the new EU directive (2011) on action against trafficking in human beings by addressing the demand for sexual and labour exploitation, increasing penalty levels, adopting a victim-centred approach and implementing effective preventative measures.”*

I am grateful to the Members concerned for tabling a motion on an issue of such importance. The amendment adds to and strengthens the motion in the areas of prevention of human trafficking; prosecution of those responsible; and protection of victims.

The Council of Europe Convention on Action Against Trafficking in Human Beings and the 2011 EU directive clearly outline a victim-centric approach that seeks to protect victims while calling for the implementation of effective policies and programmes to prevent trafficking, as well as calling for increased penalty levels. Human trafficking is the third most profitable illegal organised trade in the world today. It is a modern-day slavery that generates profits from human suffering. It represents a vulgar abuse of the fundamental human right of freedom.

I welcome the recent news of the first conviction for human trafficking in Northern Ireland. I commend all those who were involved in the process that brought about that conviction. I hope that it serves as a warning to all those who are involved in or facilitating human trafficking that they will be pursued by the full rigour of the law and that our society will not tolerate such horrors.

Human trafficking represents one of the greatest evils that society faces. Victims can be male or female. Children have also been identified here as victims of human trafficking. Through media reporting, the Blue Blindfold campaign and public seminars, there is increasing recognition that human trafficking is a problem in Northern

Ireland. Not only is Northern Ireland a country of transit for human trafficking, acting as a point of access to its neighbours, but it has become a destination country for the crime.

According to various research recommendations, the approach to tackling human trafficking can be dealt with under the three Ps: prevention, prosecution and protection. Prevention of human trafficking is essential. It represents a low-risk, high-profit trade. As with any trade, supply and demand drives the process. The demand for sexual and labour exploitation must be eliminated in order to stop the supply of human beings as commodities.

As Ms Ruane mentioned, many women who work in brothels here have been trafficked from abroad. Section 15 of the Policing and Crime Act 2009, which amends the Sexual Offences (Northern Ireland) Order 2008, is a positive step in that regard, as those who knowingly or unknowingly use trafficked prostitutes can be prosecuted.

### 3.30 pm

More co-operation between countries of origin, transit and destination is needed to block known channels and stop the flow of vulnerable people to wealthy countries like ours. Countries of destination should network more to share statistics, research and information.

Prevention also comes from public awareness. Although policies and strategies are important, the fight against human trafficking also occurs on our streets. If members of the public are aware of illegal activity or suspect that there is a brothel in their local area, for example, they must report that to Crimestoppers or the police. Although it may seem as if an individual is participating willingly in activities such as prostitution or illegal labour, often they are in fear of violence by their traffickers, have been forced into debt or drug dependency and are being threatened by their captors that if they go to the authorities, they will be imprisoned and deported. Public awareness is crucial: if you suspect, report.

Once human trafficking has been detected, we must ensure the prosecution of those responsible and the protection of their victims. The prosecution rate for human trafficking is still far too low in the whole of the UK. The average sentence for human trafficking-related charges in the UK is just 4.69 years. Often, fines



and sentences against offenders cause little damage to such a lucrative trade.

Article 19 of the 2011 EU directive stipulates that member states shall take necessary measures to establish national rapporteurs or equivalent mechanisms to assess trends and to gather statistics in close co-operation with civil society organisations, and shall generate reports and measure the effectiveness of anti-trafficking actions. I recently attended a human trafficking seminar in The Hague and was very impressed by the work of the Dutch rapporteur, who submits to their Parliament annual reports with recommendations for action.

So that perpetrators can be brought to justice, we need collaboration between government organisations and NGOs to combat human trafficking and organised crime networks. Better partnership is needed between NGOs and the voluntary and community sectors so that they can continue to work as the eyes and ears.

The protection of victims of human trafficking is paramount. Victims have a 45-day recovery and reflection period. Once that is over, if they are not willing to co-operate as witnesses for prosecutions, they are deported. First, that reflection period is too short, particularly given the fact that many victims have been totally traumatised by working in the sex industry and being brutalised by their traffickers. Secondly, the deportation of victims of human trafficking re-victimises them. Returning a victim of human trafficking to their country of origin after they have been abused as slaves is inhumane and can place them in serious danger back in the grip of traffickers. They may also be ostracised by their families upon return.

Victims of both genders must be provided with specialised refuges and have access to medical, psychological, social or legal support and immigration advice. The rights of victims must be protected and promoted. Victims of sexual exploitation have suffered multiple rapes and abuses, which is a violation of their rights, their freedom and their bodies. Trafficked individuals who have been clearly identified as victims should be considered for the right to remain on humanitarian grounds, so that they may receive support and rehabilitation and be able to claim compensation from their traffickers. Although immigration is not a devolved matter and the responsibility for their immigration status falls within the Home Office remit, they constitute

a very small number of people and would not open a floodgate of immigration. Trafficked victims should be treated as a special group, as outlined by the Palermo protocol and Council of Europe convention.

Our approach to human trafficking must be victim-centred to make sure that our response does not criminalise them. Removing the threat of imminent deportation would enable more victims to come forward to seek assistance. I recognise the gravity of human trafficking. I have proposed an Assembly all-party group (APG) on human trafficking, which will meet on 14 February at 4.00 pm in room 29. I look forward to seeing many of my fellow Members there as a continuing commitment to the motion. We hope that the APG will instigate a cross-departmental response to the problem. There will be opportunities for networking with other jurisdictions of the UK and other EU member states that have their own working groups.

**Mr Givan (The Chairperson of the Committee for Justice):** I welcome the opportunity to speak to the motion today. It builds on a motion that David McNarry tabled some time ago. That highlighted the issue then, and it is appropriate that the House debates the issue again.

We are told that, every year, human trafficking accounts, on a global scale, for around two million to four million people who are trafficked outside of their borders or internally in their own country. If we put it in that perspective, the scale of the crime that is being committed is atrocious. The nature of the crime is atrocious for the individuals who are being brought in to that type of criminal activity.

There are four main reasons why people are trafficked: sexual exploitation, forced labour, domestic servitude and the harvesting of human organs. Thankfully, Northern Ireland, to date, has not had an example of trafficking due to the harvesting of organs. Shamefully, however, there have been incidents in Northern Ireland of the other three, primarily in regard to sexual exploitation.

The issue is not unique to Northern Ireland; it is a global phenomenon. Many countries across the world have to introduce new legislation or amend existing legislation, particularly immigration laws, to close the loopholes that are being exploited by organised criminals. When the police came to the Justice Committee, they told us that they were satisfied that the

existing legislation in Northern Ireland is strong enough to enable them to carry out their job. If it is necessary for further legislation to be brought in, beyond complying with the EU directive, I believe that everyone in the House will be willing to put that legislation through the House. To date, however, the police have said that it is not necessary.

The police are dealing with the issue. It is an issue that should unite us, but I cannot ignore the comments that came from the Member for South Down Cairtriona Ruane. She said that the police had turned a blind eye to the issue. That is a shameful comment. On an issue like this, when we should be united, she cannot hide her feelings towards the police. The police told the Committee that police officers have spent sleepless nights worrying about individuals who are being exploited as a result of human trafficking, so the comment that was made by the individual earlier in the debate was regrettable.

*(Mr Principal Deputy Speaker [Mr Molloy] in the Chair)*

The true extent of the problem in Northern Ireland is still unknown. Five years ago, the issue was not on the radar. Sadly, today, it is becoming more and more prevalent. A piece of work needs to be done to truly identify how serious the problem is. Last year, 23 victims who had been involved in human trafficking were rescued. Five of them had been involved in forced labour and 18 had been sexually exploited. The majority of those rescued were from the Chinese community. That demonstrates that some of the organised gangs involved are local to Northern Ireland. However, organised criminal gangs are involved on a global scale, and gangs have been operating from Asia, mainland Europe and the UK mainland, not just from Northern Ireland. That example demonstrates the scale of the problem and the range of individuals involved.

The Justice Committee takes the issue seriously. This week, the Committee will be briefed again on how the Department handles those issues, and I know that it also takes the issue seriously. Ultimately, a criminal offence is being committed by the gangs who exploit individuals, but the demand is created by ordinary people. It shows the absolute depravity of some in our community that they involve themselves, particularly in prostitution. Individuals are trafficked and then forced into prostitution — they have no choice. It was shocking to hear the police tell us that

the age of those involved ranged from teenagers to people in their 70s. It is just disgusting that such a spectrum of individuals feels that that type of activity is acceptable.

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

**Mr Givan:** We should send a clear message that it is not acceptable, and whatever action needs to be taken to deal with the problem should be taken. I support the motion and amendment.

**Mr Hussey:** I am grateful for the opportunity to speak about human trafficking, which is modern-day slavery. It is the forced movement of men, women and children for a variety of purposes, which can include sexual exploitation, labour and forced criminal activity. Members who attended this afternoon's briefing by the Serious Organised Crime Agency learned that it is a £32 billion industry. It was referred to as hidden but not invisible.

It is extremely important that we have the opportunity to discuss the issue to raise awareness. It is all too easy to turn a blind eye to such subjects. However, given that human trafficking is estimated to affect between two million and four million people globally, we must confront it.

It is difficult to accept that human trafficking happens in Northern Ireland, but we must face up to the problem. Some work has been done on human trafficking since a motion was tabled by the Ulster Unionist Party in September 2010. The Department of Justice published a report on prostitution, which has obvious links to human trafficking. As well as that, Barnardo's and the National Society for the Prevention of Cruelty to Children (NSPCC) combined to look specifically at child trafficking, which is a small but growing problem in Northern Ireland. The Blue Blindfold campaign also successfully raised awareness among key groups throughout the United Kingdom of the nature and extent of human trafficking. I encourage Members and the public to visit its website to learn more about human trafficking and the ongoing ordeal of its victims.

I want to mention specifically the work of the Policing Board. On 1 September 2011, its members focused on the work that the PSNI had been doing to combat human exploitation and, most notably, human trafficking. We heard about the financial benefit that criminals can gain from human trafficking, and that was

evidenced by the fact that a crime gang caught by the police in 2010 was discovered to have spent £100,000 on advertising escorts over an 11-month period. The board's Human Rights and Professional Standards Committee has also considered the issue, and Conall McDevitt, as its chair, may choose to expand on its work.

I am also aware that the police work locally in a number of areas to combat human trafficking through meetings and events. That excellent work should continue and be rolled out across Northern Ireland. As far as I am concerned, the Policing Board will continue to support and assist the PSNI in tackling that crime.

During Question Time in October, I questioned the Justice Minister on the action that he was taking against human trafficking. He outlined the work of the Organised Crime Taskforce, of which he is chair, as well as co-ordinated intelligence-led operations such as Pentameter 1 and Pentameter 2. Perhaps he will update us on those areas of work today.

There is an obvious European element to the motion, given that the crime of human trafficking is transnational, and the amendment reflects that. Ulster Unionist MEP Jim Nicholson fully supported the 2011 European directive and has also written to the Justice Minister and the Secretary of State for Justice, Ken Clarke, to seek assurances that the UK is doing all it can to help victims and bring perpetrators to justice.

### 3.45 pm

I conclude by reiterating the importance of the topic. We must continue to raise awareness of human trafficking and especially bear in mind the victims of this crime. Rescuing those victims is not enough; adequate support also needs to be provided. As yet, we have not seen any convictions for human trafficking, but I hope that it will not be long before we do. I support the motion and the amendment.

**Mr A Maginness:** I thank the Member who proposed the motion. I also thank the Member who proposed the amendment, which the SDLP supports. The amendment enlarges on this very useful motion and brings in an added dimension of international protocols and European law. That is important in dealing with the problem. The problem is an international one, but, specifically, it affects both jurisdictions on the island of Ireland as well as Britain. It is important that we add that European dimension

and strengthen co-operation between North and South. I know that there is good co-operation between the Gardaí and the PSNI on the issue, and I hope that that can be usefully developed to prevent the transiting of people from one jurisdiction to the other. Northern Ireland is used as a transit point for the importation and trafficking of people to the South and to Britain and vice versa. Unfortunately, as Anna Lo pointed out, Northern Ireland has also become a destination point for human traffickers. That is a very disturbing development.

The Police Service's figures show a significant increase in the recovery of victims of human trafficking. There are not large numbers, but those figures indicate that the problem is, in fact, increasing. We should be concerned about that.

I thank Mr McNarry, who originally brought the issue to the House some time ago. He had the prescience to see that human trafficking was a growing problem. It is important that we keep a firm eye on the issue and see what further resources we can add to the fight against what Anna Lo has called "modern-day slavery".

It is good to note that there was a recent conviction in relation to human trafficking. That highlights the issue and indicates the purposeful way in which the PSNI is attempting to deal with this problem. I reject any criticism of the PSNI in this area. It has made considerable efforts to try to deal with the problem and has trained and specialist officers to deal with people who find themselves in such difficulties.

One of the issues that needs to be looked at carefully is the national referral mechanism. We need to see how we can strengthen that mechanism, so that genuine victims of human trafficking can be given assistance, support and help to deal with the trauma of being trafficked. We can then try to integrate them into our community and give them worthwhile work, training and education. However, alternatively, if they genuinely — I emphasise that point — want to be repatriated, we can ensure that that is done in a humane and supportive manner, so that those vulnerable people are not simply sent back to the people who originally exploited them.

Many of the people who have come here did so under the false impression that they would get work. They did not know that their ultimate destination would be criminal exploitation. So, it is very important that we reassure people who

are in such a position that they will be given support —

**Mr Principal Deputy Speaker:** The Member must bring his remarks to a close.

**Mr A Maginness:** — and that they will be able to co-operate with the authorities in dealing with the criminals who organised their exploitation and trafficking.

**Lord Morrow:** I, too, am pleased to take part in this important debate. Sadly, the topic is frequently in the news, so it is time that we took the appropriate action.

I think of “victim A”, a young girl from China, who was orphaned as a child and, subsequently, sold into prostitution at the age of 14. Like so many trafficking victims, she fell prey to a fraudulent scheme that promised employment and a better life abroad. Victim A's journey started in rural China, continued through Hong Kong and eventually ended in Belfast. She quickly learned that instead of working at a proper job, she was to perform sexual favours for her trafficker — the man she believed would provide employment for her — and his friends. She was routinely raped in an effort to break her spirit, humiliate her and degrade her. Once in Belfast, victim A eventually escaped her life of exploitation, but she still lives with a deep sense of shame as a result of the terrible acts that were committed against her.

The impoverished family circumstances of a young Bosnian girl, to whom I will refer simply as “victim B”, led her to search for work abroad. Victim B responded to a newspaper advertisement for what she thought was a housekeeper position in the United Kingdom. Her traffickers cleverly and swiftly put together her travel documents and arranged transport to Northern Ireland. Upon arrival, her life was turned upside down as she came to terms with the reality of her situation. Helpless and without any English, victim B was subjected to frequent beatings and was made to work long days without any time off. Her employers denied her the opportunity to phone her family in Bosnia, leaving her utterly alone and without a lifeline. Even the children for whom she was caring treated her badly and shouted abusive slurs at her. A few years after her arrival in Belfast, while taking the children to a local playground, a concerned acquaintance was made aware of her situation and the police intervened. She was

taken to a safe place and received aftercare support to help her to rebuild her life.

It is the horror of stories like those that has led to today's debate. They demonstrate the importance of the United Kingdom's becoming a signatory to the EU directive on human trafficking. After some controversy over whether the UK should opt in, the UK took the right decision to sign up to important obligations that will help the victims that I have spoken about and that should help to prevent trafficking. Now we all need to ensure that we meet those obligations.

One of those obligations is to prosecute trafficking crimes committed by UK nationals abroad. The Westminster Parliament introduced such powers for England and Wales in a Bill in the House of Lords on 12 January. I understand that the changes that will be made to the Sexual Offences Act 2003 by the Bill in question will, in effect, leave the current law in Northern Ireland as it stands. It is, of course, for this Assembly to extend the legislation to prosecute offences that are committed abroad. Therefore, I ask the Minister of Justice to set out his timetable for bringing those changes into effect here.

There are, of course, other issues that must be addressed to ensure that we are doing all that we can to protect victims here. I plan to publish a Bill shortly to do just that, and I hope that Members will be able to support it. The Executive may already have plans to tackle trafficking more broadly. I understand that in a letter on 1 February, the Home Office set out its plans for ensuring that other provisions are met through secondary legislation and other means. Will the Minister do the same here and set out his plans for meeting the needs of victims and for ensuring that everything is done to eradicate this crime here?

Section 15 of the Policing and Crime Act 2009, which has been referred to, makes it an offence to purchase sex from a prostitute who has been forced, coerced or deceived. I spoke in support of that measure in the House of Lords when the Bill was debated in 2009. I understand that prostitution for sex is the main type of exploitation in Northern Ireland, and the traditional means of women operating on the streets is giving way to brothels operating off streets in flats and residential homes. I understand, too, that young women from Africa, eastern Europe and south-east Asia are being sold into prostitution here to potentially have



sex with between 10 and 12 and, indeed, up to 40 men a day.

Whereas the trafficking directive focuses on prosecuting traffickers and providing better care for the victims of trafficking, it is important that we also have a robust prevention strategy. I want to raise with Members the possibility that the law in Northern Ireland should go beyond the provisions introduced —

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

**Lord Morrow:** — by the Policing and Crime Act 2009 and that we should introduce a new offence of paying for sex regardless of whether the individual has been subjected to force.

**Mr A Maskey:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. With my colleague Caitríona Ruane, I support the motion in my party colleagues' names, and I support the amendment, which was tabled by the Alliance Party and spoken to by Ms Anna Lo.

It is clear from the debate so far that there is unanimity across all the parties against this pernicious crime that has been inflicted on far too many people in the community that we represent. In the interests of maintaining that unanimity, it is important that I address Mr Givan's mistaken — I would say — interpretation of Caitríona Ruane's comments. Caitríona Ruane did not specify the PSNI or any other police organisation but referred specifically to police services and did so in the past context.

As a previous member of the Policing Board, I think that it is quite clear that we all fully understand that, in the past, a blind eye was turned, not only by police services here and elsewhere but by a lot of people across society. People had the view that that is something that goes on. As a representative for South Belfast, I can say to the House that even when debates of this nature were raised at Belfast City Council, all parties agreed that the days had to come to an end when a blind eye was turned to prostitution happening at the back of the City Hall or in parts of south Belfast.

I am pleased to say that, in recent years, the Police Service here and the Garda Síochána have begun to take the crime seriously. That is right, and in doing that, they have been given our full support. I remind Members that, not that long ago, the police were telling us that that

type of human trafficking was not such a big problem, until Operation Pentameter exposed the extent of the problem that faced all of us. I am glad to say that the Police Service here was then very responsive and has been very proactive in trying to tackle that crime, to detect where it is happening and to bring people to justice.

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

As other Members have said, it is early days in getting to grips properly with that type of crime. Members have mentioned that the crime is one of sexual exploitation, forced labour and domestic servitude. All the Members who have spoken are clear in their abhorrence of those types of crimes, and they are resolute in ensuring that all the relevant organisations, including the Police Service, the Public Prosecution Service and all the other statutory agencies, step up to the mark to do what Ms Lo described as being prevention and prosecution and the protection of victims.

In the interests of maintaining the clear unanimity that exists across the parties here, it is important that we move forward on that basis. I was pleased to hear the Chair of the Justice Committee make his personal commitment, and I have no doubt that it would express the Committee's view to say that the House will implement additional legislation if necessary. We have had a history where prostitution, as it was called, was the done thing. It happened, and, as I said, everybody let it go on and did not pay much attention to it unless, of course, they were a victim. Tragically, the nature of that has changed dramatically, and we hear reports from the police that there is not a village or a town in the North or across the island where that type of activity is not going on in the types of apartments or hotels that Members have referred to. The extent of the crime that is going on does not bear thinking about. That applies equally to domestic servitude and forced labour.

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

**Mr A Maskey:** It is important that we are united in our rejection of this crime and, more importantly, our resolute affirmation that we will tackle it to the best of our ability.

**4.00 pm**

**Mr D McIlveen:** I support the motion and the amendment. I speak as a member of the



Policing Board and Chair of the all-party group on ethnic minorities.

Since April 2011, there have been 26 identified victims of human trafficking in Northern Ireland, 18 of them victims of sexual exploitation. Using police information, it is important that we get to grips in the debate with what is happening outside the doors of the Assembly. It is not easy listening, but I want to use police information to describe the average day in the life of a young lady who has been trafficked into this country for sexual exploitation.

It will start with a man — it is usually a man — who will go on to a website where he will find pictures of the woman. He will also see a list of services provided by that woman. He will go to meet her in an apartment, a hotel or some other establishment, where he will use the services that she provides. He will then leave that establishment and will have the opportunity afterwards to submit something like a restaurant review of his experience with the young lady. We have to get away from how the media portray this. It is not 'Pretty Woman'. This is not a glamorous, happy hooker, as appears in a number of Sunday newspapers. This is rape for profit. This is a high-yield, low-risk crime that needs to be dealt with urgently.

Victims of human trafficking are often too scared or simply unable to come forward. In Northern Ireland, we cannot get away from the fact that this is now becoming big business. The average cost of engaging the services of an escort — let us face it: "escort" is a euphemism for prostitute — is now £97 for half an hour. It is estimated conservatively that £25 million a year is spent in Northern Ireland by people who use such services. They are not punters or customers; they are men who pay for sex and exploit women. It is important, now more than ever, that we do not just sit back and allow that to continue unchallenged.

**Mr Agnew:** I thank the Chair of the all-party group on ethnic minorities for giving way to the outgoing Chair on the issue, as I will not have another opportunity to speak in the debate. Does the Member agree with me that, as well as focusing, rightly, on the traffickers, we need to focus on those purchasing such services? Although many may feel that this is somehow a victimless crime and that the women do it of their own will — they might even perceive it as legitimate work — those women have no choice.

They are exploited and coerced into the industry. Therefore, far from being a victimless crime, it is one of the most disgusting in our society.

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

**Mr D McIlveen:** Thank you. I thank the Member for his intervention. I absolutely agree. I would probably have slightly more conservative views than others on the issue. The fact is that, in my view, once money is exchanged, the game changes. I refuse to accept that any form of prostitution is done under the banner of consent. If you went into a school today and asked a boy or girl what they want to do when they leave school, which of them will say that they want to be a prostitute? Nobody does it because they want to. It is exploitation, and it is driven, unfortunately, by demand. I entirely agree with the Member that something has to be done to raise awareness and to reduce demand for such acts. We are here; we are having the debate; we are looking for solutions. I am glad that the Minister is here to listen to what is said.

Human trafficking is a crime. What is taking place is a heinous, disgusting, lurid, lewd crime, and it needs to be dealt with in those circumstances. We should look at having a trafficking community partnership, where there is an Organised Crime Task Force-led objective and a police-led objective to bring with them the groups that do a fantastic job. I find myself agreeing entirely with the proposer of the motion. The work that Women's Aid does is to be applauded, as is the work of the Belfast Migrant Centre. There are so many fantastic groups out there, but there needs to be a more together, joined-up focus in taking the issue forward. This is a debate in which we are not asking for more money, because the groups are funded. DOJ does a fantastic job on that, for which I commend the Minister. However, there is a severe issue with how we are going about co-ordinating. It needs to be police-led. We need to look at human trafficking for what it is: it is a crime, and it needs to be dealt with as a crime. I exhort the Minister to take those comments on board and, hopefully, act on them.

**Mr B McCrea:** This is not the first time that the Assembly has spoken about the issue, and, in fact, it is not the first forum to have dealt with it. The key question, which Caitríona Ruane spoke about, is whether we can sort out this problem without first sorting out the problem

of prostitution. That is the real issue. What is Northern Ireland's attitude to prostitution? What is the PSNI's policy on prostitution? Is it legal to have a brothel because it is easy to maintain and monitor if you have some legalised basis for it? I know that the PSNI was trying to resolve the issue some time ago. I do not know whether it has come up with what exactly it is going to do, but perhaps the Minister will be able to fill us in.

What goes on in our society was mentioned. I think that the real problem is that many people in Northern Ireland do not actually think that the issue exists. I had to leave the Chamber and come back because I was at an all-party group meeting dealing with young people and sexual orientation. Some of the issues raised there concerned how people get pregnant and what their attitudes to sex are. We sweep all those things under the carpet in this place. We can look at young people in care and at how taxis turn up to pick them up and take them off to places. That is absolute exploitation of our young people for similar purposes.

Those of you who were at the SOCA meeting today will know that what the agency's representatives were saying was really instructive. People here talk about the PSNI. It is not the PSNI but SOCA that takes the lead on these issues. I was talking to its head, and he was able to tell me that it is all about being intelligence-linked. These are serious organised crime syndicates exploiting people. It takes a certain amount of sophistication to bring people from one part of the world to another. He was able to tell me that intelligence has increased by some 50% in the past year, but we really need to find out exactly what is going on in our own society.

I heard the exchange between two colleagues about human trafficking being illegal and an absolutely heinous crime. That is a position that I myself adopt. That may be surprising, as some people think that I am the arch-liberal in this place. That may be news to the Minister, but I will issue a statement later. Look at what happens in Amsterdam, which has got a particularly free approach to the issue and where prostitution is licensed. My understanding — again, this comes from SOCA — is that the Dutch are considering reversing that decision. It is a fundamental bit in their society, yet they are going to change it. They are not going to legalise it or license it. They are going to outlaw it, because it is absolute exploitation. It is a crime

and should be stopped. We should not turn a blind eye to it.

We have to confront the fact that in Northern Ireland prostitution does go on. There are prostitutes. There are brothels. There are issues about sex that we are all apparently afraid to talk about. While we do not talk about them, people get exploited. On this particular issue, it is not really enough for the House to talk about it because it is the second time that we have done so. We want to see the agencies that can have an impact on it do something. We want to see action on this.

I have probably said enough about my support for the motion, and other issues have been put forward. I note the extension that Anna Lo is seeking through the amendment, and I concur. We should be going further and adopting other protocols. We should take a lead on the issue. I support the amendment as wholeheartedly as I would have supported the motion.

**Mr McDevitt:** I support the motion and the amendment. I welcome the unanimity across the House on the issue. I do not need to repeat what has been said well by others: this is right up there among the class A group of heinous crimes. It is happening right under our noses, and too many people in our society seem undisturbed about that.

I wish to add some detail that has not yet emerged in the debate. We have talked a lot about women being forced into sexual exploitation in this region as a result of being trafficked here, and that is indeed true. It is also true that there are people working in car washes in this region who are basically slaves. Maybe that is something that everyone should think about the next time they fancy getting their car washed cheaply. That is happening right here, right now. Those of us who are members of the Policing Board and are able to receive updates on this matter are told that it is not unconnected to prostitution. There is evidence, we are told, that there are women who are trafficked here for sexual exploitation who, in downtime, are sent to wash cars.

The immediacy of this crime cannot be overemphasised. It is very present. I am never able to get my head around the fact that there are more people in slavery in the world today than there were at the height of the slave trade. That is a fact, yet we seem to be able to carry

on as though it were someone else's problem, when, in fact, it is not.

In the short time available, I want to raise a substantial point. We need to acknowledge — colleagues from all sides have done so — that the PSNI, the guards, the English, Scottish and Welsh police services and, indeed, police services across the European Union have upped their game over the past decade in dealing with human trafficking and modern-day slavery. I hope that the reports that we will continue to receive will be positive about the progress that has been made in better understanding how to undermine and bring the perpetrators of this type of organised crime to justice.

The Human Rights Commission published a pretty important scoping study on this region in 2009 that made a series of specific recommendations on service provision. The recommendations go beyond the criminal justice side of things, because a lot of damaged people are rescued from brothels and other places. One very specific recommendation was that:

*“a multi-agency approach led by the Department of Health, Social Services and Public Safety along with the PSNI, should be established to co-ordinate services for victims of trafficking to and within Northern Ireland.”*

I understand that we have made some progress on doing that, but not nearly as much progress as I think the House would want to see. It is probably not fair to say that we have done our bit. It is probably fair to say that we have done some of our bit. However, there are other Departments in Northern Ireland that are right under our nose, as is the problem, and they really need to step up to the mark. They could start by picking up on the recommendations made by the Human Rights Commission, which then goes on in its report to talk about the role that non-governmental organisations will have to play. There is a huge role to be played there too, which is something I spoke to the Minister about briefly. I have to leave the House early, but I think that he will pick up on that point in his closing remarks.

We need to understand that every trafficked individual needs a support plan, and that support plan needs to go beyond treating them as a witness to a crime. It needs to understand that, if they are treated as a witness to a crime, they help put someone behind bars. If they are then handed over the UK Border Agency, as

happens more often than not, they will simply be made criminals themselves. The chances are that they will be deported, and the intelligence is that many women in that situation go back into slavery. That is the safest thing for them to do, because they have just been sent back to the very place that they were taken from. So we have an awful lot more to do.

I hope that, following the debate, more than just the Department of Justice will begin to wake up to its responsibilities. I hope that we can use the collective advocacy of the all-party group to push for services —

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

**Mr McDevitt:** — so that people who are arrested in this place can continue to feel that they are cared for by this place.

#### 4.15 pm

**Mr S Anderson:** When I entered the Assembly in 2010 to replace David Simpson MP, my maiden speech was on human trafficking. I say that to highlight not my record but the fact that the subject will not go away. The Assembly should never allow it to go away, not while people are being bought and sold or traded.

On Friday night, I had the honour of attending a major conference in Portadown on anti-human trafficking. It was organised by David Simpson MP and jointly hosted by the Mayor of Craigavon. We honoured Kate Richardson from Portadown on her return from her epic transatlantic rowing achievement, which was a challenge that she undertook under the banner of Row For Freedom to raise awareness of the growing worldwide problem of human trafficking. We were joined by many groups, including the A21 Campaign, the Craigavon Stop the Traffik ACT group, the International Justice Mission and Women's Aid, as well as the PSNI and the chairman of the Westminster all-party parliamentary group on human trafficking, Peter Bone MP. The conference was also attended by 200 concerned local people who wanted to help to tackle the scourge and end the misery of people across the world, including victims here in Northern Ireland. Among the messages to emerge from that conference were the truly international nature of the crime, the appalling treatment that victims endure and the level of ignorance of human trafficking. One senior PSNI officer said that the brutal trade centred on victims, usually females, who are, in effect,

raped for money. However, the crime is much broader than that.

Money and the making of it are the only motivations of those behind trafficking. The criminal gangs who trade in human misery and suffering are often the same gangs who trade in counterfeit DVDs, fuel laundering and all manner of criminal activity. Indeed, this criminal enterprise brings together people not normally considered natural partners, but they are prepared to work as one for financial gain.

Progress has been made, and the beginning of prosecutions and convictions is to be welcomed. Also, the PSNI announced recently that it would visit people suspected of paying for sex with trafficked women. As Detective Superintendent Philip Marshall said, they are not clients or punters; they are exploiters or rapists.

On Friday evening, we were also heartened and encouraged to hear from the PSNI that Northern Ireland was well placed in the United Kingdom when it came to how we tackle the crime. However, despite the efforts of many people, we remain a long way from turning back the tide. Indeed, we simply do not know how deep the waters are.

**Miss M McIlveen:** The Member, rightly, highlights adult trafficking, as did other Members, but does he agree that the issue is much broader? In the first nine months of 2011, seven children were identified as having been trafficked. We must ensure sure that practitioners and professionals on the front line are aware of that. They must know how to target the problem and make progress in tackling it.

**Mr S Anderson:** I thank my colleague for her intervention. Indeed, my next paragraph refers to young girls and boys. UNICEF estimates that, at any one time, there are about 5,000 child sex workers in the United Kingdom. Most of them were trafficked into the United Kingdom. Some 75% are girls, but there are young boys as well.

**Mr Moutray:** Does my colleague accept that many of the people who become victims of human trafficking simply go missing and go off the radar and are not heard of again? Does he also accept that we in this House should be voices for those who have gone missing? We should be not only disappointed and shocked at what we hear today but angry that this is happening in civilised western Europe, not in darkest Africa.

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

**Mr S Anderson:** I thank my colleague for his intervention. These issues are very much to the fore, and they were brought out at the conference. As my colleague said, people are going missing. They are brought into houses and locked away in a single room that may have no windows. They have a mattress on the floor, and the doors are locked. At the conference, I learned that there are locks on the outside of the doors and scratches on the inside of the doors, which are marked with the victims' nails and blood and everything. Sometimes, when DNA tests were done, they showed that the nails and blood did not match with the victim who was in the room. That shows how horrific the whole thing is.

As has been mentioned, we also have those who are trafficked into forced labour and held in virtual slave camps, as well as those who are held in domestic servitude. There is also the shocking spectre of organ harvesting, which, I think, my colleague Mr Givan mentioned. Thankfully, we have not had any examples of that in Northern Ireland, but how can we be sure that it will not happen at some time right here on our doorstep? The whole criminal enterprise requires that the Assembly —

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

**Mr S Anderson:** — the PSNI, statutory agencies, various groups and the wider public work together. We need to tackle the issue and help to resolve it. We all have a stake in beating these criminals.

**Mr Ford (The Minister of Justice):** I congratulate Caitríona Ruane and her colleagues on securing the debate this afternoon, and I welcome the motion and the amendment. They have, rightly, attracted strong opinions in every part of the Chamber. They have also attracted what must be the nearest thing to unanimity that we have seen for some time. On the basis of that unanimity, I do not propose to respond to everything that every individual said, but I will refer to some of the issues that were raised in the context of work that the Department is doing. I think that that would be helpful to the House.

There is absolutely no doubt that the organisations represented in the Organised Crime Task Force are extremely well aware of the problem of human trafficking and are committed to tackling



the issue and to ensuring that victims are rescued. They are also committed to ensuring that the victims receive the support and care that they need. They do that alongside dealing with those who perpetrate such crimes. However, a debate like this is useful in helping to raise awareness, although there is no doubt that there is perhaps a greater awareness in Northern Ireland than in some other areas.

Human trafficking is simply, in many senses, a part of organised crime, although it is probably the foulest of all such crimes. It is clear that those who carry it out are engaged in a range of other organised crimes. My three key objectives in tackling trafficking are in line with the motion: supporting the victims; bringing the traffickers before the courts; and raising public awareness. Given what was said, I should, perhaps, concentrate on the first and the last objectives, although Members should be well aware that the Department is fully conscious of the issues involved in bringing traffickers before the courts and in supporting the police and other agencies. Members will undoubtedly be very grateful, as am I, for the fact that, last week, we saw the first conviction for human trafficking in Northern Ireland.

As the motion highlighted, we need to acknowledge that trafficking is an issue not solely for women but for men and children. Nor is it simply an issue of sexual exploitation, although that is probably the largest element. There are also issues of labour exploitation and domestic servitude. As has been highlighted, the different areas may overlap. We know that 18 victims were trafficked into Northern Ireland for sexual exploitation and five for the purposes of forced labour in 2010-11. As a result, we have seen two children supported by social services. I believe that, contrary to the impression that was given at times, the Police Service and the UK Border Agency are genuinely proactive in addressing the area. There may be concerns about what happened in the past, but we see very strong engagement by the Police Service. That engagement is evident in the involvement of those who get specific training at local district level and of those in the organised crime branch. Through such co-ordination, they ensure that they maximise the efforts of the specialist expertise and the local, on-the-ground knowledge of what is happening in each district across Northern Ireland. That specialist training for the organised crime branch includes training in the recognition and investigation of human trafficking.

We have seen very positive relationships developed by the police with a wide range of organisations and community representatives to help those who come in touch with trafficking. A strategy has been developed for brothel searches to maximise the opportunities to obtain the trust of potential victims. One of the key issues is that those who do not trust the authorities in their home country may have great difficulty in dealing with police officers when they come into contact with them here. We are working hard to develop a victim-centred approach. After that, comprehensive care plans are put in place involving both the voluntary sector and social services as regards the duties to children, although I note the point that Conall McDevitt made about the Human Rights Commission report of three years ago and the serious issues about the services provided and the different agencies that have responsibilities there.

The services provided for adult victims include safe and appropriate accommodation; help with day-to-day living and travel costs; information in a language that they can understand; help to access emergency and non-emergency healthcare, which may be sexual health services, general GP services, dental or specialist medical treatment; and access to other services around support, immigration and counselling. I cannot praise too highly the work done in that respect by Women's Aid and Migrant Helpline, services that are available to all adult victims of trafficking and not just those who co-operate with the police, although I accept the point about wider coverage, which I will come to. I thank Women's Aid and Migrant Helpline for their work. I am pleased to confirm that, just this week, I renewed their contracts for providing the services.

Conall McDevitt and Anna Lo referred to the subsequent treatment of victims of trafficking and the issue of what is in practice only a 45-day period of reflection. Of course, that issue is not devolved, but, if I can take my ministerial hat off for a minute, I accept that there are real issues as to how that is seen overall. I will ensure that the agencies that have responsibility to the Department of Justice do their best to ensure that confidence is built with victims to ensure that they can use that period of reflection wisely.

The motion refers to the fact that Northern Ireland is both a destination and a transit camp, and a number of Members mentioned that. That



is why it is extremely important that we develop good working relations with neighbouring jurisdictions. For example, people from an Garda Síochána and other agencies in the South are represented on a number of OCTF subgroups, including human trafficking and immigration. Indeed, Assistant Chief Constable Drew Harris said that the relationship is not just one of co-operation; it is one of joint working.

Last week, I had a tripartite meeting in this Building with the Irish Justice Minister, Alan Shatter, and the Scottish Cabinet Secretary for Justice, Kenny MacAskill. One of the topics that we discussed was human trafficking. It is an issue that features at virtually every meeting of the intergovernmental agreement on co-operation on criminal justice matters North/South. When I met Kenny MacAskill, the Scottish Police Services Authority, the PSNI and the UK Border Agency at Loch Ryan in the autumn, serious attention was given to dealing with trafficking across the North Channel. I certainly propose to attend the next meeting of the interdepartmental ministerial group on human trafficking convened by the Home Office.

There are also proposals in a Bill that I have waiting for Executive approval that deals with notification orders for those who cross the border into Northern Ireland. At the moment, an Garda Síochána will inform the PSNI if somebody who is subject to notification requirements in the Republic crosses the border. That will place an individual requirement. When we consider that we also have issues of people moving between Northern Ireland, England, Scotland and Wales, we can see that there is no particular benefit in a single sex offender register for Ireland. The important issue is to join up the connections in every part of these islands.

We also have to consider the issue of tackling demand in the OCTF strategy. Members referred to the fact that it is a criminal offence to pay for the sexual services of a woman who is subject to force. I hope that that will make anybody tempted in that direction think seriously about it and the fact that that simple act will give them a criminal record. People should be extremely careful of their responsibilities in that respect. I have also asked the Home Office to review the remit of the Gangmasters Licensing Authority to include construction, hospitality and the catering industry alongside agriculture and fisheries, which will provide protection for some victims of forced labour.

#### 4.30 pm

The Department has been active in seeking to raise awareness of human trafficking, particularly among the general public but also with the relevant agencies. That was why, in January of last year, we relaunched the Blue Blindfold awareness campaign, which Members have referred to, encouraging people to find out about human trafficking and to report their concerns to the police or to Crimestoppers. That campaign has a very high recognition level, considering the relatively limited sums of money that were available to spend on advertising. I urge Members, as others have done, to go to the Blue Blindfold website to get the information about the signs to look out for. If Members ensure that they are informed, they can assist their constituents who have concerns.

The key issue of OCTF's work across a number of crimes is that of changing the mindset. That covers all kinds of organised crime, but is, I believe, absolutely key in connection with the foul crime of trafficking. People need to be informed about what their exploitation is doing.

There were references in the debate to the increased penalty levels. In fact, Anna Lo quoted the average sentence that somebody might receive. Holding someone in servitude can receive a maximum sentence of 14 years, and I suspect that across the range of offences, that is adequate. Members have to recognise that sentencing is, of course, a matter for the judiciary. However, the fact that we have now had a conviction for human trafficking — and other cases are in the pipeline — shows that things are moving.

I welcome the fact that the Committee Chair gave the commitment of the Committee to legislate further if required. We are looking at the EU directive, and I am pleased to say that as the law stands in Northern Ireland, we have very little to do to deal with it. Opting into the directive will ensure that the UK as a whole remains at the forefront of world action in this area. We require two relatively minor changes to primary legislation, which would include extending powers to prosecute UK nationals who commit offences anywhere in the world and dealing with trafficking within the United Kingdom. Those changes fall within the competence of the Assembly.

In answer to the point raised by Lord Morrow, consultation will, I hope, begin shortly, after

I have discussed the issue with the Justice Committee and the Executive. It is possible that we will have amendments to our law in place, in line with the EU directive, by April of next year. That is also in line with the proposals for England and Wales. We are not, in that sense, lagging in any way behind other UK jurisdictions. The consultation will allow people to give wider opinions as to how they see the problem and to make any further suggestions for what they believe may be necessary.

In her proposing speech, Caitríona Ruane called for a public inquiry. Measures are already in place to monitor our response to human trafficking, including those of the Group of Experts on Action against Trafficking in Human Beings, which has the cheery acronym of GRETA. It has responsibility for ensuring that member states comply with the Council of Europe Convention on Action against Trafficking in Human Beings. Northern Ireland was inspected as part of a UK-wide inspection in October last year, and we await the report of that evaluation. I assure Members that if the report makes recommendations, I will take them to the relevant justice agencies to ensure that we maintain our position at the forefront of dealing with this crime. The fact that we have opted into the EU directive and are fully involved with the Council of Europe convention are indications that this jurisdiction is moving forward. Therefore, I am not sure what an inquiry would add to that.

I turn now to the motion and the amendment and the remarks made generally around the Chamber. This is something about which we can say that, with the slight query that I raised about the penalty levels as opposed to the judicial application, there was unanimity in the debate, and I have great pleasure in maintaining that unanimity in my response. I hope that I have shown that many of the points covered in the debate are issues on which the Department is taking action, and will continue to take action, to ensure that we protect the vulnerable, deal with victims and take action against the perpetrators of this crime.

In conclusion, I would like to praise the NGOs that work most closely with us, particularly Women's Aid and Migrant Helpline, but also other voluntary and church groups across Northern Ireland that are raising awareness in their areas. I add my words of praise for the police, not just the PSNI but the cross-border

co-operation that we receive from an Garda Síochána and the co-operation that we receive across the Irish Sea from police services in Scotland, Wales and England. I noticed that, unusually in debates such as this, there was praise for the Department and the actions being taken. I was a trifle shocked by that but am grateful to have received it. I am happy to notice that the House has recognised the positive work being done by the Department and the various agencies that co-operate on the matter. That is a sign that we can collectively take a degree of pride in. I was slightly disappointed by the comments of Sydney Anderson, who spoke immediately before me, because I understand that at the meeting in Portadown to which the Member referred, Peter Bone, the chairman of the all-party parliamentary group on human trafficking at Westminster, said that Northern Ireland was at the leading edge of work within these islands. We should collectively take pride in that. We should certainly not suggest that we do not keep up our efforts in that area.

**Mr Lyttle:** I thank the Sinn Féin Members for tabling the motion and my party colleague Anna Lo for moving the amendment. I welcome the unanimous sense of repulsion from the House today for this brutal crime and the united commitment to ensuring that we tackle the problem in as robust a manner as possible.

The UK Anti-Slavery Society was founded in 1823 and the Slavery Abolition Act was delivered in 1833, so it is a brutal horror that, in 2012, the House must face what has rightly been described as modern-day slavery. It is an international problem, and it is a problem for humanity. It is one of the most disgusting crimes in society, as Members have rightly said. It is believed that over 12 million people are trafficked internationally every year, 79% of whom are trafficked for the purposes of sexual exploitation, with the vast majority being women and girls.

My party colleague Anna Lo has rightly described human trafficking as a crime that generates profit from human suffering and represents a vulgar abuse of the most fundamental human right of freedom. I thank Members for supporting that view today. I welcome the first conviction last week for human trafficking offences, and I, too, commend the work of the PSNI and the Organised Crime Task Force. I welcome the reassurance that we have received today from the Justice Minister that Northern Ireland will

set an unerring commitment to bring the full force of the law to bear on perpetrators of such inhumane criminality.

As many Members have agreed, we are not only a transit country for human trafficking but a destination point for this heinous crime. My party's amendment seeks to emphasise the three-strand approach to improving our response to human trafficking — prevention, prosecution and protection — and has delivered a number of important messages that Members throughout the House have supported.

We must tackle the demand for sexual exploitation, and there has been unanimous agreement in that regard. We need a greater public debate and greater public awareness in order to prevent this brutality and to better understand the full extent of the crime. Any members of the public who suspect that illegal activity of this kind is taking place must report it to Crimestoppers or the police.

We must also improve our prosecution rate for the perpetrators of abuse and ensure that we have appropriate protection in place for the victim. We need a victim-centred approach that gives people who have been brutally violated medical, psychological, social, legal and immigration assistance, as has been mentioned, so that they can make the fullest possible recovery and feel safe and secure enough to make a full contribution to the prosecution of the crime. I, too, agree that we need to give serious consideration to our moral responsibility to work towards removing the threat of imminent deportation for victims of human trafficking, and we have to work with other institutions to meet our obligation by way of more robust legislation, be it from Europe or Westminster.

The Assembly and Executive must take seriously their responsibility to respond to this international and brutal crime in the most robust manner possible. My colleague Anna Lo has established a cross-party working group to ensure that we deliver a united response, and I encourage all MLAs to consider contributing to the group's work. We have to work together to combat human trafficking and organised crime, and I welcome the House's unanimous support for the motion and the Minister's commitment to work to that end.

**Ms J McCann:** Go raibh maith agat, Mr Deputy Speaker. From listening to the debate, I think

that everybody is united in their condemnation of this vile crime, and I am glad that everyone is sending out a very clear message to the perpetrators.

Before I start summing up what Members said, I want to say that it is worth remembering that human trafficking is a hidden crime. Members talked about the fact that it is not something that is in your face. A lot of people, therefore, do not even realise that it is happening on their doorstep and in their communities. Although we have debated the issue in the House before, I think that it is very important to keep it on the political agenda. People need to know that human trafficking is happening not just in another country or thousands of miles away but in the North of Ireland today. That is an important point.

The brutal nature of the crime cannot be overstated, and Members talked about that as well. We also heard about some of the human stories. A number of Members mentioned the Blue Blindfold campaign, and to get it into the heads of Members in the Chamber and people in our communities what human trafficking really means, I want to read out the following quote:

*"Try to imagine being promised a good job abroad. You're taken thousands of miles away from home to a strange country. The job doesn't exist. Your passport is taken from you. You're intimidated, petrified, penniless and trapped in a vicious cycle of debt. And you've no idea what your rights are. You could be sold on to become forced labour on a farm, in a cannabis factory or as a domestic slave. If you're a teenage girl, you could be tricked into forced prostitution and made to have sex with 40 strangers a day."*

— some Members talked about even children being the victims of such crimes —

*"You're held against your will, physically and emotionally. Try to escape and you, or worse, your entire family face the threat of violent retribution, even death."*

That is what the victims of human trafficking are thinking and going through day and daily. People in our communities need to wake up and to see that that is happening on their doorstep.

I want to look back on some of the points made by Members. My colleague Cairíona Ruane, in opening the debate, put forward some very glaring statistics. For example, from 2009 to 2011, 73 victims were rescued from human

trafficking by the PSNI, which said that that was just the tip of the iceberg. In fact, £500,000 is spent on prostitution in the North every week, and 88 brothels exist across the North. Those statistics make it clear just how common and prevalent it is. We heard that women, men and children are all victims. My colleague paid tribute to Women's Aid and the other voluntary organisations that do sterling work in supporting victims, and I think that it is worth mentioning that again.

Anna Lo, in moving the amendment, referred to human trafficking as a global issue and said that it is one of the greatest evils facing the world today. I think that she is right about that. Human trafficking is the third largest source of income for criminal gangs, next only to arms and drugs. In fact, some gangs are actually switching from drug dealing to human trafficking because it is safer, in that there is less chance of getting caught or of being given a long sentence if they are caught.

Prevention, prosecution and protection are very important. We then went on to the issue of supply and demand. We really do need to eliminate demand. I think that other Members spoke about that as well. People who engage in prostitution know that some women and young girls are being forced into it, and that is rape. That is what it is, so let us call a spade a spade. Those people, in my view, should be charged with rape. People who know that and are willing to do it should be charged with that offence. Members called on members of the public not to be afraid to lift the phone to ring the PSNI if they suspect that that is happening to someone close to them. At the very worst, you will look silly, but you could be saving somebody from this crime. So, it is very important that if people have any suspicions at all, they ring the police.

#### 4.45 pm

The prosecution rate is still too low. Anna, I think that you said that the average sentence was 4-6 years. The Minister talked about 14 years being the maximum sentence: we need to see those sentences being handed down to stop this happening and to send a very clear message to people who are engaging in this vile crime.

Paul Givan mentioned the scale and the nature of the crime. He also said that in some cases, although maybe not here in the North, human trafficking had been used to harvest human

organs. He talked about the demand being created in society and said that we need to tackle that demand.

In his contribution, Ross Hussey mentioned the Blue Blindfold campaign. I agree: if you want to get some information and to have your eyes opened, you should go onto the campaign's website, which provides startling facts, some of which are very difficult to read.

Alban Maginness mentioned the co-operation between the PSNI and the Garda Síochána and made the point that the North of Ireland is used as a transit point. It is also important to mention that the victims are not always foreign nationals; there are Scottish, Welsh and English people and people who live in the South of Ireland who are subjected to this crime and trafficked into the North. So, it does not just happen to people from countries far away; it happens internally as well.

Mr Maginness talked about people being repatriated to their countries and said that it was important that they go willingly and are not forced to go back, because sometimes when they are forced to go back, they are forced into such slavery again.

Maurice Morrow told us a vivid story about "Victim A", who was a 14-year-old girl from China, and the brutality and suffering that she had to endure after being forced into prostitution. He also talked about "Victim B", a Bosnian girl who went into a housekeeping position. Those types of stories need to be told, because we need to realise that this is happening to real people.

In his contribution, my colleague Alex Maskey also talked about the blind eye that had been shown to the problem. Some of the PSNI representatives who gave evidence to the Committee said that prior to 2007, people did not think that human trafficking was happening here. Although some were saying that it was happening, people did not believe it. Most people were, perhaps unwittingly, turning a blind eye to the issue. Now, it is a very real problem and everybody is working together to tackle it. It is very important that we continue to work together like that.

David McIlveen explained that prostitution is a big business and said that £25 million a year is spent on such services. He said that something has to be done to reduce the demand for



prostitution and that there has to be a holistic approach to that.

Basil McCrea said that all forms of prostitution are forms of exploitation. David McIlveen said that as well, and I agree. No woman would choose to go into prostitution. Women become prostitutes because of their financial situation, and anyone who would say any different would need to talk to some of the women affected directly to find out their reasons.

Conall McDevitt said that trafficking was in the class A of heinous crimes. He also mentioned some of the people who are involved in the local car wash industry. I was not aware of a lot of that information, but it was very disturbing to hear that.

**Mr Deputy Speaker:** Will the Member bring her remarks to a close, please?

**Ms J McCann:** Sorry, I will not be able to go into great detail about what the Minister said, but he did say some very positive things about how he will combat human trafficking. I was glad to hear him say that. We just need to send a very clear message: this is a heinous crime and its perpetrators have to be brought to justice.

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

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

*Resolved:*

*That this Assembly expresses concern at the increase in human trafficking where people are brought in illegally and forced into a life of sexual exploitation, forced labour or domestic servitude; or are transported onward to other jurisdictions for similar purposes; and calls on the Executive to use all their powers to raise public awareness of this crime to ensure that the perpetrators are brought to justice and that victims are given the support and help they need, regardless of whether they are co-operating with the law enforcement authorities; and further calls on the Executive to meet the obligations set out by the Council of Europe convention (2005) and the new EU directive (2011) on action against trafficking in human beings by addressing the demand for sexual and labour exploitation, increasing penalty levels, adopting a victim-centred approach and implementing effective preventative measures.*

*Motion made:*

*That the Assembly do now adjourn. — [Mr Deputy Speaker.]*

## Adjournment

### Millennium Way, Lurgan

**Mr Deputy Speaker:** I remind Members that the proposer of the topic shall have 15 minutes. The Minister will have 10 minutes in which to respond. All other Members who wish to speak on this occasion will have eight minutes.

**Mr Moutray:** I assure all those present that I will not take 15 minutes to build a case. I am delighted to have secured this Adjournment debate calling for the completion of Millennium Way in Lurgan. I will start way back in 1976. To be more precise, in fact, I will start on 11 May 1976, when the then Minister with responsibility for the environment, a Mr J D Concannon, better known to those who remember as Don Concannon, wrote to the then MP for Armagh, the late Harold McCusker, concerning the construction and completion of Millennium Way.

Mr Deputy Speaker, if you will just permit me, I would like to read a short section of the letter for us to get a flavour for the fact that that stretch of road has been promised to the people of Lurgan since 1976. The letter states:

*“Dear Mr McCusker,*

*You will recall a recent telephone conversation with my office on behalf of the Lurgan Chamber of Trade when you requested details of the current programming of the Lurgan through-pass. The provisional five-year major works programme presently being considered by my Department incorporates the entire Lurgan through-pass from Edward Street to the Gilford Road. The programme’s start dates are: Edward Street to Union Street, 1978-79; Union Street to Malcolm Road, 1980-81; Malcolm Road to Gilford Road, 1980-81.”*

Members will be aware that it is the Malcolm Road to Gilford Road section that we are speaking about, and that it, to date, has not been constructed. I have no problem in making this letter available to the Minister for his perusal so that he can add it to the file that is sitting in the Department gathering dust, and after these 30 years, I imagine that the dust is probably quite thick.

In all seriousness, however, for 30 years, traders and elected representatives have, in my opinion, been given the runaround by being given promises and commitments, as was the case in the letter that I just read out, that were, unfortunately, to no avail.

I am aware that Minister Kennedy is familiar with this scheme. When I met him back in November, along with members of the Chamber of Trade and Lurgan Forward and Mr Joe Johnston, principal of Lurgan Junior High School, the Minister expressed a desire to have the matter drawn to a conclusion and the road completed, but the funding of the scheme was where the difficulties lay. However, I would like to take this opportunity to impress upon the Minister the need for the completion of Millennium Way.

Lurgan suffered greatly at the hands of IRA terrorists for too many years, having been bombed on two occasions, when the very heart of the town was ripped to pieces. It has received bad press because of the divisions in the town. As a result, it still suffers from the effects of the Troubles, coupled with the economic downturn.

Business owners who have remained faithful to the town are keen to try to assist regeneration and are keen to progress. However, the current situation with regard to access and the bottleneck caused by the railway lines means that there is a need for the completion of Millennium Way, which ultimately will give traffic the opportunity to bypass the town centre entirely. That would, undoubtedly, open it up for more businesses and shoppers, and it will give those wanting just to travel through the town to another destination an opportunity to bypass the town centre. It is notable that since 1976, the Chamber of Trade has been consistent in calling for this. It remains committed to it and must be commended for its efforts.

The completion of the final phase of Millennium Way would open up further development opportunities in the town and on the outskirts, as it would open up development sites within the town boundary. Furthermore, it would assist in achieving what the public realm works seek to achieve: to make Lurgan's town centre more pedestrian-friendly. At present, there is gridlock in the town, particularly at rush hour, with queues backed up. The link road would give motorists who have no reason to travel via the town centre the option to bypass it. Phase 1 of the public realm works has been a huge

success in changing the aesthetics of the town. We are delighted that phase 2 is imminent, as it will further enhance the town visually and bring about a sense of completion. However, given the significant funding that has been given by the Department for Social Development (DSD) and the Office of the First Minister and deputy First Minister (OFMDFM) for the public realm works, it is of utmost importance that the Department for Regional Development (DRD) buy into that opportunity to make real change in Lurgan. Often, in the House, we talk about collaborative working and the need for a joined-up approach. That would be a joined-up approach that would deliver for traders, road users and the general public.

In addition to the business folks who desire completion, so, too, do the parents, pupils and principal of Lurgan Junior High School. The school has 618 pupils, all of whom have to access the school via Toberhewny Lane. It, too, is a complete bottleneck, particularly at school drop-off and collection times. The access has serious health and safety implications owing to a lack of space, and the Millennium Way project would give the school an additional access point. Furthermore, in the past couple of years, the Southern Education and Library Board (SELB), along with Sport Northern Ireland, Craigavon Borough Council and the Big Lottery Fund, has spent significant money on developing two state-of-the-art 3G pitches, both of which have to be accessed via the school. That leaves the school vulnerable, particularly when the pitches are being used after school hours. If Millennium Way were completed, direct access to the top-of-the-range 3G pitches would be available, which would bring significant benefits to those who use those excellent and much-needed facilities.

In conclusion, the cost of that work has been indicated by the Minister to be about £6 million or £7 million. In the grand scheme of things, that is not a significant amount; it represents a minute percentage of the Department's overall budget. Therefore, in tabling the Adjournment topic, I urge the Minister to sanction the completion of Millennium Way in Lurgan as soon as possible before the town is further affected by the economic downturn and daily significant traffic problems.

**Mr O'Dowd:** I support the Adjournment topic. As the previous Member to speak said, it is a long-running issue in Lurgan; it dates from as far back as 1976 and, perhaps, beyond. It is an

important factor in Lurgan's redevelopment. As has been pointed out, through the decades — perhaps even the centuries — Lurgan has seen significant troubles and events from all quarters. However, it has undergone regeneration, and its town centre is a fine example of how towns have benefitted from the town regeneration scheme, which is sponsored by DSD. It now has significant plazas and street improvements, which greatly enhance the look of the town. It is a place where businesses should be supported in developing and moving forward.

However, as with all such development, infrastructure is required. Not only has the first phase of the Millennium Way project eased traffic congestion, it has opened up the area known as the backlands of Lurgan to further development. Although, unfortunately, the recession has affected that area, that is investment for the future. A significant proportion of land that was once not open to development is now available for future development. Phase 2 is an opportunity to open up further land for future development for commercial use, business use and, perhaps, housing. Therefore, Millennium Way is not simply about a road. It is about opening up Lurgan to future development and encouraging businesses that are already there and others to come along in the future.

It is a long-running issue. I am acutely aware of the financial pressures bearing down on Departments. On at least one occasion, I had the previous Minister for Regional Development, Conor Murphy, in the town to have discussions with Lurgan Forward, the company that has been very active in promoting the project, to look at options for how to move it forward.

One option being explored was to open up land so that a private developer could contribute to the road project. Unfortunately, as I said, the recession has hit us, and that is no longer an option.

### 5.00 pm

However, if the Minister can identify funds in his limited budget, the development of Millennium Way will significantly improve infrastructure in Lurgan and allow the town to develop further. Its development would be a vote of confidence for businesses already there and would allow other businesses to come into the town centre and the outer areas. As Mr Moutray said, it would also ease traffic congestion around Lurgan

Junior High School and address a number of other major issues.

I support the motion. The Minister will, no doubt, be aware of the issues. It is important that we raise the profile of the project once again and if they are available in the Department, moneys be directed to it.

**Mrs Dobson:** I thank the Member who tabled the Adjournment topic for enabling us to debate an issue that, as we have heard, is of great importance to the people and businesses of Lurgan.

Upper Bann MLAs had the opportunity to meet representatives of Lurgan traders here at Stormont last June. We heard their concerns at first hand. Indeed, we need only take a short drive down Lurgan Main Street to see those concerns for ourselves. It is not good for a town to have so many businesses that have closed and businesses that are going through tough economic times. Lurgan has been especially hard hit. The traders told us that, in some cases, their properties' rates exceed the rents and that they find it incredibly hard to get tenants for their premises. I commend the longstanding work of the Craigavon Industrial Development Organisation, which I visited recently along with party colleagues. It is working very hard to bring new small businesses to the Craigavon borough and to incubate them.

The benefits of the completion of Millennium Way have long been clear. Indeed, over the years, those benefits have been raised a number of times with successive Regional Development Ministers in the House by Upper Bann MLAs in broad agreement. The completion of the project would provide an economic corridor for Lurgan. It is an important element of moving Lurgan forward, socially and economically. Its completion would provide important opportunities for existing and new businesses to expand in Lurgan, generating local economic growth and creating much-needed jobs.

Upper Bann MLAs from across all parties have helped to support the Lurgan branch of the YMCA, which is engaged in the construction of a new purpose-built centre. Once constructed, the centre will be on the edge of Millennium Way. Access to it would benefit greatly from the completion of the project. The Ulster Unionist Party in Upper Bann has lobbied the Minister for Regional Development since he took up his position in May 2011. We have made the case

for Lurgan, and I am hopeful that the project will be completed under an Ulster Unionist Minister. Last October, I asked the Minister for an update in a question for written answer and had two meetings with him at which this important issue was discussed. In answer, the Minister advised me that the preliminary design of the Millennium Way scheme had been completed and planning approval obtained.

I am aware that funding is a stumbling block. Having been given the opportunity to speak on the issue today, I again urge the Minister to ensure that Roads Service completes all the necessary steps to progress the scheme through the statutory processes so that when funding does become available, it can commence immediately.

I am sure that other Members will join me in welcoming the Minister's announcement last Friday of a £3.6 million investment in rail infrastructure in the borough. That will totally transform and modernise facilities at Portadown railway station. The Ulster Unionist Party is delivering on the issues that matter for the people and businesses of the Craigavon borough. I press the Minister again to do all that he can to progress the completion of what I have called the economic corridor of the Millennium Way. I hope that its completion will not be a long way off.

**Mrs D Kelly:** I commend my colleague from Upper Bann for securing the debate. It highlights an issue that is important for the development of Lurgan, not only for commercial reasons but for obvious traffic management reasons. Is it churlish of me to say that it would be quite a landmark achievement if an Ulster Unionist Minister were to complete the road, given that, some 30 years ago, the MP for the area of upper Bann stopped the work when money was available? That fact is in the archives of the 'Lurgan Mail', and I have articulated it on previous occasions. Let us hope that the Ulster Unionists finally finish the work that the people desired some 30 years ago.

Members who know the area well will be aware that there is substantial brownfield development on both sides of Main Street in Lurgan. Millennium Way would go some distance to freeing up and providing additional opportunities for economic and commercial investment in the town centre. I am sure that colleagues referred to the traffic congestion problems that people who travel

along Main Street in Lurgan experience. A lot of that — I am sure that the Minister has been lobbied about the issue on numerous occasions — is caused by the unique situation in Lurgan in relation to the William Street crossing and the fact that the railway station cuts off a main part of the town and the arterial route from the M1.

Many years ago, Craigavon Borough Council and the Department had a temporary requirement for land; I think that it is where the Classic Mineral Water Company factory is located. Some land was set aside to provide a better road between William Street and Edward Street to avoid some of the town centre. I ask you, Minister, to resurrect some of those proposals and to look at how that could be achieved, given the modern-day requirements of travellers.

The traffic signalling in Edward Street is another problem that adds to travellers' difficulties. Many years ago, traders in that area campaigned against a roundabout, but it would be useful if a survey could be carried out to look at whether the traffic lights are an advantage. Many people say that they are a disadvantage because, as Millennium Way is not completed, people continue to use the main streets in Lurgan. There can be a huge traffic backlog because of the various traffic lights, pedestrian crossings and the railway. I would be very grateful, Minister, for your Department's urgent appraisal of the whole traffic situation and the development that is required to get Lurgan back on its feet with the completion of Millennium Way.

**Mr S Anderson:** I congratulate my colleague Stephen Moutray for securing the debate. As an MLA for Upper Bann, I have a desire for that stretch of road to be completed. It has been promised for many years, as has been outlined by my colleague.

It is a timely debate, given the further spend that is due to be made in Lurgan by the Department for Social Development on the completion of the public realm works, to which Members have referred. In a previous role in Craigavon Borough Council, I was involved in the public realm phase 1 in Lurgan and Portadown. The overarching aim of the works was to help to make the towns more accessible to shoppers and the public. Phase 2 for Lurgan, which is imminent, will see the completion of the public realm works. However, it will not achieve the aims of making the town less busy for vehicles and more appealing to pedestrians unless



Millennium Way is completed. That will allow an alternative route for traffic that wishes to bypass the town. The current layout does not lend itself to that because of the bottleneck that is created by the railway crossing. Traders, motorists and developers have lobbied for the road's completion for many years. The fact that it has been promised is somewhat disheartening for traders who are struggling in the economic downturn.

It goes without saying that Lurgan, like many towns throughout Northern Ireland, is struggling economically, with many businesses having closed and many vacant properties existing in the town centre. However, if the completion of Millennium Way were to take place, it would assist in regenerating the town and bring about new development opportunities. The stretch of road in question would open up development sites that lie within the town boundary, allowing for business growth and expansion. Additionally, the conservation rules within Lurgan town centre are undoubtedly hampering growth and locking much land that is available to the rear of the town centre properties. However, if Millennium Way were to be completed, I believe that it would open up new lands and greater opportunities that would allow existing businesses to expand and would assist in attracting new businesses to the area.

The Department for Regional Development needs to take its lead from DSD, which is delivering in Lurgan and seeks to bring about real change to the aesthetics of the town. However, ultimately, unless the completion of this road complements the DSD project, it will not meet its aim of making the town centre more accessible to shoppers and the general public.

Millennium Way, if completed, would help to alleviate the serious traffic problem that has existed for many years. Its completion will assist in opening up land for development, thus fostering economic growth in the town, and would help existing businesses that wish to expand but cannot, owing to the stringent conservation legislation that exists in the town centre.

On the back of all that, I call on the Minister to dig deep and to allocate funding for this much-needed project, so that this road can be completed as soon as possible. After 30 or 40 years — or what my colleague said — it is well overdue.

**Mr Kennedy (The Minister for Regional**

**Development):** I thank the sponsor of this

important debate and the Members who contributed to it. I very carefully noted the comments and concerns expressed by Members and I, too, welcome the opportunity to debate the completion of Millennium Way in Lurgan. I am heartened, not only at the cross-community support, but at the cross-party support that we heard across the Chamber.

Millennium Way, which extends from Edward Street to Malcolm Road on the west side of Lurgan town centre, was completed a number of years ago as part of a comprehensive development plan. In addition to opening up land on that side of the town centre for development, the new road provides a high-quality distributor road, and an alternative route, allowing motorists to avoid the congestion that occurs on a daily basis along Market Street and High Street, especially during times of peak traffic flow. I understand that there has always been an expectation that Millennium Way would be extended southwards, from Malcolm Road to the junction of Gilford Road and Banbridge Road.

As Members outlined, I received considerable representations about the extension of that road from elected representatives, traders and local businesspeople, and from the principal of Lurgan Junior High, Mr Johnston, and I have taken the opportunity to meet local traders and elected representatives to discuss their concerns.

I can fully understand the benefits that an extension of Millennium Way, from Malcolm Road to Gilford Road, could be expected to provide, including the relieving of peak hour traffic congestion on the road network in that part of Lurgan. In addition, that improvement would improve the attractiveness of Millennium Way as a through-traffic route generally.

Following the publication of 'Shaping Our Future — the Regional Development Strategy for Northern Ireland 2025' and the 'Regional Transportation Strategy for Northern Ireland 2002-2012', the Department developed three transport plans, including the 'Sub-Regional Transport Plan 2015'. The proposal to extend Millennium Way in Lurgan is included as one of a number of proposed highway improvement schemes in the 'Sub-Regional Transport Plan 2015'. Roads Service, with the help of its technical advisers, has developed plans for the scheme and initially received planning approval in December 2006. However, funding was not available at that

time and the scheme did not progress. Roads Service has confirmed that an application to renew the planning approval was submitted and was subsequently validated by the Planning Service in January 2012, just last month.

### 5.15 pm

I can confirm that the traffic and economic assessments that have been undertaken indicate that the scheme would provide good value for money, with transportation benefits, including peak-time traffic benefits on the road network in that part of Lurgan, exceeding the costs involved in providing this improvement. However, the limited funding that has been available for capital improvements has been fully committed to a programme of major improvement schemes on the strategic road network, and as indicated in my Department's 2008 investment delivery plan for roads, current funding levels do not enable Roads Service to promote improvement schemes that are on the non-strategic road network. I advise that neither Millennium Way nor its extension to Gilford Road form part of the strategic road network. However, as I have indicated on other occasions, the timing of future road improvements will be dependent on the resources that are available to develop and construct those schemes. In due course, the funding levels will materialise from the investment strategy for Northern Ireland 2011-2021, which has been published for consultation.

I assure Members that I acknowledge the arguments that they made today describing the need to extend Millennium Way from Malcolm Road to Gilford Road. I am convinced of the merits of that scheme, as I am convinced of the merits of other schemes about which I have received similar representations. As the Minister for Regional Development, I want to see improvements across the road network that will enhance safety, reduce journey times and provide value for money. However, there are sizeable pressures on the Executive's capital funding and on the capital budget of my Department. As a result, unfortunately, difficult choices will have to be made over the next few years to deliver the best services and infrastructure in the areas of water and sewerage, roads and public transport.

When the funding is confirmed, I intend to consider the spending priorities across my Department. I will explore opportunities to bring forward non-strategic improvement

schemes such as the extension of Millennium Way in Lurgan. I point out that the regional development strategy understandably gives preference to the needs of the strategic road network. However, I understand the frustration and the calls that I have heard not only today but since taking up my post as Minister last May.

It has been a very long time indeed since Don Concannon wrote to the late Harold McCusker MP. Therefore, I understand the frustrations of local representatives, and particularly of the traders in Lurgan, about this issue. Indeed, that point was made by the Member who secured the Adjournment debate, Mr Moutray. He also mentioned the fact that Lurgan Junior High School would greatly benefit from such a scheme.

Mr O'Dowd highlighted the fact that the scheme could provide significant regeneration to Lurgan and would open up the town and ease traffic congestion. I accept and agree with those points.

I thank Jo-Anne Dobson for her contribution and for her ongoing representations on behalf of people in Lurgan and the Upper Bann constituency generally. Along with her colleague Mr Gardiner, who is unfortunately unable to attend the debate today, she continues to press the case for the extension of Millennium Way at all times and at every opportunity. I assure her that we are moving forward as best we can with the statutory approvals that are required. Indeed, I mentioned the renewal of the planning application in my speech.

I was slightly concerned by Mrs Kelly's rather churlish attitude. She seemed to blame the Ulster Unionist Party, but I can be responsible only for the period in which I am Minister. I tactfully suggest that others had responsibilities in the past but did not bring the scheme forward. I will investigate the issues that she raised about the land belonging to the Classic Mineral Water Company and the traffic lights.

I assure her and other Members, including Mr Anderson, who supported the case for the scheme that, as roads Minister, I am in the business of improving the overall network. I understand the significant benefits that the scheme would bring to the traders in Lurgan and the town in general, and I will seek to do whatever I can, within the existing financial constraints, to bring forward the scheme as quickly as possible.

*Adjourned at 5.21 pm.*









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